

January 28, 2025

The Honorable William C. Smith, Jr.
Chair, Senate Judicial Proceedings
2 East, Miller Senate Office Building
Annapolis, MD 21401

RE: Letter of Information – Senate Bill 292 – Motor Vehicles - Secondary Enforcement and Admissibility of Evidence

Dear Chair Smith and Committee Members:

The Maryland Department of Transportation (MDOT) takes no position on Senate Bill 292 and offers the following information for the Committee's consideration.

Senate Bill 292 would reclassify several types of moving violations as subject to only secondary enforcement by Maryland police officers. Among these types of moving violations that would no longer be a primary offense include failure to display valid vehicle registration plates and tabs, malfunctioning or missing safety equipment such as headlights and taillights, failure to use a turn signal when changing lanes or making a turn from a roadway, littering from a vehicle, and certain other offenses. Failure to comply with this requirement may be grounds for administrative disciplinary action against the officer, and any evidence obtained in violation of the stop shall be inadmissible in any trial or other proceeding.

Currently, the primary enforcement mechanism in Maryland for matters such as valid vehicle registration, rules of the road, and vehicle equipment is action by law enforcement in the State. The Motor Vehicle Administration (MVA) relies on referrals by law enforcement for repair orders when vital equipment such as headlights are identified as inoperable. Maintaining compliance with the Federal Clean Air Act via the Vehicle Emissions Testing Program (VEIP) and enforcement of vehicle operation laws such as speed limits and traffic safety signals using automated enforcement devices require vehicles to be properly registered.

When a vehicle fails to meet its VEIP testing obligations, the MVA will issue warnings and eventually suspend registration on the vehicle. A vehicle cannot renew its registration until it is brought into testing compliance. Similarly, unpaid automated enforcement citations will prevent renewal of registration of a vehicle if the jurisdiction operating the system issues a flag notice to the MVA. Failure to rectify repair orders for defective or inoperable equipment such as headlights or turn signals also impacts an owner's ability to maintain or renew vehicle registrations.

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SB 292 limits the means by which Marylanders are compelled to comply with vehicle registration requirements and safe driving behavior because it removes a vital element for enforcing these requirements. Removing law enforcement's authority to perform traffic stops that cite drivers operating vehicles with expired or no registration, inoperable safety equipment, or unsafe driving behaviors will limit the referrals to the MVA for rectifying these impediments – this has a direct impact on the safety and condition of Maryland roadways. All of these important measures contribute to Maryland's compliance with federal law, efforts to reach zero roadway deaths by 2030, and ensure safe and well-maintained transportation infrastructure in the State.

The Maryland Department of Transportation respectfully requests the committee consider this information during its deliberation of Senate Bill 292.

Respectfully submitted,

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