



**Testimony for the House Environment & Transportation Committee
February 18, 2016**

**HB 563 – Vehicle Laws – Obstruction Hanging From Rearview Mirror –
Enforcement**

SUPPORT

The ACLU of Maryland supports HB 563, which changes the law banning objects hanging from the rearview mirror from a primary offense to a secondary offense.

The current “windshield obstruction” law in Maryland allows law enforcement to stop individuals under the pre-text that an object hanging from a driver’s rearview mirror blocks the driver’s view of the road, in an effort to search the vehicle and driver for evidence of more serious offenses. Under the Maryland Transportation Code, “a person may not drive a vehicle on a highway with any object, material, or obstruction so located in or on the vehicle as to interfere with the clear view of the driver through the windshield.” Md. Code Ann., Transp. § 21-1104(c)(1). Data provided by the Maryland State Police, compared to the U.S. Census population of each minority in Maryland counties shows a positive correlation between the race of the driver and the number of stops made based on the “windshield obstruction” law.¹

The Maryland State Police stop African Americans in nearly all counties across Maryland at a higher rate than the percentage of African Americans who actually live in that county. The rate is often double the percentage of African Americans that actually live there. For example, in Baltimore County, African Americans make up 27.8% of the population, but were cited or given a warning under the “windshield obstruction” law 57.5% of the time. Similarly, in Frederick County, African Americans are 9.4% of the population, but were 20.1% of the stops. In Harford County, African Americans are 13.4% of the population; 47.3% of these stops.

In Prince George’s County, Hispanics comprise 16.9% of the population, but were 28.7% of the stops. In Montgomery County, Hispanic individuals were stopped at a rate of 33.6%, when they only make 18.7% of the population. Moving the “windshield obstruction” law to a secondary offense leaves it in place to serve as a matter of safety, instead of being used for pretextual stops.

For the foregoing reasons, the ACLU of Maryland supports HB 53.

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¹ Data provided by MSP for 2014; Census data as of July 1, 2014, U.S. Census Bureau 2014 State and County Quickfacts <http://www.census.gov/quickfacts/table/PST045215/24025,24029>