· PREP NOTE

Masking & Non-Citizen Licensing

For Hon. / [redacted] / *2:00 – 2:45 p.m.*

What You Did in 2025

You co-taught two segments at the [redacted] Routine & Serious Traffic course: Search & Seizure in Impaired Driving (with Judge 10:10–11:00 a.m.) and the Things You Thought You Knew Slido session (with Judge 2:00–2:30 p.m.). The Slido session included the masking module.

For 2026, the draft agenda I'm proposing has you on Masking and Non-Citizen Licensing, 2:00–2:45 p.m. Nothing is locked yet. The masking half is your 2025 material. The non-citizen licensing half is new.

Your 2025 Masking Slides

Here is the slide-by-slide inventory from the 2025 deck. All slides are in the collaboration folder.

Slide		
52	Discussion Question (reduce speed for CDL holder)	Good lead-in to masking. Keep.
53	Federal Law Prohibits Masking (49 CFR §384.226)	Core slide. Keep as-is.
54	Definition of Conviction (49 CFR §383.5), parts 1 & 2	Keep as-is.
55	Masking: Why It Matters (oath, crash risk, federal funds)	Keep as-is.
55	Hypothetical (CDL holder, BAC 0.05, cannabis, family car)	Good fact pattern. Keep or update.
56	PBJs for Commercial Drivers? / TR §16-803(d)	Core Maryland coordination slide. Keep.
57	Slido: prosecutor offers diversion + community service	Strong classroom moment. Keep.
57	Slido: parties jointly ask for plea to negligent driving	This is the one that always sparks debate. Keep.

Slide		
58	Variations on a Theme (trooper drops 1 of 3 tickets)	Good for recognizing party-side masking. Keep.
59	Masking: For More Information (benchcard cover)	Replace with pointer to 2026 binder benchcard.

The NJC/FMCSA CDL Disqualification Benchcard (six pages, Tables 1–4 of 49 CFR §383.51) is reprinted in the 2025 binder at pages 72–77. I'm planning to reprint it in the 2026 binder with attribution. Source: cdlresources.org.

Your 2025 Slido Questions (Verbatim)

These are the masking-related questions from the 2025 Slido bank that ran during your session. They're in the collaboration folder with the full deck.

Slido: Diversion Offer (Slide 57)

Prosecutor is willing to postpone case to allow Defendant to attend drug education program and do community service after which State will dismiss the case. Do you?

- 1. Postpone the case & move on
- 2. Deny postponement and require State to proceed
- 3. Inquire as to whether State would have been able to prove its case
- 4. Recuse and set before another judge
- 5. Something else

Follow-up slide: "Perhaps the Correct Answer is: 'Something Else' and You Need More Information."

Slido: Negligent Driving Plea (Slide 57)

Alternatively, the prosecutor & defense attorney jointly ask you to accept a plea to negligent driving. Do you:

- 1. Accept the plea & move on?
- 2. Decline to accept the plea because this is an attempt at masking?
- 3. Continue the case to a later date?
- 4. Something else?

Discussion: Variations on a Theme (Slide 58)

Attorney negotiates with State Trooper on a series of nonjailable tickets, and Trooper announces that he is proceeding on 2 of the 3 tickets and is presenting no evidence on the 3rd. Is there a problem?

Discussion: Reduce Speed for CDL Holder (Slide 52)

Defendant pleads guilty to speeding 78 mph in a 45-mph zone. Although he has one recent moving violation, you decide to give them a break by reducing the speed to 54 mph in a 45-mph, making it a 1-point violation instead of 5 points. Any problem? What if driver holds a commercial driver's license?

Final Question (Slide 60)

Defendant is a commercial driver who is charged with a weight violation where the preset fine is $1400. Defendant says it's coming out of his pocket, and you want to reduce the fine. Are you legally permitted to do so?

- 1. Yes
- 2. No

Key Citations (Quick Reference)

- 49 CFR §384.226 — federal masking prohibition
- 49 CFR §383.5 — federal definition of "conviction" for CDL purposes
- 49 CFR §383.51 — disqualification schedule (Tables 1–4)
- 49 CFR §384.401 — federal funds withholding (4% year 1, 8% year 2+)
- TR §16-803(d) — Maryland CDL Act; PBJ = conviction for CDL holders
- TR §16-122 — non-REAL ID credential; two-year residency, ITIN, tax returns
- 49 CFR §383.23(b) — CDL residency/citizenship requirements (non-REAL ID cannot support a CDL)

What's New for 2026

Non-Citizen Licensing

This half didn't exist in 2025. One of the proposed learning outcomes for the 2026 course asks judges to identify eligibility requirements for non-citizens obtaining Maryland driver's licenses. The controlling statute is TR §16-122.

The bench-facing version is short: Maryland has a two-track system (REAL ID vs. non-REAL ID). A non-REAL ID credential is a valid Maryland license for driving purposes. Holding one does not make someone guilty of driving without a license. A non-REAL ID credential cannot support a CDL. That last point is the bridge to your masking half.

I can build slides for this if you want them, or you can build your own and I'll format them. Either way, 10–15 minutes of the 45-minute block should cover it.

Possible Slido Additions

The 2025 Slido bank had two masking questions (the diversion offer and the negligent-driving plea). If you want to add one that bridges masking and non-citizen licensing, a CDL-holder-who-is-also-a-non-REAL-ID-holder hypothetical would land well and test whether the room can hold two legal regimes at once. Let me know and I'll draft a question for the bank.

What Al Can Do for You

- Confirm 49 CFR §383.51, §384.226, and TR §16-803(d) haven't moved since June 2025.
- Confirm TR §16-122 hasn't been amended by the 2025 or 2026 General Assembly.
- Pull any FMCSA guidance letters issued since June 2025.
- Build 1–2 slides on non-citizen licensing to your specs.
- Draft a bridging Slido question for the capstone if you want one.
- Reprint the NJC/FMCSA benchcard for the 2026 binder.
- Format any case studies or hypotheticals you want to add.

Questions for You

- Are you comfortable reusing the 2025 masking slides as-is, or do you want to revise any of them?
- Do you want to build the non-citizen licensing slides yourself, or do you want me to draft them for your review?
- Any new hypotheticals or fact patterns you want to add for 2026?

- Anything from your 2025 experience you'd want to do differently this time around?