

HOUSE BILL 529

R2

01r0325

By: **Delegates Stukes, Glenn, Howard, and Morhaim**

Introduced and read first time: February 1, 2010

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Transit Administration – Audio Recording Devices on Vehicles**
3 **Used for Transit Service**

4 FOR the purpose of requiring the Maryland Transit Administration to install and
5 activate a certain audio recording device on certain vehicles; requiring the
6 Administration to post a certain notice on each vehicle equipped with an audio
7 recording device; limiting, to certain persons and only for certain purposes, the
8 review of any audio recording that is made on a vehicle used to provide transit
9 service; requiring the Administration, in cooperation with the Office of the
10 Attorney General, to adopt certain regulations; and generally relating to audio
11 recording devices on vehicles used to provide transit service.

12 BY repealing and reenacting, without amendments,
13 Article – Transportation
14 Section 7–101(l) and (n)
15 Annotated Code of Maryland
16 (2008 Replacement Volume and 2009 Supplement)

17 BY adding to
18 Article – Transportation
19 Section 7–705.1
20 Annotated Code of Maryland
21 (2008 Replacement Volume and 2009 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
23 MARYLAND, That the Laws of Maryland read as follows:

24 **Article – Transportation**

25 7–101.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (l) "Transit facility" includes any one or more or combination of tracks,
2 rights-of-way, bridges, tunnels, subways, rolling stock, stations, terminals, ports,
3 parking areas, equipment, fixtures, buildings, structures, other real or personal
4 property, and services incidental to or useful or designed for use in connection with the
5 rendering of transit service by any means, including rail, bus, motor vehicle, or other
6 mode of transportation, but does not include any railroad facility.

7 (n) (1) "Transit service" means the transportation of persons and their
8 packages and baggage and of newspapers, express, and mail in regular route, special,
9 or charter service by means of transit facilities between points within the District.

10 (2) "Transit service" does not include any:

11 (i) Taxicab service;

12 (ii) Vanpool operation; or

13 (iii) Railroad service.

14 **7-705.1.**

15 (A) IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION, THE
16 ADMINISTRATION SHALL INSTALL AND ACTIVATE AN AUDIO RECORDING DEVICE
17 ON ANY VEHICLE USED BY THE ADMINISTRATION TO PROVIDE TRANSIT
18 SERVICE.

19 (B) THE AUDIO RECORDING DEVICE SHALL BE CAPABLE OF RECORDING
20 ORAL COMMUNICATIONS OF THE VEHICLE OPERATOR AND THE VEHICLE'S
21 PASSENGERS.

22 (C) THE ADMINISTRATION SHALL POST ON EACH VEHICLE EQUIPPED
23 WITH AN AUDIO RECORDING DEVICE A CLEARLY VISIBLE NOTICE STATING THAT:

24 (1) THE VEHICLE IS EQUIPPED WITH AN AUDIO RECORDING
25 DEVICE;

26 (2) THE AUDIO RECORDING DEVICE IS IN OPERATION AND
27 PASSENGERS' CONVERSATIONS ARE BEING RECORDED; AND

28 (3) BY BOARDING THE VEHICLE, A PASSENGER CONSENTS TO
29 HAVING THE PASSENGER'S CONVERSATION RECORDED.

30 (D) A RECORDING MADE AND RETAINED BY THE ADMINISTRATION
31 UNDER THIS SECTION MAY BE REVIEWED ONLY BY:

1 (1) AN INVESTIGATIVE OR LAW ENFORCEMENT OFFICER ACTING
2 UNDER § 10-402 OF THE COURTS ARTICLE;

3 (2) AN INDIVIDUAL WHOSE CONVERSATION IS RECORDED;

4 (3) THE LEGAL REPRESENTATIVE OF AN INDIVIDUAL DESCRIBED
5 IN ITEM (2) OF THIS SUBSECTION OR WHO IS THE SUBJECT OF AN
6 INVESTIGATION FOR WHICH INTERCEPTION OF ORAL COMMUNICATION IS
7 AUTHORIZED UNDER § 10-402 OF THE COURTS ARTICLE;

8 (4) THE ADMINISTRATOR OR THE ADMINISTRATOR'S DESIGNEE
9 ACTING UNDER § 7-201 OF THIS TITLE; OR

10 (5) THE ADMINISTRATOR OR THE ADMINISTRATOR'S DESIGNEE
11 WHEN INVESTIGATING A COMPLAINT INVOLVING THE CONDUCT OF AN
12 EMPLOYEE OF THE ADMINISTRATION OR A PASSENGER OF A VEHICLE USED TO
13 PROVIDE TRANSIT SERVICE.

14 (E) THE ADMINISTRATION, IN COOPERATION WITH THE OFFICE OF THE
15 ATTORNEY GENERAL, SHALL ADOPT REGULATIONS TO IMPLEMENT THIS
16 SECTION.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2010.