HOUSE BILL 123

R2 1lr0402

By: Delegates Stukes, Alston, Anderson, Boteler, Conaway, Glenn, Gutierrez, Harrison, Haynes, Howard, A. Miller, Murphy, Ross, Walker, and Washington

Introduced and read first time: January 24, 2011

Assigned to: Environmental Matters

A BILL ENTITLED

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Maryland Transit Administration – Audio and Video Recording Devices on Vehicles Used for Transit Service

4 FOR the purpose of requiring the Maryland Transit Administration, on certain transit 5 service vehicles equipped with an audio recording device, to activate the audio 6 recording device; requiring the Administration to install and activate a certain 7 audio recording device on certain vehicles procured by the Administration on or 8 after a certain date; requiring the Administration to post a certain notice on 9 each vehicle equipped with an audio recording device; limiting, to certain 10 persons and only for certain purposes, the review of any audio recording that is made on a vehicle used to provide transit service; requiring the Administration, 11 12 in cooperation with the Office of the Attorney General, to adopt certain 13 regulations; requiring the Administration to ensure that any video recording device installed on certain vehicles be focused in a certain manner during 14 15 certain times; and generally relating to audio and video recording devices on 16 vehicles used to provide transit service.

- 17 BY repealing and reenacting, without amendments,
- 18 Article Transportation
- 19 Section 7–101(l) and (n)
- 20 Annotated Code of Maryland
- 21 (2008 Replacement Volume and 2010 Supplement)
- 22 BY adding to
- 23 Article Transportation
- 24 Section 7–705.1 and 7–705.2
- 25 Annotated Code of Maryland
- 26 (2008 Replacement Volume and 2010 Supplement)



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

Article – Transportation

4 7–101.

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- 5 (l) "Transit facility" includes any one or more or combination of tracks, 6 rights—of—way, bridges, tunnels, subways, rolling stock, stations, terminals, ports, 7 parking areas, equipment, fixtures, buildings, structures, other real or personal 8 property, and services incidental to or useful or designed for use in connection with the 9 rendering of transit service by any means, including rail, bus, motor vehicle, or other mode of transportation, but does not include any railroad facility.
- 11 (n) (1) "Transit service" means the transportation of persons and their 12 packages and baggage and of newspapers, express, and mail in regular route, special, 13 or charter service by means of transit facilities between points within the District.
- 14 (2) "Transit service" does not include any:
- 15 (i) Taxicab service;
- 16 (ii) Vanpool operation; or
- 17 (iii) Railroad service.
- 18 **7–705.1**.
- 19 (A) FOR ANY VEHICLE USED BY THE ADMINISTRATION TO PROVIDE 20 TRANSIT SERVICE, THE ADMINISTRATION, IN ACCORDANCE WITH THE 21 PROVISIONS OF THIS SECTION, SHALL:
- 22 (1) ACTIVATE THE AUDIO RECORDING DEVICE ON THE VEHICLE 23 IF THE VEHICLE IS EQUIPPED WITH AN AUDIO RECORDING DEVICE; AND
- 24 (2) INSTALL AND ACTIVATE AN AUDIO RECORDING DEVICE ON 25 ANY VEHICLE PROCURED BY THE ADMINISTRATION ON OR AFTER OCTOBER 1, 26 2011, THAT IS NOT EQUIPPED WITH AN AUDIO RECORDING DEVICE.
- 27 (B) THE AUDIO RECORDING DEVICE SHALL BE CAPABLE OF RECORDING 28 ORAL COMMUNICATIONS OF THE VEHICLE OPERATOR AND THE VEHICLE'S 29 PASSENGERS.
- 30 (C) THE ADMINISTRATION SHALL POST ON EACH VEHICLE EQUIPPED 31 WITH AN AUDIO RECORDING DEVICE A CLEARLY VISIBLE NOTICE STATING THAT:

- 1 (1) THE VEHICLE IS EQUIPPED WITH AN AUDIO RECORDING
- 2 **DEVICE**;
- 3 (2) THE AUDIO RECORDING DEVICE IS IN OPERATION AND 4 PASSENGERS' CONVERSATIONS ARE BEING RECORDED; AND
- 5 (3) By Boarding the Vehicle, a passenger consents to 6 Having the passenger's conversation recorded.
- 7 (D) A RECORDING MADE AND RETAINED BY THE ADMINISTRATION 8 UNDER THIS SECTION MAY BE REVIEWED ONLY BY:
- 9 (1) AN INVESTIGATIVE OR LAW ENFORCEMENT OFFICER ACTING 10 UNDER § 10–402 OF THE COURTS ARTICLE;
- 11 (2) AN INDIVIDUAL WHOSE CONVERSATION IS RECORDED;
- 12 (3) THE LEGAL REPRESENTATIVE OF AN INDIVIDUAL DESCRIBED
- 13 IN ITEM (2) OF THIS SUBSECTION OR WHO IS THE SUBJECT OF AN
- 14 INVESTIGATION FOR WHICH INTERCEPTION OF ORAL COMMUNICATION IS
- 15 AUTHORIZED UNDER § 10–402 OF THE COURTS ARTICLE;
- 16 (4) THE ADMINISTRATOR OR THE ADMINISTRATOR'S DESIGNEE
- 17 ACTING UNDER § 7–201 OF THIS TITLE; OR
- 18 (5) THE ADMINISTRATOR OR THE ADMINISTRATOR'S DESIGNEE
- 19 WHEN INVESTIGATING A COMPLAINT INVOLVING THE CONDUCT OF AN
- 20 EMPLOYEE OF THE ADMINISTRATION OR A PASSENGER OF A VEHICLE USED TO
- 21 PROVIDE TRANSIT SERVICE.
- 22 (E) THE ADMINISTRATION, IN COOPERATION WITH THE OFFICE OF THE
- 23 ATTORNEY GENERAL, SHALL ADOPT REGULATIONS TO IMPLEMENT THIS
- 24 SECTION.
- 25 **7–705.2.**
- THE ADMINISTRATION SHALL ENSURE THAT A VIDEO RECORDING DEVICE
- 27 INSTALLED ON ANY VEHICLE USED BY THE ADMINISTRATION TO PROVIDE
- 28 TRANSIT SERVICE IS FOCUSED DIRECTLY ON THE VEHICLE OPERATOR WHILE
- 29 THE VEHICLE IS ENGAGED IN THE TRANSPORT OF PASSENGERS.
- 30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
- 31 October 1, 2011.