

HOUSE BILL 166

R2

2lr0356

By: **Delegates Stukes, Boteler, Braveboy, Gutierrez, Howard, A. Miller, Myers, Summers, and Walker**

Introduced and read first time: January 24, 2012

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Transit Administration – Audio and Video Recording Devices on**
3 **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 post a certain notice on each
7 vehicle equipped with an audio recording device; limiting, to certain persons
8 and only for certain purposes, the review of any audio recording that is made on
9 a vehicle used to provide transit service; requiring the Administration, in
10 cooperation with the Office of the Attorney General, to adopt certain
11 regulations; and generally relating to audio and video recording devices on
12 vehicles used to provide transit service.

13 BY repealing and reenacting, without amendments,
14 Article – Transportation
15 Section 7–101(l) and (n)
16 Annotated Code of Maryland
17 (2008 Replacement Volume and 2011 Supplement)

18 BY adding to
19 Article – Transportation
20 Section 7–705.1
21 Annotated Code of Maryland
22 (2008 Replacement Volume and 2011 Supplement)

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

25 **Article – Transportation**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 7-101.

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

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

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

12 (i) Taxicab service;

13 (ii) Vanpool operation; or

14 (iii) Railroad service.

15 **7-705.1.**

16 (A) **FOR ANY VEHICLE USED BY THE ADMINISTRATION TO PROVIDE**
17 **TRANSIT SERVICE, THE ADMINISTRATION, IN ACCORDANCE WITH THE**
18 **PROVISIONS OF THIS SECTION, SHALL ACTIVATE THE AUDIO RECORDING**
19 **DEVICE ON THE VEHICLE IF THE VEHICLE IS EQUIPPED WITH AN AUDIO**
20 **RECORDING DEVICE.**

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

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

26 (1) **THE VEHICLE IS EQUIPPED WITH AN AUDIO RECORDING**
27 **DEVICE;**

28 (2) **THE AUDIO RECORDING DEVICE IS IN OPERATION AND**
29 **PASSENGERS' CONVERSATIONS ARE BEING RECORDED; AND**

30 (3) **BY BOARDING THE VEHICLE, A PASSENGER CONSENTS TO**
31 **HAVING THE PASSENGER'S CONVERSATION RECORDED.**

1 **(D) A RECORDING MADE AND RETAINED BY THE ADMINISTRATION**
2 **UNDER THIS SECTION MAY BE REVIEWED ONLY BY:**

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

5 **(2) AN INDIVIDUAL WHOSE CONVERSATION IS RECORDED;**

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

10 **(4) THE ADMINISTRATOR OR THE ADMINISTRATOR'S DESIGNEE**
11 **ACTING UNDER § 7-201 OF THIS TITLE; OR**

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

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

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 2012.