

SENATE BILL 53

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(PRE-FILED)

By: **Chairman, Judicial Proceedings Committee (Departmental -
Transportation)**

Requested: October 26, 2000
Introduced and read first time: January 10, 2001
Assigned to: Judicial Proceedings

Committee Report: Favorable
Senate action: Adopted
Read second time: January 30, 2001

CHAPTER 118

1 AN ACT concerning

2 **Mass Transit Administration - Prohibited Acts - Issuance of Citations**

3 FOR the purpose of requiring a person who engages in certain prohibited acts in a
4 transit vehicle or transit facility under the jurisdiction of the Mass Transit
5 Administration, on request of a police officer or other authorized agent, to
6 provide certain proof of identity; authorizing police officers and authorized
7 agents of the Administration to issue citations for certain prohibited acts
8 occurring in transit vehicles or transit facilities under certain circumstances;
9 making stylistic changes; and generally relating to enforcement of certain
10 provisions prohibiting certain acts in Mass Transit Administration vehicles and
11 facilities.

12 BY repealing and reenacting, with amendments,
13 Article - Transportation
14 Section 7-704.1
15 Annotated Code of Maryland
16 (1993 Replacement Volume and 2000 Supplement)

17 BY repealing and reenacting, without amendments,
18 Article - Transportation
19 Section 7-705(b)
20 Annotated Code of Maryland
21 (1993 Replacement Volume and 2000 Supplement)

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

3 **Article - Transportation**

4 7-704.1.

5 (a) In this section, "unattended transit vehicle or facility" means a transit
6 vehicle or facility the entrance of which is not controlled by the presence of an
7 authorized fare collection agent of the Administration.

8 (b) Any person entering an unattended transit VEHICLE OR facility [or
9 vehicle] owned or controlled by the Administration for the purpose of obtaining
10 transit service shall prepay the applicable fare charged by the Administration in the
11 required manner.

12 (c) If a person [fails to exhibit proof of fare payment] ENGAGES IN AN ACT
13 PROHIBITED UNDER § 7-705 OF THIS SUBTITLE and a police officer or an authorized
14 agent of the Administration requests the person to provide identification, the person
15 shall provide:

16 (1) The person's true name and address; and

17 (2) Any written verification of the person's true name and address in the
18 person's possession.

19 (d) (1) Upon receipt of satisfactory evidence of identification and a written
20 promise to appear in court, a person [failing to exhibit proof of fare payment] WHO IS
21 CHARGED WITH ANY OF THE OFFENSES SPECIFIED IN § 7-705 OF THIS SUBTITLE, may
22 be issued a citation by an authorized agent of the Administration or a police officer.

23 (2) A police officer may arrest a person in lieu of the issuance of a
24 citation when:

25 (i) The officer is not furnished satisfactory evidence of identity;
26 [or]

27 (ii) The officer has reasonable grounds to believe the person will
28 disregard a written promise to appear; or

29 (iii) The person refuses to sign a written promise to appear after
30 being advised by the officer that such refusal may result in the person's arrest.

31 (e) The form of the citation shall be prescribed by the District Court and shall
32 contain:

33 (1) The offense charged;

34 (2) A notice to appear in District Court on the date shown on the citation
35 or when notified by the court;

1 (3) A promise to appear to be signed by the person charged;

2 (4) The signature and title of the authorized issuer; and

3 (5) Such other information as the Administration and the court shall
4 require.

5 (f) (1) A person shall comply with the notice to appear in District Court by:

6 (i) Appearing in person;

7 (ii) Appearance by counsel; or

8 (iii) Payment of the fine in advance of trial.

9 (2) (i) A person who fails to comply with the notice to appear shall be
10 guilty of a misdemeanor and subject to a fine of \$100.

11 (ii) In addition, the court may notify the person by mail at the
12 address indicated on the citation that a warrant for the person's arrest may be issued
13 unless, within 15 days from the mailing of the notice, the person:

14 1. Pays the fine or posts a penalty deposit on the charge as
15 stated on the citation; and

16 2. Posts a penalty deposit of \$100 for failing to appear.

17 (g) Notwithstanding any other provision of this section, by July 1, 1997, the
18 Administration shall:

19 (1) Install and maintain a video monitoring system on all light rail
20 transit vehicles to enhance security on the light rail transit system; and

21 (2) Take any other actions reasonably considered by the Administrator to
22 be necessary to restrict public access to any unattended transit vehicle within the
23 light rail transit system.

24 7-705.

25 (b) It is unlawful for any person to engage in any of the following acts in any
26 transit vehicle or transit facility, designed for the boarding of a transit vehicle, which
27 is owned or controlled by the Administration or a train owned or controlled by the
28 Administration or operated by a railroad company under contract to the
29 Administration to provide passenger railroad service:

30 (1) Expectorate;

31 (2) Smoke or carry a lighted or smoldering pipe, cigar, or cigarette;

32 (3) Consume food or drink, or carry any open food or beverage container;

- 1 (4) Discard litter, except into receptacles designated for that purpose;
- 2 (5) Play or operate any radio, cassette, cartridge, tape player, or similar
3 electronic device or musical instruments, unless such device is connected to an
4 earphone that limits the sound to the hearing of the individual user;
- 5 (6) Carry or possess any explosives, acids, concealed weapons or other
6 dangerous articles;
- 7 (7) Carry or possess any live animals, except seeing-eye animals and
8 hearing-ear animals properly harnessed and accompanied by a blind person or a deaf
9 person, and small animals properly packaged;
- 10 (8) Obstruct, hinder, interfere with, or otherwise disrupt or disturb the
11 operation or operator of a transit vehicle or railroad passenger car;
- 12 (9) Board any transit vehicle through the rear exit door, unless so
13 directed by an employee or agent of the Mass Transit Administration;
- 14 (10) Urinate or defecate, except in restrooms;
- 15 (11) Fail to move to the rear of any transit vehicle when requested to do so
16 by the operator or a police officer;
- 17 (12) Fail to vacate a seat designated for the elderly or handicapped when
18 requested to do so by the transit vehicle operator, train conductor, or a police officer;
19 or
- 20 (13) Except by contract with the Administration, solicit the purchase of
21 any goods or services.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 2001.