
By: Montgomery County and Prince George's County Delegations

Introduced and read first time: January 31, 1997

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Washington Metropolitan Area Transit Authority - Rules and Regulations - Adoption**
3 **and Enforcement**
4 **MC/PG 35-97**

5 FOR the purpose of authorizing members of the Washington Metropolitan Area Transit
6 Authority (WMATA) police to carry and use certain weapons under certain
7 circumstances; requiring certain notice and public hearing procedures for the
8 adoption of certain regulations; requiring certain jurisdictions to prosecute criminal
9 violations of WMATA rules and regulations in a certain manner; repealing a certain
10 requirement regarding reimbursement of WMATA by an individual convicted of a
11 certain crime; providing for a certain contingency; and generally relating to the
12 adoption and enforcement of the rules and regulations of WMATA.

13 BY repealing and reenacting, with amendments,
14 Article - Transportation
15 Section 10-204 Title III Article XVI Section 76(b) and (e)
16 Annotated Code of Maryland
17 (1993 Replacement Volume and 1996 Supplement)

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

20 **Article - Transportation**

21 10-204.

22 Title III

23 Article XVI

24 76.

25 (b) [Except as otherwise provided in this section, a] A member of the metro
26 transit police shall have the same powers, including the power of arrest, and shall be
27 subject to the same limitations, including regulatory limitations, in the performance of his
28 duties as a member of the duly constituted police force of the political subdivision in
29 which the metro transit police member is engaged in the performance of his duties.
30 [However, a] A member of the metro transit police is authorized to carry and use only

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1 such weapons, including handguns, as are issued [or otherwise approved] by the
2 Authority[, and only in the performance of his duties or while on the transit facilities
3 owned, controlled, or operated by the Authority in direct transit to and from a duty
4 assignment]. A member of the metro transit police [is authorized to carry such weapons
5 only while in direct transit to and from a duty assignment and] is subject to such
6 additional limitations in the use of weapons as are imposed on the duly constituted police
7 force for the political subdivision in which he is engaged in the performance of his duties.

8 (e) The Authority shall have the power to adopt rules and regulations for the safe,
9 convenient and orderly use of the transit facilities OWNED, CONTROLLED, OR
10 OPERATED BY THE AUTHORITY, including the payment and the manner of the payment
11 of fares or charges therefor, the protection of the transit facilities, the control of traffic
12 and parking upon the transit facilities, and the safety and protection of the riding public.
13 In the event that any such rules and regulations contravene the laws, ordinances, RULES,
14 or regulations [or police operational rules] of a signatory or any political subdivision
15 thereof which are existing or subsequently enacted, these laws, ordinances, RULES, or
16 regulations of the signatory or the political subdivision shall apply and the conflicting rule
17 or regulation, or portion thereof, of the Authority shall be void within the jurisdiction of
18 that signatory or political subdivision. In all other respects, the rules and regulations of
19 the Authority shall be uniform throughout the transit zone. [The rules and regulations
20 adopted by WMATA will be adopted by the board following public hearings held in
21 accordance with § 15 supra and then shall be published by the political subdivisions of the
22 signatories in the same manner as their respective local ordinances are published. Judges
23 and clerks of the several courts having jurisdiction in the signatories and their political
24 subdivisions shall have the authority to impose, collect, and enforce penalties for failure
25 to pay fines for violation of such rules and regulations in the same manner as fines are
26 imposed, collected, and enforced in the respective signatories or political subdivisions.]
27 THE RULES OR REGULATIONS ESTABLISHED UNDER THIS SUBSECTION SHALL BE
28 ADOPTED BY THE BOARD FOLLOWING PUBLIC HEARINGS HELD IN ACCORDANCE
29 WITH SECTION 62(C) AND (D) OF THIS COMPACT. THE FINAL REGULATION SHALL BE
30 PUBLISHED IN A NEWSPAPER OF GENERAL CIRCULATION WITHIN THE ZONE AT
31 LEAST 15 DAYS BEFORE ITS EFFECTIVE DATE. Any person violating any rule or
32 regulation of the Authority shall be subject to arrest and, upon conviction by a court of
33 competent jurisdiction, shall pay a fine of not more than \$250 and costs [and, upon
34 further order of the court, shall reimburse WMATA for any loss or damage resulting from
35 the violation]. CRIMINAL VIOLATIONS OF ANY RULE OR REGULATION OF THE
36 AUTHORITY SHALL BE PROSECUTED BY THE SIGNATORY OR POLITICAL
37 SUBDIVISION IN WHICH THE VIOLATION OCCURRED, IN THE SAME MANNER BY
38 WHICH VIOLATIONS OF LAW, ORDINANCES, RULES, AND REGULATIONS OF THE
39 SIGNATORY OR POLITICAL SUBDIVISIONS ARE PROSECUTED.

40 SECTION 2. AND BE IT FURTHER ENACTED, That this Act may not take
41 effect until similar Acts are passed by the District of Columbia and the Commonwealth of
42 Virginia; that the District of Columbia and the Commonwealth of Virginia are requested
43 to concur in this Act of the General Assembly by the passage of substantially similar Acts;
44 that the Department of Legislative Reference shall notify the appropriate officials of the
45 District of Columbia, the Commonwealth of Virginia and the United States Congress of
46 the passage of this Act; and that, upon the concurrence in this Act by the District of
47 Columbia, the Commonwealth of Virginia and the United States, the Governor of the

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1 State of Maryland shall issue a proclamation declaring this Act valid and effective and
2 shall forward a copy of the proclamation to the Director of the Department of Legislative
3 Reference.

4 SECTION 3. AND BE IT FURTHER ENACTED, That, subject to the provisions
5 of Section 2 of this Act, this Act shall take effect June 1, 1997.