
By: Montgomery County and Prince George's County Delegations

Introduced and read first time: January 31, 1997

Assigned to: Judiciary

Committee Report: Favorable

House action: Adopted

Read second time: March 4, 1997

CHAPTER ____

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

2

1 76.

2 (b) [Except as otherwise provided in this section, a] A member of the metro
3 transit police shall have the same powers, including the power of arrest, and shall be
4 subject to the same limitations, including regulatory limitations, in the performance of his
5 duties as a member of the duly constituted police force of the political subdivision in
6 which the metro transit police member is engaged in the performance of his duties.
7 [However, a] A member of the metro transit police is authorized to carry and use only
8 such weapons, including handguns, as are issued [or otherwise approved] by the
9 Authority[, and only in the performance of his duties or while on the transit facilities
10 owned, controlled, or operated by the Authority in direct transit to and from a duty
11 assignment]. A member of the metro transit police [is authorized to carry such weapons
12 only while in direct transit to and from a duty assignment and] is subject to such
13 additional limitations in the use of weapons as are imposed on the duly constituted police
14 force for the political subdivision in which he is engaged in the performance of his duties.

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

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act may not take
2 effect until similar Acts are passed by the District of Columbia and the Commonwealth of
3 Virginia; that the District of Columbia and the Commonwealth of Virginia are requested
4 to concur in this Act of the General Assembly by the passage of substantially similar Acts;
5 that the Department of Legislative Reference shall notify the appropriate officials of the
6 District of Columbia, the Commonwealth of Virginia and the United States Congress of
7 the passage of this Act; and that, upon the concurrence in this Act by the District of
8 Columbia, the Commonwealth of Virginia and the United States, the Governor of the
9 State of Maryland shall issue a proclamation declaring this Act valid and effective and
10 shall forward a copy of the proclamation to the Director of the Department of Legislative
11 Reference.

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