

HOUSE BILL 1105

Unofficial Copy  
P3

2001 Regular Session  
(11r2478)

**ENROLLED BILL**

-- Commerce and Government Matters/Economic and Environmental Affairs --

Introduced by **Delegate Rosenberg**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this  
\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_ M.

\_\_\_\_\_  
Speaker.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Inspection of Public Records - Maryland Transportation Authority and Mass**  
3 **Transit Administration**

4 FOR the purpose of requiring a custodian to deny inspection of certain records of the  
5 Maryland Transportation Authority in connection with a transaction system  
6 associated with an electronic toll collection system under certain circumstances;  
7 authorizing the inspection of certain records of the Maryland Transportation  
8 Authority by employees or agents of the Maryland Transportation Authority in  
9 an investigation or proceeding relating to a violation of speed limitations;  
10 authorizing the inspection of certain records of the Maryland Transportation  
11 Authority by employees or agents of a certain party that has entered into an  
12 agreement with the Maryland Transportation Authority to use a certain toll  
13 collection system for certain applications for certain purposes; authorizing the  
14 inspection of certain records of the Maryland Transportation Authority by  
15 employees or agents of certain entities operating or having jurisdiction over a  
16 toll facility; requiring a custodian to deny inspection of certain records of the  
17 Mass Transit Administration ~~with a certain exception~~ except under certain

1 circumstances; and generally relating to the inspection of public records of the  
2 Maryland Transportation Authority and the Mass Transit Administration.

3 BY repealing and reenacting, without amendments,  
4 Article - State Government  
5 Section 10-616(a)  
6 Annotated Code of Maryland  
7 (1999 Replacement Volume and 2000 Supplement)

8 BY repealing and reenacting, with amendments,  
9 Article - State Government  
10 Section 10-616(m)  
11 Annotated Code of Maryland  
12 (1999 Replacement Volume and 2000 Supplement)

13 BY adding to  
14 Article - State Government  
15 Section 10-616(r)  
16 Annotated Code of Maryland  
17 (1999 Replacement Volume and 2000 Supplement)

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

20 **Article - State Government**

21 10-616.

22 (a) Unless otherwise provided by law, a custodian shall deny inspection of a  
23 public record, as provided in this section.

24 (m) (1) Subject to the provisions of paragraph (2) of this subsection, a  
25 custodian shall deny inspection of all photographs, videotapes or electronically  
26 recorded images of vehicles, vehicle movement records, personal financial  
27 information, credit reports, or other personal or financial data created, recorded,  
28 obtained by or submitted to the Maryland Transportation Authority or its agents or  
29 employees in connection with any electronic toll collection system OR ASSOCIATED  
30 TRANSACTION SYSTEM.

31 (2) A custodian shall permit inspection of the records enumerated in  
32 paragraph (1) of this subsection by:

33 (i) an individual named in the record;

34 (ii) the attorney of record of an individual named in the record; [or]

1 (iii) employees or agents of the Maryland Transportation Authority  
2 in any investigation or proceeding relating to A VIOLATION OF SPEED LIMITATIONS  
3 OR TO the imposition of or indemnification from liability for failure to pay a toll in  
4 connection with any electronic toll collection system;

5 (IV) EMPLOYEES OR AGENTS OF A THIRD PARTY THAT HAS  
6 ENTERED INTO AN AGREEMENT WITH THE MARYLAND TRANSPORTATION  
7 AUTHORITY TO USE AN ELECTRONIC TOLL COLLECTION SYSTEM FOR NONTOLL  
8 APPLICATIONS IN THE COLLECTION OF REVENUES DUE TO THE THIRD PARTY; OR

9 (V) EMPLOYEES OR AGENTS OF AN ENTITY IN ANOTHER STATE  
10 OPERATING OR HAVING JURISDICTION OVER A TOLL FACILITY.

11 (R) ~~EXCEPT TO THE PERSON IN INTEREST~~

12 (1) ~~EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A~~  
13 ~~CUSTODIAN SHALL DENY INSPECTION OF ALL RECORDS OF PERSONS OR VEHICLES~~  
14 ~~CREATED, GENERATED, OBTAINED BY, OR SUBMITTED TO THE MASS TRANSIT~~  
15 ~~ADMINISTRATION, ITS AGENTS, OR EMPLOYEES IN CONNECTION WITH THE USE OR~~  
16 ~~PURCHASE OF ANY GOODS OR SERVICES~~ ELECTRONIC FARE MEDIA PROVIDED BY  
17 THE MASS TRANSIT ADMINISTRATION, ITS AGENTS, EMPLOYEES, OR CONTRACTORS.

18 (2) A CUSTODIAN SHALL PERMIT INSPECTION OF THE RECORDS  
19 ENUMERATED IN PARAGRAPH (1) OF THIS SUBSECTION BY:

20 (I) AN INDIVIDUAL NAMED IN THE RECORD; OR

21 (II) THE ATTORNEY OF RECORD OF AN INDIVIDUAL NAMED IN THE  
22 RECORD.

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