
By: **Delegate Rosenberg**

Introduced and read first time: February 9, 2001

Assigned to: Commerce and Government Matters

A BILL ENTITLED

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

17 BY repealing and reenacting, without amendments,
18 Article - State Government
19 Section 10-616(a)
20 Annotated Code of Maryland
21 (1999 Replacement Volume and 2000 Supplement)

22 BY repealing and reenacting, with amendments,
23 Article - State Government
24 Section 10-616(m)
25 Annotated Code of Maryland
26 (1999 Replacement Volume and 2000 Supplement)

27 BY adding to
28 Article - State Government
29 Section 10-616(r)
30 Annotated Code of Maryland

(1999 Replacement Volume and 2000 Supplement)

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

Article - State Government

10-616.

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

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

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

- (i) an individual named in the record;
- (ii) the attorney of record of an individual named in the record; [or]
- (iii) employees or agents of the Maryland Transportation Authority
in any investigation or proceeding relating to A VIOLATION OF SPEED LIMITATIONS
OR TO the imposition of or indemnification from liability for failure to pay a toll in
connection with any electronic toll collection system;

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

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

(R) EXCEPT TO THE PERSON IN INTEREST, A CUSTODIAN SHALL DENY
INSPECTION OF ALL RECORDS OF PERSONS OR VEHICLES CREATED, GENERATED,
OBTAINED BY, OR SUBMITTED TO THE MASS TRANSIT ADMINISTRATION, ITS AGENTS,
OR EMPLOYEES IN CONNECTION WITH THE USE OR PURCHASE OF ANY GOODS OR
SERVICES PROVIDED BY THE MASS TRANSIT ADMINISTRATION, ITS AGENTS,
EMPLOYEES, OR CONTRACTORS.

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