
By: **Delegate Rosenberg**
Introduced and read first time: February 9, 2001
Assigned to: Commerce and Government Matters

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 16, 2001

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

20 BY repealing and reenacting, without amendments,
21 Article - State Government
22 Section 10-616(a)
23 Annotated Code of Maryland
24 (1999 Replacement Volume and 2000 Supplement)

25 BY repealing and reenacting, with amendments,

1 Article - State Government
2 Section 10-616(m)
3 Annotated Code of Maryland
4 (1999 Replacement Volume and 2000 Supplement)

5 BY adding to
6 Article - State Government
7 Section 10-616(r)
8 Annotated Code of Maryland
9 (1999 Replacement Volume and 2000 Supplement)

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

12 **Article - State Government**

13 10-616.

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

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

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

25 (i) an individual named in the record;

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

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

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

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

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

2 (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A
3 CUSTODIAN SHALL DENY INSPECTION OF ALL RECORDS OF PERSONS OR VEHICLES
4 CREATED, GENERATED, OBTAINED BY, OR SUBMITTED TO THE MASS TRANSIT
5 ADMINISTRATION, ITS AGENTS, OR EMPLOYEES IN CONNECTION WITH THE USE OR
6 PURCHASE OF ANY GOODS OR SERVICES PROVIDED BY THE MASS TRANSIT
7 ADMINISTRATION, ITS AGENTS, EMPLOYEES, OR CONTRACTORS.

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

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

11 (II) THE ATTORNEY OF RECORD OF AN INDIVIDUAL NAMED IN THE
12 RECORD.

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