

SENATE BILL 43

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R2

2001 Regular Session
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(PRE-FILED)

By: **Chairman, Finance Committee (Departmental - Transportation)**

Requested: November 14, 2000

Introduced and read first time: January 10, 2001

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 5, 2001

CHAPTER _____

1 AN ACT concerning

2 **Mass Transit Administration - Unit Name**

3 FOR the purpose of altering the unit name of the Mass Transit Administration;
4 providing that the Maryland Transit Administration is a unit of the Department
5 of Transportation; deleting an obsolete reference; requiring the Department to
6 make changes to vehicles, signs, and all other relevant materials as a result of
7 this Act within specified resources only; requiring the publishers of the
8 Annotated Code of Maryland to propose the correction of cross-references that
9 are rendered incorrect by this Act, subject to certain approval; and relating
10 generally to the renaming of the Mass Transit Administration.

11 ~~BY repealing and reenacting, with amendments,~~
12 ~~Article 27 - Crimes and Punishments~~
13 ~~Section 594B(g)(6)~~
14 ~~Annotated Code of Maryland~~
15 ~~(1996 Replacement Volume and 2000 Supplement)~~

16 BY repealing and reenacting, with amendments,
17 Article - Criminal Procedure
18 Section 2-101(c)(6)
19 Annotated Code of Maryland
20 (As enacted by Chapter _____ (S.B. 1) of the Acts of the General Assembly of 2001)

21 BY repealing and reenacting, with amendments,
22 Article 41 - Governor - Executive and Administrative Departments

1 Section 4-201(a)(8)(i)5.
2 Annotated Code of Maryland
3 (1997 Replacement Volume and 2000 Supplement)

4 BY repealing and reenacting, with amendments,
5 Article - Commercial Law
6 Section 11-203(8)
7 Annotated Code of Maryland
8 (2000 Replacement Volume and 2000 Supplement)

9 BY repealing and reenacting, with amendments,
10 Article - Courts and Judicial Proceedings
11 Section 2-309(d)(3)
12 Annotated Code of Maryland
13 (1998 Replacement Volume and 2000 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article - Health - General
16 Section 18-213(a)(3)(vii) and 18-213.2(a)(8)(vii)
17 Annotated Code of Maryland
18 (2000 Replacement Volume)

19 BY repealing and reenacting, with amendments,
20 Article - Insurance
21 Section 27-401(b)(2) and 27-402(10)
22 Annotated Code of Maryland
23 (1997 Volume and 2000 Supplement)

24 BY repealing and reenacting, with amendments,
25 Article - State Finance and Procurement
26 Section 4-415(c)(1)(iii)
27 Annotated Code of Maryland
28 (1995 Replacement Volume and 2000 Supplement)

29 BY repealing and reenacting, with amendments,
30 Article - State Personnel and Pensions
31 Section 3-102(b)(1) and 21-110(b)(2)
32 Annotated Code of Maryland
33 (1997 Replacement Volume and 2000 Supplement)

34 BY repealing and reenacting, with amendments,
35 Article - Transportation
36 Section 1-101(i), 2-103.4(c)(4)(iii), 2-107(a)(3), 7-101(b) and (c), 7-201,

1 7-202(a), 7-207(b)(1), (c)(1), (d), and (f), 7-208(b), 7-212, 7-705(b)(9),
 2 7-902(b), 7-903, and 8-408(a)(7)
 3 Annotated Code of Maryland
 4 (1993 Replacement Volume and 2000 Supplement)

5 BY repealing and reenacting, with amendments,
 6 Article - Transportation
 7 Section 13-810(a)(23) and 16-205.1(i)(3)(i)5.
 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 27 - Crimes and Punishments**

13 ~~594B.~~

14 ~~(g) For purposes of this section, the term "police officer" means any person~~
 15 ~~who, in an official capacity, is authorized by law to make arrests and who is:~~

16 ~~(6) A member of the [Mass] MARYLAND Transit Administration Police~~
 17 ~~Force, or the Maryland Port Administration Police Force of the Department of~~
 18 ~~Transportation or the Maryland Transportation Authority Police Force;~~

19 **Article - Criminal Procedure**

20 ~~2-101.~~

21 ~~(c) "Police officer" means a person who in an official capacity is authorized by~~
 22 ~~law to make arrests and is:~~

23 ~~(6) a member of the [Mass] MARYLAND Transit Administration Police~~
 24 ~~Force, Maryland Port Administration Police Force, or Maryland Transportation~~
 25 ~~Authority Police Force;~~

26 **Article 41 - Governor - Executive and Administrative Departments**

27 4-201.

28 (a) As used in this section:

29 (8) (i) "Police officer" means a person who has the authority to enforce
 30 the general criminal laws of this State and is a member of any of the following law
 31 enforcement units:

32 5. [Mass] MARYLAND Transit Administration Police Force,
 33 the Maryland Port Administration Police Force of the Department of Transportation,
 34 or the Maryland Transportation Authority Police Force;

1

Article - Commercial Law

2 11-203.

3 This subtitle does not make illegal the activity of:

4 (8) Any person to the extent that the activity is subject to the jurisdiction
5 of the [Mass] MARYLAND Transit Administration or the Washington Metropolitan
6 Area Transit Authority;

7

Article - Courts and Judicial Proceedings

8 2-309.

9 (d) (3) During the course of his employment, any deputy sheriff of Baltimore
10 City may ride in Baltimore City on public transportation of the [Mass] MARYLAND
11 Transit Administration without paying any fare if he shows proper identification
12 regarding his position as a deputy sheriff.

13

Article - Health - General

14 18-213.

15 (a) (3) "Law enforcement officer" means any person who, in an official
16 capacity, is authorized by law to make arrests and who is a member of one of the
17 following law enforcement agencies:

18 (vii) The [Mass] MARYLAND Transit Administration police force of
19 the Department of Transportation, the Maryland Transportation Authority Police
20 Force, and the Maryland Port Administration police force of the Department of
21 Transportation;

22 18-213.2.

23 (a) (8) "Law enforcement officer" means any individual who, in an official
24 capacity, is authorized by law to make arrests and who is a member of one of the
25 following law enforcement agencies:

26 (vii) The Maryland Aviation Administration police force of the
27 Department of Transportation, the [Mass] MARYLAND Transit Administration police
28 force of the Department of Transportation, the Maryland Transportation Authority
29 police force, and the Maryland Port Administration police force of the Department of
30 Transportation;

31

Article - Insurance

32 27-401.

33 (b) "Claim" includes a demand for payment or benefit made against:

1 (2) the [Mass] MARYLAND Transit Administration when acting as a
2 self-insurer under § 7-703 of the Transportation Article.

3 27-402.

4 The provisions of this subtitle that apply to insurers also apply to:

5 (10) the [Mass] MARYLAND Transit Administration when acting as a
6 self-insurer under § 7-703 of the Transportation Article;

7 **Article - State Finance and Procurement**

8 4-415.

9 (c) (1) This subsection does not apply to any capital expenditure by:

10 (iii) the [Mass] MARYLAND Transit Administration.

11 **Article - State Personnel and Pensions**

12 3-102.

13 (b) This title does not apply to:

14 (1) employees of the [Mass] MARYLAND Transit Administration, as that
15 term is defined in § 7-601(a)(2) of the Transportation Article;

16 21-110.

17 (b) (2) The [Mass] MARYLAND Transit Administration shall pay all
18 financing costs of a pension or retirement system established under §§ 7-206 and
19 7-603 of the Transportation Article, including the pro rata share of the administrative
20 costs that the Board of Trustees incurs.

21 **Article - Transportation**

22 1-101.

23 (i) "Modal administration" means any of the following:

24 (1) The State Aviation Administration;

25 (2) The Maryland Port Administration;

26 (3) The [Mass] MARYLAND Transit Administration;

27 (4) The State Highway Administration; OR

28 (5) The Motor Vehicle Administration [; or

29 (6) The State Railroad Administration].

1 2-103.4.

2 (c) (4) Nothing in this Act shall affect:

3 (iii) The rights of [Mass] MARYLAND Transit Administration
4 employees eligible under § 7-601 of this article to be included in a collective
5 bargaining unit.

6 2-107.

7 (a) The following units are in the Department:

8 (3) [Mass] MARYLAND Transit Administration;

9 7-101.

10 (b) "Administration" means the [Mass] MARYLAND Transit Administration.

11 (c) "Administrator" means the [Mass] MARYLAND Transit Administrator.

12 7-201.

13 There is a [Mass] MARYLAND Transit Administration in the Department.

14 7-202.

15 (a) The head of the Administration is the [Mass] MARYLAND Transit
16 Administrator, who shall be appointed by the Secretary with the approval of the
17 Governor.

18 7-207.

19 (b) (1) A [Mass] MARYLAND Transit Administration police officer has all
20 the powers granted to a peace officer and a police officer of this State. These powers
21 may be exercised only on property owned, leased, or operated upon, by, or under the
22 control of the Administration and not on any other property unless:

23 (i) Engaged in fresh pursuit of a suspected offender;

24 (ii) Specially requested or permitted to do so in a political
25 subdivision by its chief executive officer or its chief police officer; or

26 (iii) Ordered to do so by the Governor.

27 (c) (1) In consultation with the Maryland Police Training Commission, the
28 Administrator, with the approval of the Secretary, shall adopt standards,
29 qualifications, and prerequisites of character, training, education, human and public
30 relations, and experience for [Mass] MARYLAND Transit Administration police
31 officers, including standards for the performance of their duties.

1 (d) The Administrator with the approval of the Secretary shall adopt rules and
2 regulations governing the operation and conduct of the [Mass] MARYLAND Transit
3 Administration police force.

4 (f) The [Mass] MARYLAND Transit Administration police force may issue
5 citations for violations of the rules and regulations adopted by the Administration
6 under this title.

7 7-208.

8 (b) (1) For fiscal year 2001 and thereafter, the Administration shall recover
9 from fares and other operating revenues at least 40 percent of the operating costs for
10 the [Mass] MARYLAND Transit Administration bus, light rail, and metro services in
11 the Baltimore region.

12 (2) The Administration shall establish a cost recovery goal of 50 percent.

13 (3) The Administration shall obtain the fare recovery ratio through the
14 establishment of reasonable fares in the Baltimore region and the implementation of
15 cost containment measures as deemed necessary to meet the standard required under
16 this paragraph.

17 7-212.

18 Every rule, regulation, form, order, and directive adopted by or relating to the
19 former Metropolitan Transit Authority remains in effect until changed by the
20 Administrator or the Secretary. Every reference in this Code, any other law,
21 ordinance, resolution, rule, regulation, order, directive, legal action, contract, or any
22 other document to the Metropolitan Transit Authority or the Public Transit
23 Administration means the [Mass] MARYLAND Transit Administration.

24 7-705.

25 (b) It is unlawful for any person to engage in any of the following acts in any
26 transit vehicle or transit facility, designed for the boarding of a transit vehicle, which
27 is owned or controlled by the Administration or a train owned or controlled by the
28 Administration or operated by a railroad company under contract to the
29 Administration to provide passenger railroad service:

30 (9) Board any transit vehicle through the rear exit door, unless so
31 directed by an employee or agent of the [Mass] MARYLAND Transit Administration;

32 7-902.

33 (b) The Administration shall recover at least 50 percent of total operating
34 costs for all passenger railroad services under its control from fares and operating
35 revenues. Notwithstanding § 7-208 of this title, the [Mass] MARYLAND Transit
36 Administration shall calculate for passenger rail services a separate farebox recovery
37 ratio for the administrative purposes of determining a separate cost recovery ratio for

1 each of the aforementioned transit modes from the calculation for mass transit,
2 Metro, and light rail.

3 7-903.

4 Every rule, regulation, form, order, and directive adopted by or relating to the
5 former State Railroad Administration remains in effect until changed by the [Mass]
6 MARYLAND Transit Administrator or the Secretary. Every reference in this Code, any
7 other law, ordinance, resolution, rule, regulation, order, directive, legal action,
8 contract, deed or any other document to the State Railroad Administration means the
9 [Mass] MARYLAND Transit Administration.

10 8-408.

11 (a) Highway user revenues distributed to Baltimore City and Kent County
12 may be used only to pay or finance:

13 (7) As to Baltimore City, through fiscal year 2002, students' costs of
14 discounted [Mass] MARYLAND Transit Administration fares for eligible public school
15 students in Baltimore City.

16 13-810.

17 (a) On issuance in this State of an original or subsequent certificate of title for
18 a vehicle, the vehicle is exempt from the excise tax imposed by this part, if it is:

19 (23) A vehicle which is used exclusively in the transportation of disabled
20 or elderly persons, owned by a nonprofit organization, and in which the [Mass]
21 MARYLAND Transit Administration retains a security interest;

22 16-205.1.

23 (i) Notwithstanding any other provision of this section, a test for drug or
24 controlled dangerous substance content under this section:

25 (3) May only be requested as described under subsection (b) of this
26 section, required as described under subsection (c) of this section, or directed as
27 described under subsection (d) of this section:

28 (i) In the case of a police officer who is a trainee, or who is
29 participating directly or indirectly in a program of training described in paragraph (2)
30 of this subsection, if the police officer is a member of, and is designated as a trainee or
31 a participant by the head of:

32 5. The [Mass] MARYLAND Transit Administration Police
33 Force.

34 SECTION 2. AND BE IT FURTHER ENACTED, That the Maryland
35 Department of Transportation shall make changes to vehicles, signs, and all other
36 relevant materials necessary as a result of the name change enacted by this Act

1 within existing resources only and without additional expenditures from the
2 Transportation Trust Fund.

3 SECTION 3. AND BE IT FURTHER ENACTED, That, subject to the approval of
4 the Executive Director of the Department of Legislative Services, the publishers of
5 the Annotated Code of Maryland shall propose the correction of references to the Mass
6 Transit Administration that are rendered incorrect by this Act.

7 SECTION ~~2.~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take
8 effect October 1, 2001.