

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 631

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Criminal Law – Assault on” and substitute “Transportation – Interfering with”; in line 2, strike “Employees” and substitute “Bus Drivers”; in line 3, strike “Enhanced”; strike beginning with “intentionally” in line 4 down through “on” in line 17 and substitute “obstructing, hindering, interfering with, or otherwise disrupting or disturbing school bus drivers or certain transit station agents, conductors, or station attendants while engaged in the performance of certain official duties; providing certain penalties for a violation of this Act; increasing a certain penalty for obstructing, hindering, interfering with, or otherwise disrupting or disturbing the operation or operator of a transit vehicle; defining a certain term; and generally relating to prohibitions against interfering with”; in line 17, strike “employee” and substitute “bus driver”; after line 17, insert:

“BY adding to

Article – Education

Section 26-104

Annotated Code of Maryland

(2008 Replacement Volume)”;

in line 19, strike “Criminal Law” and substitute “Transportation”; in line 20, strike “3-201, 3-202, and 3-203” and substitute “7-705”; and strike line 22 in its entirety and substitute “(2008 Replacement Volume)”.

AMENDMENT NO. 2

On pages 1 through 5, strike in their entirety the lines beginning with line 25 on page 1 through line 29 on page 5, inclusive, and substitute:

(Over)

“Article – Education

26-104.

(A) IN THIS SECTION, “SCHOOL BUS DRIVER” MEANS THE DRIVER OF A SCHOOL VEHICLE AS DEFINED IN § 11-154 OF THE TRANSPORTATION ARTICLE WHILE EMPLOYED BY OR UNDER CONTRACT WITH A LOCAL SCHOOL SYSTEM.

(B) A PERSON MAY NOT OBSTRUCT, HINDER, INTERFERE WITH, OR OTHERWISE DISRUPT OR DISTURB A SCHOOL BUS DRIVER WHILE THE SCHOOL BUS DRIVER IS ENGAGED IN THE PERFORMANCE OF THE SCHOOL BUS DRIVER’S OFFICIAL DUTIES.

(C) ANY PERSON WHO VIOLATES SUBSECTION (B) OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000, IMPRISONMENT NOT EXCEEDING 18 MONTHS, OR BOTH.

Article – Transportation

7-705.

(a) It is unlawful for any person entering a transit facility or transit vehicle owned or controlled by the Administration for the purpose of obtaining transit service or a train owned or controlled by the Administration or operated by a railroad company under contract to the Administration to provide passenger railroad service to:

(1) Fail to pay the applicable fare charged by the Administration in the required manner; or

(2) Fail to:

- (i) Pay the applicable fare;
- (ii) Exhibit proof of payment; or
- (iii) Provide truthful identification.

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

- (1) Expectorate;
- (2) Smoke or carry a lighted or smoldering pipe, cigar, or cigarette;
- (3) Consume food or drink, or carry any open food or beverage container;
- (4) Discard litter, except into receptacles designated for that purpose;
- (5) Play or operate any radio, cassette, cartridge, tape player, or similar electronic device or musical instruments, unless such device is connected to an earphone that limits the sound to the hearing of the individual user;
- (6) Carry or possess any explosives, acids, concealed weapons or other dangerous articles;
- (7) Carry or possess any live animals, except seeing-eye animals and hearing-ear animals properly harnessed and accompanied by a blind person or a deaf person, and small animals properly packaged;

(Over)

(8) [Obstruct, hinder, interfere with, or otherwise disrupt or disturb the operation or operator of a transit vehicle or railroad passenger car;

(9) Board any transit vehicle through the rear exit door, unless so directed by an employee or agent of the Maryland Transit Administration;

[(10)](9) Urinate or defecate, except in restrooms;

[(11)](10) Fail to move to the rear of any transit vehicle when requested to do so by the operator or a police officer;

[(12)](11) Fail to vacate a seat designated for the elderly or handicapped when requested to do so by the transit vehicle operator, train conductor, or a police officer; or

[(13)](12) Except by contract with the Administration, solicit the purchase of any goods or services.

(c) As used in this section, “elderly and handicapped person” means any person who, by reason of illness, injury, age, congenital malfunction, or other permanent or temporary incapacity or disability, is unable to use transit facilities and transit services or railroad facilities and railroad services as effectively as a person who is not so affected.

(d) The provisions of subsection (b)(3), (5), [(9)] (8), and [(13)] (12) of this section do not apply to charter bus service rendered by the Administration. The provisions of subsection (b)(2) and [(13)] (12) of this section do not apply to excursion train service rendered by the Administration or by a railroad company under contract to the Administration. The provisions of subsection (b)(3) of this section do not apply to any railroad service rendered by the Administration or by a railroad company under contract to the Administration.

(e) [Any] EXCEPT AS PROVIDED IN SUBSECTION (F) OF THIS SECTION, ANY person who violates any provision of this section is guilty of a misdemeanor and is subject to a fine of not more than \$500 for each offense.

(F) (1) IT IS UNLAWFUL FOR ANY PERSON TO OBSTRUCT, HINDER, INTERFERE WITH, OR OTHERWISE DISRUPT OR DISTURB:

(I) THE OPERATION OR OPERATOR OF A TRANSIT VEHICLE OR RAILROAD PASSENGER CAR; OR

(II) A PERSON ENGAGED IN OFFICIAL DUTIES AS A STATION AGENT, CONDUCTOR, OR STATION ATTENDANT WHO IS EMPLOYED BY:

1. THE ADMINISTRATION;
2. AN ENTITY THAT PROVIDES TRANSIT SERVICE UNDER CONTRACT WITH THE ADMINISTRATION;
3. A LOCAL GOVERNMENT AGENCY OR PUBLIC TRANSIT AUTHORITY;
4. A PRIVATE ENTITY THAT PROVIDES PUBLIC TRANSIT SERVICE; OR
5. AN ENTITY THAT PROVIDES TRANSIT SERVICE UNDER A TRANSPORTATION COMPACT UNDER TITLE 10 OF THIS ARTICLE.

(2) ANY PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND IS SUBJECT TO A FINE OF NOT MORE THAN \$1,000, IMPRISONMENT NOT EXCEEDING 18 MONTHS, OR BOTH, FOR EACH OFFENSE.

[(f)](G) This section does not prohibit enforcement of any other State or local law or regulation that is consistent with the provisions of this section.”.