

HOUSE BILL 528

R2

01r0312

By: **Delegates Stukes, Howard, Anderson, Boteler, Glenn, Nathan–Pulliam,
Rice, F. Turner, and Walker**

Introduced and read first time: February 1, 2010

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Transit Vehicles – Prohibited Acts – Use of Obscene Language**

3 FOR the purpose of prohibiting certain persons from using obscene language in certain
4 transit vehicles; providing for a certain penalty; and generally relating to the
5 use of obscene language in certain transit vehicles.

6 BY repealing and reenacting, without amendments,
7 Article – Transportation
8 Section 7–101(n) and (p)
9 Annotated Code of Maryland
10 (2008 Replacement Volume and 2009 Supplement)

11 BY repealing and reenacting, with amendments,
12 Article – Transportation
13 Section 7–705
14 Annotated Code of Maryland
15 (2008 Replacement Volume and 2009 Supplement)

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

18 **Article – Transportation**

19 7–101.

20 (n) (1) “Transit service” means the transportation of persons and their
21 packages and baggage and of newspapers, express, and mail in regular route, special,
22 or charter service by means of transit facilities between points within the District.

23 (2) “Transit service” does not include any:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (i) Taxicab service;

2 (ii) Vanpool operation; or

3 (iii) Railroad service.

4 (p) “Transit vehicle” means a mobile device used in rendering transit service.
5 7–705.

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

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

13 (2) Fail to:

14 (i) Pay the applicable fare;

15 (ii) Exhibit proof of payment; or

16 (iii) Provide truthful identification.

17 (b) **[It] SUBJECT TO SUBSECTIONS (D) AND (E) OF THIS SECTION, IT** is
18 unlawful for any person to engage in any of the following acts in any transit vehicle or
19 transit facility, designed for the boarding of a transit vehicle, which is owned or
20 controlled by the Administration or a train owned or controlled by the Administration
21 or operated by a railroad company under contract to the Administration to provide
22 passenger railroad service:

23 (1) Expectorate;

24 (2) Smoke or carry a lighted or smoldering pipe, cigar, or cigarette;

25 (3) Consume food or drink, or carry any open food or beverage
26 container;

27 (4) Discard litter, except into receptacles designated for that purpose;

28 (5) Play or operate any radio, cassette, cartridge, tape player, or
29 similar electronic device or musical instruments, unless such device is connected to an
30 earphone that limits the sound to the hearing of the individual user;

1 (6) Carry or possess any explosives, acids, concealed weapons or other
2 dangerous articles;

3 (7) Carry or possess any live animals, except seeing-eye animals and
4 hearing-ear animals properly harnessed and accompanied by a blind person or a deaf
5 person, and small animals properly packaged;

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

8 (9) Urinate or defecate, except in restrooms;

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

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

14 (12) Except by contract with the Administration, solicit the purchase of
15 any goods or services; **OR**

16 **(13) USE OBSCENE LANGUAGE.**

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

22 (d) The provisions of subsection (b)(3), (5), (8), and (12) of this section do not
23 apply to charter bus service rendered by the Administration. The provisions of
24 subsection (b)(2) and (12) of this section do not apply to excursion train service
25 rendered by the Administration or by a railroad company under contract to the
26 Administration. The provisions of subsection (b)(3) of this section do not apply to any
27 railroad service rendered by the Administration or by a railroad company under
28 contract to the Administration.

29 **(E) THE PROVISIONS OF SUBSECTION (B)(13) OF THIS SECTION APPLY**
30 **ONLY TO THE OPERATOR AND PASSENGERS IN A TRANSIT VEHICLE WITH A**
31 **SEATING CAPACITY OF 20 OR MORE INDIVIDUALS.**

32 [(e)] **(F)** Except as provided in subsection [(f)] **(G)** of this section, any
33 person who violates any provision of this section is guilty of a misdemeanor and is
34 subject to a fine of not more than \$500 for each offense.

1 **[(f)] (G)** (1) It is unlawful for any person to obstruct, hinder, or interfere
 2 with:

3 (i) The operation or operator of a transit vehicle or railroad
 4 passenger car; or

5 (ii) A person engaged in official duties as a station agent,
 6 conductor, or station attendant who is employed by:

7 1. The Administration;

8 2. An entity that provides transit service under contract
 9 with the Administration;

10 3. A local government agency or public transit authority;

11 4. A private entity that provides public transit service;
 12 or

13 5. An entity that provides transit service under a
 14 transportation compact under Title 10 of this article.

15 (2) Any person who violates this section is guilty of a misdemeanor
 16 and is subject to a fine of not more than \$1,000, imprisonment not exceeding 90 days,
 17 or both, for each offense.

18 **[(g)] (H)** This section does not prohibit enforcement of any other State or
 19 local law or regulation that is consistent with the provisions of this section.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 21 October 1, 2010.