

# HOUSE BILL 938

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By: **Delegates Stein, Rosenberg, Bobo, Glenn, and S. Robinson**

Introduced and read first time: February 7, 2013

Assigned to: Environmental Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Transit Service – Audio Recordings – Requirements and Limitations**

3 FOR the purpose of requiring an audio recording device on a vehicle used by the  
4 Maryland Transit Administration or a local transit agency to provide public  
5 transit service to comply with certain requirements and to be activated only  
6 under certain circumstances; requiring the Administration or a local transit  
7 agency to post a certain notice on certain vehicles equipped with an audio  
8 recording device; limiting, to certain persons and only for certain purposes,  
9 access to any audio recording that is made on a vehicle used to provide public  
10 transit service; requiring the Administration or a local transit agency to keep a  
11 certain log; requiring the Administration, in cooperation with the Office of the  
12 Attorney General, to adopt certain regulations; and generally relating to audio  
13 recording devices on vehicles used by the Maryland Transit Administration or a  
14 local transit agency to provide public transit service.

15 BY repealing and reenacting, without amendments,  
16 Article – Transportation  
17 Section 7–101(l) and (n)  
18 Annotated Code of Maryland  
19 (2008 Replacement Volume and 2012 Supplement)

20 BY adding to  
21 Article – Transportation  
22 Section 7–705.1  
23 Annotated Code of Maryland  
24 (2008 Replacement Volume and 2012 Supplement)

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

27 **Article – Transportation**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 7-101.

2 (l) "Transit facility" includes any one or more or combination of tracks,  
3 rights-of-way, bridges, tunnels, subways, rolling stock, stations, terminals, ports,  
4 parking areas, equipment, fixtures, buildings, structures, other real or personal  
5 property, and services incidental to or useful or designed for use in connection with the  
6 rendering of transit service by any means, including rail, bus, motor vehicle, or other  
7 mode of transportation, but does not include any railroad facility.

8 (n) (1) "Transit service" means the transportation of persons and their  
9 packages and baggage and of newspapers, express, and mail in regular route, special,  
10 or charter service by means of transit facilities between points within the District.

11 (2) "Transit service" does not include any:

12 (i) Taxicab service;

13 (ii) Vanpool operation; or

14 (iii) Railroad service.

15 **7-705.1.**

16 (A) **IF A VEHICLE USED BY THE ADMINISTRATION OR A LOCAL TRANSIT**  
17 **AGENCY TO PROVIDE PUBLIC TRANSIT SERVICE IS EQUIPPED WITH AN AUDIO**  
18 **RECORDING DEVICE, THE AUDIO RECORDING DEVICE SHALL BE:**

19 (1) **UNDER THE EXCLUSIVE CONTROL OF THE VEHICLE**  
20 **OPERATOR; AND**

21 (2) **ACTIVATED BY THE OPERATOR ONLY IN THE EVENT OF AN**  
22 **INCIDENT INVOLVING PUBLIC SAFETY THAT REQUIRES DOCUMENTATION.**

23 (B) **THE ADMINISTRATION OR THE LOCAL TRANSIT AGENCY THAT**  
24 **PROVIDES PUBLIC TRANSIT SERVICE SHALL POST ON EACH VEHICLE EQUIPPED**  
25 **WITH AN AUDIO RECORDING DEVICE A CLEARLY VISIBLE NOTICE STATING THAT:**

26 (1) **THE VEHICLE IS EQUIPPED WITH AN AUDIO RECORDING**  
27 **DEVICE; AND**

28 (2) **THE AUDIO RECORDING DEVICE MAY BE ACTIVATED BY THE**  
29 **OPERATOR IN THE EVENT OF AN INCIDENT INVOLVING PUBLIC SAFETY THAT**  
30 **REQUIRES DOCUMENTATION.**

1           **(C) AN AUDIO RECORDING MADE AND RETAINED BY THE**  
2 **ADMINISTRATION OR A LOCAL TRANSIT AGENCY UNDER THIS SECTION MAY BE**  
3 **MADE AVAILABLE ONLY:**

4           **(1) IN CONNECTION WITH A SPECIFIC CRIME FOR WHICH THERE**  
5 **IS PROBABLE CAUSE FOR INVESTIGATION OR PROSECUTION OR IN CONNECTION**  
6 **WITH SOME OTHER INCIDENT IN WHICH ACCESS TO THE AUDIO RECORDING IS**  
7 **NECESSARY FOR PURPOSES OF CIVIL OR ADMINISTRATIVE PENALTY; AND**

8           **(2) To:**

9                   **(I) AN INVESTIGATIVE OR LAW ENFORCEMENT OFFICER**  
10 **ACTING UNDER § 10-402 OF THE COURTS ARTICLE;**

11                   **(II) AN INDIVIDUAL WHOSE CONVERSATION IS RECORDED;**

12                   **(III) THE LEGAL REPRESENTATIVE OF AN INDIVIDUAL**  
13 **DESCRIBED IN ITEM (II) OF THIS ITEM OR WHO IS THE SUBJECT OF AN**  
14 **INVESTIGATION FOR WHICH INTERCEPTION OF ORAL COMMUNICATION IS**  
15 **AUTHORIZED UNDER § 10-402 OF THE COURTS ARTICLE;**

16                   **(IV) THE ADMINISTRATOR OR THE ADMINISTRATOR'S**  
17 **DESIGNEE ACTING UNDER § 7-201 OF THIS TITLE, OR THE DESIGNEE OF A**  
18 **LOCAL TRANSIT AGENCY; OR**

19                   **(V) THE ADMINISTRATOR OR THE ADMINISTRATOR'S**  
20 **DESIGNEE OR THE DESIGNEE OF A LOCAL TRANSIT AGENCY WHEN**  
21 **INVESTIGATING A COMPLAINT INVOLVING THE CONDUCT OF AN EMPLOYEE OF**  
22 **THE ADMINISTRATION OR OF THE LOCAL TRANSIT AGENCY, OR OF A**  
23 **PASSENGER OF A VEHICLE USED TO PROVIDE PUBLIC TRANSIT SERVICE.**

24           **(D) ACCESS TO AN AUDIO RECORDING UNDER SUBSECTION (C) OF THIS**  
25 **SECTION SHALL BE LIMITED TO THAT PORTION OF THE AUDIO RECORDING THAT**  
26 **IS PERTINENT TO THE CRIME OR INCIDENT THAT IS THE SUBJECT OF THE**  
27 **INVESTIGATION.**

28           **(E) AN AUDIO RECORDING MADE AND RETAINED BY THE**  
29 **ADMINISTRATION OR A LOCAL TRANSIT AGENCY UNDER THIS SECTION MAY NOT**  
30 **BE USED FOR PURPOSES OF DATA MINING.**

31           **(F) THE ADMINISTRATION OR THE LOCAL TRANSIT AGENCY SHALL**  
32 **KEEP A LOG OF THE NAME, ADDRESS, AND AFFILIATION OF EACH PERSON THAT**

1 IS GRANTED ACCESS TO AN AUDIO RECORDING MADE AND RETAINED BY THE  
2 ADMINISTRATION OR THE LOCAL TRANSIT AGENCY UNDER THIS SECTION.

3 (G) THE ADMINISTRATION, IN COOPERATION WITH THE OFFICE OF THE  
4 ATTORNEY GENERAL, AND AFTER COLLABORATION WITH LOCAL TRANSIT  
5 AGENCIES THAT PROVIDE PUBLIC TRANSIT SERVICE GOVERNED BY THIS  
6 SECTION, SHALL ADOPT REGULATIONS TO IMPLEMENT THIS SECTION.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
8 October 1, 2013.