

HOUSE BILL 1093

R2
HB 528/10 – ENV

3lr2819

By: **Delegates Stukes, Anderson, and Tarrant**
Introduced and read first time: February 8, 2013
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 individuals from using obscene language in certain
4 transit vehicles; limiting the applicability of this Act to the operator of and
5 passengers in a transit vehicle with a certain seating capacity; providing for a
6 certain penalty; and generally relating to the use of obscene language in certain
7 transit vehicles.

8 BY repealing and reenacting, without amendments,
9 Article – Transportation
10 Section 7–101(n) and (p)
11 Annotated Code of Maryland
12 (2008 Replacement Volume and 2012 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article – Transportation
15 Section 7–705
16 Annotated Code of Maryland
17 (2008 Replacement Volume and 2012 Supplement)

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

20 **Article – Transportation**

21 7–101.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

2 (i) Taxicab service;

3 (ii) Vanpool operation; or

4 (iii) Railroad service.

5 (p) "Transit vehicle" means a mobile device used in rendering transit service.

6 7-705.

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

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

14 (2) Fail to:

15 (i) Pay the applicable fare;

16 (ii) Exhibit proof of payment; or

17 (iii) Provide truthful identification.

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

24 (1) Expectorate;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 (i) The operation or operator of a transit vehicle or railroad
7 passenger car; or

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

10 1. The Administration;

11 2. An entity that provides transit service under contract
12 with the Administration;

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

14 4. A private entity that provides public transit service;
15 or

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

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

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

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