

SENATE BILL 199

R2
SB 800/15 – JPR

6lr1571

By: **Senators Brochin, Muse, Pinsky, Pugh, and Zirkin**
Introduced and read first time: January 20, 2016
Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

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

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

18 BY repealing and reenacting, without amendments,
19 Article – Transportation
20 Section 7–101(a), (l), and (n)
21 Annotated Code of Maryland
22 (2015 Replacement Volume and 2015 Supplement)

23 BY adding to
24 Article – Transportation
25 Section 7–705.1 and 7–802
26 Annotated Code of Maryland
27 (2015 Replacement Volume and 2015 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



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

3 **Article – Transportation**

4 7–101.

5 (a) In this title the following words have the meanings indicated.

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

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

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

16 (i) Taxicab service;

17 (ii) Vanpool operation; or

18 (iii) Railroad service.

19 **7–705.1.**

20 **(A) IF A VEHICLE USED BY THE ADMINISTRATION TO PROVIDE TRANSIT**
21 **SERVICE IS EQUIPPED WITH AN AUDIO RECORDING DEVICE, THE AUDIO RECORDING**
22 **DEVICE SHALL BE:**

23 **(1) INSTALLED NEAR THE VEHICLE OPERATOR’S SEAT;**

24 **(2) UNDER THE EXCLUSIVE CONTROL OF THE VEHICLE OPERATOR;**

25 **AND**

26 **(3) ACTIVATED BY THE OPERATOR ONLY IN THE EVENT OF AN**
27 **INCIDENT INVOLVING PUBLIC SAFETY THAT REQUIRES DOCUMENTATION.**

28 **(B) THE ADMINISTRATION SHALL POST ON EACH VEHICLE EQUIPPED WITH**
29 **AN AUDIO RECORDING DEVICE A CLEARLY VISIBLE NOTICE STATING THAT:**

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

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

6 **(C) AN AUDIO RECORDING MADE AND RETAINED BY THE ADMINISTRATION**
7 **UNDER THIS SECTION MAY BE MADE AVAILABLE ONLY:**

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

12 **(2) To:**

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

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

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

20 **(IV) THE ADMINISTRATOR OR THE ADMINISTRATOR'S**
21 **DESIGNEE ACTING UNDER § 7-204 OF THIS TITLE; OR**

22 **(V) THE ADMINISTRATOR OR THE ADMINISTRATOR'S**
23 **DESIGNEE WHEN INVESTIGATING A COMPLAINT INVOLVING THE CONDUCT OF AN**
24 **EMPLOYEE OF THE ADMINISTRATION OR A PASSENGER OF A VEHICLE USED TO**
25 **PROVIDE TRANSIT SERVICE.**

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

30 **(E) AN AUDIO RECORDING MADE AND RETAINED BY THE ADMINISTRATION**
31 **UNDER THIS SECTION MAY NOT BE USED FOR PURPOSES OF DATA MINING.**

1 **(F) THE ADMINISTRATION SHALL KEEP A LOG OF THE NAME, ADDRESS, AND**
2 **AFFILIATION OF EACH PERSON THAT IS GRANTED ACCESS TO AN AUDIO RECORDING**
3 **MADE AND RETAINED BY THE ADMINISTRATION UNDER THIS SECTION.**

4 **(G) THE ADMINISTRATION, IN CONSULTATION WITH THE OFFICE OF THE**
5 **ATTORNEY GENERAL, SHALL ADOPT REGULATIONS TO IMPLEMENT THIS SECTION.**

6 **7-802.**

7 **(A) IF A VEHICLE USED BY A COUNTY OR MUNICIPALITY TO PROVIDE**
8 **TRANSPORTATION SERVICE IS EQUIPPED WITH AN AUDIO RECORDING DEVICE, THE**
9 **AUDIO RECORDING DEVICE SHALL BE:**

10 **(1) INSTALLED NEAR THE VEHICLE OPERATOR'S SEAT;**

11 **(2) UNDER THE EXCLUSIVE CONTROL OF THE VEHICLE OPERATOR;**
12 **AND**

13 **(3) ACTIVATED BY THE OPERATOR ONLY IN THE EVENT OF AN**
14 **INCIDENT INVOLVING PUBLIC SAFETY THAT REQUIRES DOCUMENTATION.**

15 **(B) THE COUNTY OR MUNICIPALITY SHALL POST ON EACH VEHICLE**
16 **EQUIPPED WITH AN AUDIO RECORDING DEVICE A CLEARLY VISIBLE NOTICE**
17 **STATING THAT:**

18 **(1) THE VEHICLE IS EQUIPPED WITH AN AUDIO RECORDING DEVICE;**
19 **AND**

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

23 **(C) AN AUDIO RECORDING MADE AND RETAINED BY THE COUNTY OR**
24 **MUNICIPALITY UNDER THIS SECTION MAY BE MADE AVAILABLE ONLY:**

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

29 **(2) To:**

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

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

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

8 **(IV) A COUNTY OR MUNICIPAL OFFICIAL WHEN INVESTIGATING**
9 **A COMPLAINT INVOLVING THE CONDUCT OF AN EMPLOYEE OF THE COUNTY OR**
10 **MUNICIPALITY OR OF A PASSENGER OF A VEHICLE USED TO PROVIDE**
11 **TRANSPORTATION SERVICE.**

12 **(D) ACCESS TO AN AUDIO RECORDING UNDER SUBSECTION (C) OF THIS**
13 **SECTION SHALL BE LIMITED TO THAT PORTION OF THE AUDIO RECORDING THAT IS**
14 **PERTINENT TO THE CRIME OR INCIDENT THAT IS THE SUBJECT OF THE**
15 **INVESTIGATION.**

16 **(E) AN AUDIO RECORDING MADE AND RETAINED BY THE COUNTY OR**
17 **MUNICIPALITY UNDER THIS SECTION MAY NOT BE USED FOR PURPOSES OF DATA**
18 **MINING.**

19 **(F) THE COUNTY OR MUNICIPALITY SHALL KEEP A LOG OF THE NAME,**
20 **ADDRESS, AND AFFILIATION OF EACH PERSON THAT IS GRANTED ACCESS TO AN**
21 **AUDIO RECORDING MADE AND RETAINED BY THE COUNTY OR MUNICIPALITY UNDER**
22 **THIS SECTION.**

23 **(G) THE COUNTY OR MUNICIPALITY, IN CONSULTATION WITH THE**
24 **ADMINISTRATION AND THE OFFICE OF THE ATTORNEY GENERAL, SHALL ADOPT**
25 **REGULATIONS TO IMPLEMENT THIS SECTION.**

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 2016.