

CITY OF BALTIMORE

SHEILA DIXON, Mayor



DEPARTMENT OF LAW

GEORGE A. NILSON, City Solicitor
101 City Hall
Baltimore, Maryland 21202

December 22, 2008

The Honorable President and
Members of the Baltimore
City Council
c/o Karen Randle, Executive Secretary
409 City Hall
Baltimore, MD 21202

RE: City Council Bill 08-0256 – Ticket Sales – Public Carriers

Dear President and Members

You have requested the advice of the Law Department regarding City Council Bill 08-0256. City Council Bill 256 repeals obsolete or otherwise unnecessary provisions prohibiting transactions involving certain tickets, reservations, or passenger accommodations issued by railroads or other public carriers.

Section 6-506 of the Criminal Law Article of the Maryland Code prohibits any person from buying, selling, soliciting or aiding or abetting in buying or selling whole or partially used railroad tickets and imposes a penalty for violating the subtitle. Md. Code Ann., Crim. Law § 6-506 (2008). Therefore, the language of Article 19, subtitle 55, which governs the same conduct, is duplicative of State law. Similarly, § 55-4 of Article 19 of the City Code, which prohibits any person or corporation or partnership from charging a fee for any ticket, reservation or accommodation of passengers of a public carrier in excess of \$2 or reselling the same in excess of \$2 above the charge of the public carrier which issued it, is conduct that is regulated by Maryland law. *See* Md. Code Ann., Pub. Utility Co. § 4-102 (2008) (the power to collect, set and enforce rates and charges for services provided by public carriers is delegated to the Public Service Commission).

City Council Bill 08-0256 is consistent with the authority of the City Council. The Law Department, therefore, approves the City Council Bill 08-0256 for form and legal sufficiency.

Sincerely yours,

Ashlea H. Brown
Assistant Solicitor



cc: Honorable James B. Kraft
Angela Gibson, City Council Liaison
George A. Nilson, City Solicitor
Linda C. Barclay, Chief Solicitor
Elena R. DiPietro, Senior Solicitor
Deepa Bhattacharyya, Assistant Solicitor
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