

(3) conducts visual surveillance and:

(i) holds a license issued under Title 13 or Title 19 of the Business Occupations and Professions Article; and

(ii) is acting within the scope of the person's occupation.

(c) A person may not with prurient intent conduct or procure another to conduct visual surveillance of:

(1) an individual in a private place without the consent of that individual; OR

(2) THE PRIVATE AREA OF AN INDIVIDUAL BY USE OF A CAMERA WITHOUT THE CONSENT OF THE INDIVIDUAL UNDER CIRCUMSTANCES IN WHICH A REASONABLE PERSON WOULD BELIEVE THAT THE PRIVATE AREA OF THE INDIVIDUAL WOULD NOT BE VISIBLE TO THE PUBLIC, REGARDLESS OF WHETHER THE INDIVIDUAL IS IN A PUBLIC OR PRIVATE PLACE.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$2,500 or both.

(e) (1) An individual who was under visual surveillance in violation of this section has a civil cause of action against any person who conducted or procured another to conduct the visual surveillance.

(2) In an action under this subsection, the court may award actual damages and reasonable attorney's fees.

(f) This section does not affect any legal or equitable right or remedy otherwise provided by law.

(g) This section does not affect the application of § 3-901 of this subtitle.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2006.

Approved May 2, 2006.

CHAPTER 293

(House Bill 66)

AN ACT concerning

Talbot County - Dog and Kennel Licenses and Dog Tags

FOR the purpose of excluding Talbot County from certain provisions of law relating to dog licenses and kennel licenses; requiring that the fees, terms, and form of dog and kennel licenses in Talbot County be determined by the County Council of Talbot County; providing that the requirement for a dog tag in Talbot County