

## Chapter 465

(Senate Bill 402)

AN ACT concerning

### **Motor Carrier Companies – Local Public Transportation Systems – Exemption from Motor Carrier Permit Requirement**

FOR the purpose of providing that a motor carrier permit is not required for a local public transportation system established under a law enacted by the local governing body of a county or municipal corporation; providing that a motor carrier permit is not required for a motor vehicle used by a privately owned transportation company exclusively to provide transportation system services under a certain contract; requiring a certain privately owned transportation company to obtain a motor carrier permit for certain motor vehicles under certain circumstances; repealing certain exemptions for particular counties; and generally relating to motor carriers and motor carrier permits.

BY repealing and reenacting, with amendments,

Article – Public Utilities

Section 9–201 *and* 9–207

Annotated Code of Maryland

(2010 Replacement Volume)

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

#### **Article – Public Utilities**

9–201.

(a) Except as provided in subsection (b) of this section, a motor carrier permit is required for a passenger motor vehicle used in the transportation of persons for hire.

(b) A motor carrier permit is not required for:

(1) a motor vehicle used exclusively for the transportation of pupils to and from public or private schools;

(2) a motor vehicle operated for a period of not more than 3 months in any registration year in the transportation of persons employed at a cannery located in a county;

(3) taxicabs;

(4) public transportation for hire authorized to operate on the boardwalk in Ocean City;

(5) a vanpool operation as defined in § 11-175.1 of the Transportation Article;

[(6) the public transportation system for Washington County established under § 1-603 of the Code of Public Local Laws of Washington County, Article 22 of the Code of Public Local Laws of Maryland;

(7) the public transportation system for Allegany County established under § 23-24 of the Code of Public Local Laws of Allegany County, Article 1 of the Code of Public Local Laws of Maryland;

(8) the public transportation system for Frederick County established by the Board of County Commissioners for Frederick County;]

**(6) A LOCAL PUBLIC TRANSPORTATION SYSTEM ESTABLISHED UNDER A LAW ENACTED BY THE LOCAL GOVERNING BODY OF A COUNTY OR MUNICIPAL CORPORATION; ~~or~~**

**[(9)] (7) SUBJECT TO SUBSECTION (C) OF THIS SECTION, A MOTOR VEHICLE USED BY A PRIVATELY OWNED TRANSPORTATION COMPANY EXCLUSIVELY TO PROVIDE TRANSPORTATION SYSTEM SERVICES UNDER A CONTRACT WITH THE GOVERNING BODY OF A COUNTY OR MUNICIPAL CORPORATION OR WITH A UNIT OF STATE GOVERNMENT; OR**

**(8)** shuttle bus service operated by the University of Maryland, College Park for students enrolled at the University of Maryland, College Park and, in exchange for payment by the municipal corporation in which the University of Maryland, College Park is located, transportation service on the shuttle bus to residents of the municipal corporation.

**(C) A PRIVATELY OWNED TRANSPORTATION COMPANY THAT PROVIDES TRANSPORTATION SYSTEM SERVICES UNDER A CONTRACT WITH THE GOVERNING BODY OF A COUNTY OR MUNICIPAL CORPORATION OR WITH A UNIT OF STATE GOVERNMENT SHALL OBTAIN A MOTOR CARRIER PERMIT FOR MOTOR VEHICLES THAT THE COMPANY DOES NOT USE EXCLUSIVELY TO PROVIDE TRANSPORTATION SYSTEM SERVICES UNDER A CONTRACT WITH THE GOVERNING BODY OF A COUNTY OR MUNICIPAL CORPORATION OR WITH A UNIT OF STATE GOVERNMENT.**

~~(D)~~ (D) The public duties of a common carrier may not be imposed on a person with respect to a vehicle for which a motor carrier permit is required under this section, if the vehicle is not actually engaged in public transportation.

9-207.

(a) This section applies to a motor carrier providing transportation for hire by or through contract with a public authority, or a federal, State, district, or municipal transportation agency.

(b) A motor carrier subject to this section:

(1) is also subject to §§ 5-101 and 5-304 of this article; and

(2) EXCEPT AS PROVIDED IN § 9-201(B)(7) OF THIS SUBTITLE, shall obtain a motor carrier permit under § 9-201 of this subtitle.

(c) A motor carrier permit issued to a motor carrier subject to this section may be:

(1) subject to conditions under § 9-203 of this subtitle; and

(2) suspended, revoked, or subsequently denied under § 9-204 of this subtitle.

(d) Except as provided in this section, the provisions of this division do not apply to a motor carrier subject to this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2011.

**Approved by the Governor, May 19, 2011.**