

SENATE BILL 97

C5

8lr0035

(PRE-FILED)

By: **Chair, Finance Committee (By Request – Departmental – Human Services)**

Requested: September 27, 2017

Introduced and read first time: January 10, 2018

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Public Utilities – Transportation Network Services – Disclosure of Records**

3 FOR the purpose of altering the authority by which the Public Service Commission may
4 disclose certain records or information provided by a transportation network
5 company; authorizing the Commission to disclose certain records or information
6 required by statute; and generally relating to transportation network services.

7 BY repealing and reenacting, with amendments,

8 Article – Public Utilities

9 Section 10–404

10 Annotated Code of Maryland

11 (2010 Replacement Volume and 2017 Supplement)

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

14 **Article – Public Utilities**

15 10–404.

16 (a) An operator may not provide transportation network services unless the
17 Commission has authorized the operator to operate on a provisional basis or has issued a
18 valid temporary or permanent transportation network operator’s license to provide
19 transportation network services.

20 (b) The Commission may approve an applicant to be an operator and issue a
21 temporary transportation network operator’s license to the applicant if:

22 (1) the applicant provides all information that the Commission requires for
23 the application, including the information specified in item (2) of this subsection; and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) the Commission is satisfied with the successful submission of the
2 applicant's:

3 (i) national criminal history records check:

4 1. conducted by a consumer reporting agency as defined
5 under § 14–1201 of the Commercial Law Article or a comparable entity approved by the
6 Commission; and

7 2. that includes:

8 A. a Multi–State Multi–Jurisdiction Criminal Records
9 Database Search or a search of a similar nationwide database with validation;

10 B. a search of the Sex Offender Registry; and

11 C. a search of the U.S. Department of Justice's National Sex
12 Offender Public Web site; and

13 (ii) driving record check that includes a driving history research
14 report.

15 (c) Subject to subsection (d) of this section, the Commission may issue a
16 permanent transportation network operator's license to an applicant upon the submission
17 of a satisfactory supplemental criminal background check as set forth under § 10–104(b) of
18 this title.

19 (d) Before December 15, 2016, the Commission may not require an applicant for
20 a permanent transportation network operator's license to comply with subsection (c) of this
21 section if a transportation network company for which the applicant will provide services,
22 at the time it applies for a permit, provides to the Commission details of the process the
23 transportation network company uses to collect, review, and submit the information
24 specified in subsection (b)(2) of this section.

25 (e) (1) A transportation network company may request that the Commission
26 waive the requirement to comply with subsection (c) of this section and instead require
27 compliance with subsection (b)(2) of this section for applicants and operators of the
28 transportation network company.

29 (2) On receipt of a request under paragraph (1) of this subsection, the
30 Commission shall:

31 (i) determine whether the transportation network company's
32 process for complying with subsection (b)(2) of this section can be shown to be as
33 comprehensive and accurate as complying with the supplemental criminal background
34 check as set forth under § 10–104(b) of this title; and

1 (ii) within 3 months after receiving the request, determine whether
2 to:

- 3 1. grant the waiver;
- 4 2. deny the waiver; or
- 5 3. approve an alternative process.

6 (f) A transportation network company may submit the information under
7 subsection (b) of this section on behalf of an operator.

8 (g) The Commission shall adopt regulations that provide a process that is as
9 expeditious as possible and uses electronic means for:

- 10 (1) the submission of the information under subsection (b) of this section;
- 11 (2) the issuance of a temporary or permanent transportation network
12 operator's license and alternative authority to operate on a provisional basis; and
- 13 (3) the renewal of a transportation network operator's license.

14 (h) (1) Records or information provided to the Commission by a transportation
15 network company under this section are not subject to release under the Maryland Public
16 Information Act.

17 (2) The Commission may not disclose records or information provided to
18 the Commission under this section to any person unless:

19 (i) the disclosure is required by **STATUTE**, court order, or order of
20 the Maryland Tax Court; or

21 (ii) the disclosure is to the Comptroller under § 10-406(g)(5) of this
22 subtitle.

23 (3) On notice that a person is seeking records or information under
24 paragraph (2)(i) of this subsection, the Commission shall promptly notify the transportation
25 network company before disclosing the records or information.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 2018.