

Chapter 65

(Senate Bill 171)

AN ACT concerning

Motor Carriers and For-Hire Driving Services – Nonprofit Organizations and Volunteer Drivers

FOR the purpose of providing that a motor carrier permit is not required for transportation services that a nonprofit organization provides under certain circumstances; altering the definition of “transportation network services”; providing that a nonprofit organization that provides transportation for remuneration to clients of certain services may not be required to obtain a motor carrier permit; and generally relating to motor carriers and for-hire driving services.

BY repealing and reenacting, with amendments,
 Article – Public Utilities
 Section 9–201, 10–101(n), and 10–102
 Annotated Code of Maryland
 (2010 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, without amendments,
 Article – Public Utilities
 Section 10–101(a), (l), and (m)
 Annotated Code of Maryland
 (2010 Replacement Volume and 2019 Supplement)

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) a local public transportation system established under a law enacted by the local governing body of a county or municipal corporation;

(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 Campus for students enrolled at the University of Maryland, College Park Campus and, in exchange for payment by a municipal corporation in which the University of Maryland, College Park Campus operates shuttle bus service, transportation service on the shuttle bus to residents of the municipal corporation; **OR**

(9) TRANSPORTATION SERVICES THAT A NONPROFIT ORGANIZATION PROVIDES THROUGH THE USE OF A VOLUNTEER DRIVER AND THE VOLUNTEER DRIVER’S PERSONAL VEHICLE.

(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) 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.

10-101.

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

(l) “Transportation network company” means a company that operates in the State using a digital network to connect passengers to transportation network operators or transportation network partners for transportation network services.

(m) “Transportation network operator”, “transportation network partner”, or “transportation network driver” means an individual who:

(1) has been issued a transportation network operator’s license, or is otherwise authorized, by the Commission to provide transportation network services;

(2) receives, through a transportation network company’s digital network application, a connection to a potential passenger to transport the passenger between points chosen by the passenger in exchange for the payment of a fee to the transportation network company; and

(3) uses a motor vehicle that is owned, leased, or otherwise authorized for use by the individual and is approved for use in providing transportation network services by the Commission.

(n) (1) “Transportation network services” means the activities of an operator during:

(i) transportation network coverage period one, during which the operator is logged onto and ready to accept a prearranged ride request made through a transportation network company’s digital network application;

(ii) transportation network coverage period two, during which the operator accepts a ride request from a passenger that is prearranged through a transportation network company’s digital network application, and is traveling to a predetermined location to pick up the passenger; and

(iii) transportation network coverage period three, during which the operator transports the passenger and continuing until the passenger departs the motor vehicle.

(2) “Transportation network services” does not include:

(i) providing taxicab services, sedan services, or limousine services;

[or]

(ii) any shared expense carpool arrangement or service or other type of arrangement or service in which a driver receives a fee that does not exceed the driver’s costs associated with providing a ride; **OR**

(III) TRANSPORTATION SERVICES THAT A NONPROFIT ORGANIZATION PROVIDES THROUGH THE USE OF A VOLUNTEER DRIVER AND THE VOLUNTEER DRIVER’S PERSONAL VEHICLE.

10–102.

(a) This subtitle supplements other law relating to the operation and licensing of motor vehicles.

(b) This title applies to any motor vehicle used in the transportation of persons in exchange for remuneration except:

(1) motor vehicles designed to transport more than 15 persons; and

(2) transportation solely provided by or on behalf of a unit of federal, State, or local government, or a nonprofit organization as identified in § 501(c)(3) and (4) of the Internal Revenue Code, that requires a criminal history records check and driving record check for its drivers, for clients of services including:

- (i) aging support;
- (ii) developmental and other disabilities;
- (iii) kidney dialysis;
- (iv) Medical Assistance Program;
- (v) Head Start;
- (vi) Welfare-to-Work;
- (vii) mental health; and
- (viii) job training.

(c) Subsection (b)(2) of this section may not be construed to limit the application of this title or Title 9 of this article to a for-hire driver or other person who operates a motor vehicle for hire or provides transportation of persons for hire in addition to providing transportation services to clients of services listed in subsection (b)(2) of this section.

(d) Notwithstanding subsection (b)(2) of this section:

(1) a nonprofit organization that provides transportation for remuneration to clients of services listed in subsection (b)(2) of this section may **NOT** be required to obtain a motor carrier permit under Title 9 of this article; **[but] AND**

(2) a driver employed by the nonprofit organization may not be required to obtain a for-hire driver's license or other authorization from the Commission to perform transportation services solely under subsection (b)(2) of this section.

(e) (1) A driver employed or offered employment by a governmental unit or nonprofit organization under subsection (b)(2) of this section shall apply to the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services for a State criminal history records check on or before the first day of

the driver's actual employment.

(2) As part of the application for a State criminal history records check, the driver employed or offered employment by the governmental unit or nonprofit organization shall submit to the Central Repository:

(i) one complete set of the driver's legible fingerprints taken on a form approved by the Secretary of Public Safety and Correctional Services; and

(ii) the fee authorized under § 10–221(b)(7) of the Criminal Procedure Article for access to State criminal history records.

(3) (i) In accordance with Title 10, Subtitle 2 of the Criminal Procedure Article, the Central Repository shall provide a printed statement listing the driver's criminal convictions to:

1. the governmental unit or nonprofit organization; and
2. the driver.

(ii) If criminal history record information is reported to the Central Repository after the date of the initial criminal history records check, the Central Repository shall provide a revised printed statement listing the driver's criminal convictions to:

1. the governmental unit or nonprofit organization; and
2. the driver.

(4) In accordance with regulations adopted by the Department of Public Safety and Correctional Services, the governmental unit or nonprofit organization shall verify periodically a list of its drivers.

(5) Information the governmental unit or nonprofit organization obtains from the Central Repository under this subsection shall be:

- (i) confidential and may not be disseminated; and
- (ii) used only for the employment purpose authorized by this section.

(6) In accordance with § 10–223 of the Criminal Procedure Article, a driver employed by a governmental unit or nonprofit organization may challenge the contents of a printed statement or revised printed statement issued by the Central Repository.

(f) This subtitle does not limit the power of a political subdivision of the State to adopt reasonable traffic regulations such as:

- (1) the designation of taxicab stands; and
- (2) the restriction or prohibition of cruising along a public street when the cruising would menace the public safety or unduly congest traffic.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.