

SENATE BILL 979

C5, R5, R7

8lr3373
CF HB 1591

By: **Senator Robey**

Introduced and read first time: March 3, 2008

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Public Service Companies - Passenger-For-Hire Services**

3 FOR the purpose of prohibiting a person from providing passenger-for-hire services
4 unless the person obtains a certain liability insurance policy that is approved by
5 the Public Service Commission and insures the person against certain liability
6 resulting from an accident in which the limousine or sedan is involved or
7 deposits a certain bond with the Commission that is approved by the
8 Commission and is made out to the State as obligee for the use and benefit of
9 certain persons and undertakes to indemnify certain persons against certain
10 property damage, personal injury, or death resulting from an accident in which
11 the limousine or sedan is involved; establishing the minimum amount of a
12 certain liability insurance policy or a certain bond under certain circumstances;
13 requiring that certain materials advertising passenger-for-hire services by a
14 certain person licensed by the Commission include a certain permit number;
15 requiring the Motor Vehicle Administration to issue certain special vehicle
16 registration plates for certain limousines and sedans used to provide
17 passenger-for-hire services under a certain permit; prohibiting a person from
18 using a motor vehicle to provide certain passenger-for-hire services under a
19 certain permit unless the motor vehicle is equipped with certain special vehicle
20 registration plates; repealing a provision requiring the Administration to issue
21 certain special limousine vehicle registration plates under certain
22 circumstances; prohibiting an individual from operating a certain limousine or
23 sedan to provide certain passenger-for-hire services unless the individual holds
24 a certain valid for-hire driver's license; prohibiting a person from permitting an
25 individual to operate a certain limousine or sedan to provide certain
26 passenger-for-hire services unless the individual holds a certain valid for-hire
27 driver's license; prohibiting a certain individual from operating a certain
28 limousine or sedan used to provide passenger-for-hire services that is not
29 equipped with certain special vehicle registration plates under certain
30 circumstances; prohibiting a person from permitting a certain individual to
31 operate a certain limousine or sedan used to provide passenger-for-hire

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 services that is not equipped with certain special vehicle registration plates
2 under certain circumstances; providing for certain penalties; defining a certain
3 term; and generally relating to passenger-for-hire services.

4 BY repealing and reenacting, without amendments,
5 Article – Public Utility Companies
6 Section 10–101 and 10–102
7 Annotated Code of Maryland
8 (1998 Volume and 2007 Supplement)

9 BY adding to
10 Article – Public Utility Companies
11 Section 10–113 and 10–114
12 Annotated Code of Maryland
13 (1998 Volume and 2007 Supplement)

14 BY adding to
15 Article – Transportation
16 Section 13–614, 21–1127, and 21–1128
17 Annotated Code of Maryland
18 (2006 Replacement Volume and 2007 Supplement)

19 BY repealing and reenacting, with amendments,
20 Article – Transportation
21 Section 13–939 and 27–101(g)
22 Annotated Code of Maryland
23 (2006 Replacement Volume and 2007 Supplement)

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

26 **Article – Public Utility Companies**

27 10–101.

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

29 (b) “Central Repository” has the meaning stated in § 10–201 of the Criminal
30 Procedure Article.

31 (c) “Criminal Justice Information System” has the meaning stated in §
32 10–201 of the Criminal Procedure Article.

33 (d) “For-hire driver’s license” includes:

34 (1) a passenger-for-hire license; and

35 (2) a taxicab driver’s license.

1 (e) (1) “Limousine service” means operating a motor vehicle for hire using
2 a motor vehicle classified as a Class Q (limousine) vehicle under § 13–939 of the
3 Transportation Article.

4 (2) “Limousine service” does not include providing taxicab services or
5 sedan services.

6 (f) (1) “Operate a motor vehicle for hire” means to transport or offer to
7 transport a person in a motor vehicle in exchange for remuneration.

8 (2) “Operate a motor vehicle for hire” includes:

9 (i) providing passenger–for–hire services; and

10 (ii) providing taxicab services.

11 (g) “Provide passenger–for–hire services” includes:

12 (1) providing limousine services; and

13 (2) providing sedan services.

14 (h) “Provide taxicab services” means to operate a motor vehicle for hire that,
15 in addition to other services:

16 (1) is advertised or held out to the public as a taxicab or as providing
17 taxicab services;

18 (2) regardless of how or when engaged, provides for–hire service
19 between points chosen by the passenger and for a fare that is based on the distance
20 traveled, the time elapsed, or both; or

21 (3) is engaged by the passenger for service between points chosen by
22 the passenger that is provided through:

23 (i) hail from the street or other location; or

24 (ii) request made at a taxi stand or other location where the
25 motor vehicle is standing and waiting for a request for service.

26 (i) “Remuneration” includes:

27 (1) a fare;

28 (2) a fee;

29 (3) a toll;

1 (4) a gratuity; and

2 (5) personal services.

3 (j) (1) "Sedan service" means operating a motor vehicle for hire using a
4 motor vehicle designed to carry 15 or fewer individuals, including the driver.

5 (2) "Sedan service" does not include providing taxicab services or
6 limousine services.

7 (k) "Taxicab driver's license" means a license issued by the Commission to an
8 individual that provides taxicab services.

9 10–102.

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

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

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

15 (2) transportation solely provided by or on behalf of a unit of federal,
16 State, or local government, or a not-for-profit organization as identified in § 501(c)(3)
17 and (4) of the Internal Revenue Code, that requires a criminal history records check
18 and driving record check for its drivers, for clients of services including:

19 (i) aging support;

20 (ii) developmental and other disabilities;

21 (iii) kidney dialysis;

22 (iv) Medical Assistance Program;

23 (v) Head Start;

24 (vi) Welfare-to-Work;

25 (vii) mental health; and

26 (viii) job training.

27 (c) Subsection (b)(2) of this section may not be construed to limit the
28 application of this title or Title 9 of this article to a for-hire driver or other person who
29 operates a motor vehicle for hire or provides transportation of persons for hire in

1 addition to providing transportation services to clients of services listed in subsection
 2 (b)(2) of this section.

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

4 (1) a not-for-profit organization that provides transportation for
 5 remuneration to clients of services listed in subsection (b)(2) of this section may be
 6 required to obtain a motor carrier permit under Title 9 of this article; but

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

11 (e) (1) A driver employed or offered employment by a governmental unit
 12 or not-for-profit organization under subsection (b)(2) of this section shall apply to the
 13 Criminal Justice Information System Central Repository of the Department of Public
 14 Safety and Correctional Services for a State criminal history records check on or before
 15 the first day of the driver's actual employment.

16 (2) As part of the application for a State criminal history records
 17 check, the driver employed or offered employment by the governmental unit or
 18 not-for-profit organization shall submit to the Central Repository:

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

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

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

26 1. the governmental unit or not-for-profit organization;
 27 and

28 2. the driver.

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

33 1. the governmental unit or not-for-profit organization;
 34 and

35 2. the driver.

1 (4) In accordance with regulations adopted by the Department of
2 Public Safety and Correctional Services, the governmental unit or not-for-profit
3 organization shall verify periodically a list of its drivers.

4 (5) Information the governmental unit or not-for-profit organization
5 obtains from the Central Repository under this subsection shall be:

6 (i) confidential and may not be disseminated; and

7 (ii) used only for the employment purpose authorized by this
8 section.

9 (6) In accordance with § 10-223 of the Criminal Procedure Article, a
10 driver employed by a governmental unit or not-for-profit organization may challenge
11 the contents of a printed statement or revised printed statement issued by the Central
12 Repository.

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

15 (1) the designation of taxicab stands; and

16 (2) the restriction or prohibition of cruising along a public street when
17 the cruising would menace the public safety or unduly congest traffic.

18 **10-113.**

19 **(A) A PERSON MAY NOT PROVIDE PASSENGER-FOR-HIRE SERVICES**
20 **UNDER THIS TITLE UNLESS THE PERSON:**

21 **(1) OBTAINS FROM AN INSURER AUTHORIZED TO TRANSACT**
22 **BUSINESS IN THE STATE, A LIABILITY INSURANCE POLICY THAT:**

23 **(I) IS APPROVED BY THE COMMISSION IN ALL RESPECTS,**
24 **INCLUDING POLICY PROVISIONS, FORM, AND AMOUNTS; AND**

25 **(II) INSURES THE PERSON AGAINST LIABILITY TO A**
26 **PASSENGER OR MEMBER OF THE PUBLIC FOR PROPERTY DAMAGE, PERSONAL**
27 **INJURY, OR DEATH RESULTING FROM AN ACCIDENT IN WHICH THE LIMOUSINE**
28 **OR SEDAN IS INVOLVED; OR**

29 **(2) DEPOSITS WITH THE COMMISSION A BOND WITH A CASUALTY**
30 **OR SURETY COMPANY AUTHORIZED TO DO BUSINESS IN THE STATE THAT:**

1 (I) IS APPROVED BY THE COMMISSION IN ALL RESPECTS,
2 INCLUDING PROVISIONS, FORM, SURETY, AND AMOUNTS; AND

3 (II) IS MADE OUT TO THE STATE AS OBLIGEE FOR THE USE
4 AND BENEFIT OF PASSENGERS AND MEMBERS OF THE PUBLIC, AND
5 UNDERTAKES TO INDEMNIFY PASSENGERS AND MEMBERS OF THE PUBLIC
6 AGAINST PROPERTY DAMAGE, PERSONAL INJURY, OR DEATH RESULTING FROM
7 AN ACCIDENT IN WHICH THE LIMOUSINE OR SEDAN IS INVOLVED.

8 (B) THE MINIMUM AMOUNT OF THE LIABILITY INSURANCE POLICY OR
9 THE BOND WITH CASUALTY OR SURETY COMPANY AUTHORIZED TO DO BUSINESS
10 IN THE STATE REQUIRED IN SUBSECTION (A) OF THIS SECTION SHALL BE
11 \$1,500,000 FOR EACH SEDAN OR LIMOUSINE THAT THE PERSON USES TO
12 PROVIDE PASSENGER-FOR-HIRE SERVICES.

13 10-114.

14 ANY MATERIALS ADVERTISING PASSENGER-FOR-HIRE SERVICES BY A
15 PERSON LICENSED WITH THE COMMISSION SHALL INCLUDE THE PERMIT
16 NUMBER ASSIGNED TO THE CARRIER COMPANY BY THE COMMISSION.

17 **Article - Transportation**

18 13-614.

19 (A) (1) THIS SECTION APPLIES TO ALL LIMOUSINES AND SEDANS
20 THAT ARE USED TO PROVIDE PASSENGER-FOR-HIRE SERVICES IN ACCORDANCE
21 WITH TITLE 10, SUBTITLE 1 OF THE PUBLIC UTILITY COMPANIES ARTICLE.

22 (2) THIS SECTION DOES NOT APPLY TO ANY MOTOR VEHICLE
23 THAT IS USED TO PROVIDE TAXICAB SERVICES.

24 (B) THE ADMINISTRATION SHALL ISSUE SPECIAL VEHICLE
25 REGISTRATION PLATES OF THE SIZE AND DESIGN THAT THE ADMINISTRATION
26 DETERMINES FOR EACH LIMOUSINE OR SEDAN THAT IS USED TO PROVIDE
27 PASSENGER-FOR-HIRE SERVICES UNDER A PERMIT ISSUED BY THE PUBLIC
28 SERVICE COMMISSION.

29 13-939.

30 (a) When registered with the Administration, every limousine operated for
31 hire is a Class Q (limousine) vehicle.

32 (b) For each Class Q (limousine) vehicle, the annual registration fee is
33 \$185.00.

1 [(c) On registration of a vehicle under this section, the Administration shall
2 issue special limousine vehicle registration plates of the size and design that the
3 Administration determines.]

4 **21-1127.**

5 (A) IN THIS SECTION, “PROVIDE PASSENGER-FOR-HIRE SERVICES” HAS
6 THE MEANING STATED IN § 10-101 OF THE PUBLIC UTILITY COMPANIES
7 ARTICLE.

8 (B) AN INDIVIDUAL MAY NOT OPERATE A LIMOUSINE OR SEDAN TO
9 PROVIDE PASSENGER-FOR-HIRE SERVICES UNLESS THE INDIVIDUAL HOLDS A
10 VALID FOR-HIRE DRIVER’S LICENSE ISSUED BY THE PUBLIC SERVICE
11 COMMISSION.

12 (C) A PERSON MAY NOT PERMIT AN INDIVIDUAL TO OPERATE A
13 LIMOUSINE OR SEDAN TO PROVIDE PASSENGER-FOR-HIRE SERVICES UNLESS
14 THE INDIVIDUAL OPERATING THE LIMOUSINE OR SEDAN HOLDS A VALID
15 FOR-HIRE DRIVER’S LICENSE ISSUED BY THE PUBLIC SERVICE COMMISSION.

16 **21-1128.**

17 (A) IN THIS SECTION, “PROVIDE PASSENGER-FOR-HIRE SERVICES” HAS
18 THE MEANING STATED IN § 10-101 OF THE PUBLIC UTILITY COMPANIES
19 ARTICLE.

20 (B) AN INDIVIDUAL MAY NOT OPERATE A LIMOUSINE OR SEDAN THAT IS
21 USED TO PROVIDE PASSENGER-FOR-HIRE SERVICES THAT IS NOT EQUIPPED
22 WITH SPECIAL VEHICLE REGISTRATION PLATES ISSUED BY THE
23 ADMINISTRATION IN ACCORDANCE WITH § 13-614 OF THIS ARTICLE.

24 (C) A PERSON MAY NOT PERMIT AN INDIVIDUAL TO OPERATE A
25 LIMOUSINE OR SEDAN THAT IS USED TO PROVIDE PASSENGER-FOR-HIRE
26 SERVICES THAT IS NOT EQUIPPED WITH SPECIAL VEHICLE REGISTRATION
27 PLATES ISSUED BY THE ADMINISTRATION IN ACCORDANCE WITH § 13-614 OF
28 THIS ARTICLE.

29 27-101.

30 (g) Any person who is convicted of a violation of any of the following sections
31 of this article is subject to a fine of not more than \$1,000:

32 (1) § 13-704 (“Fraud in application”);

1 (2) § 21-706 (“Overtaking and passing school vehicle”); [or]

2 (3) § 21-901.1(a) (“Reckless driving”);

3 (4) § 21-1127 (“**PROVIDING PASSENGER-FOR-HIRE SERVICES**
4 **WITHOUT A FOR-HIRE LICENSE**”); OR

5 (5) § 21-1128 (“**OPERATING A PASSENGER-FOR-HIRE VEHICLE**
6 **WITHOUT PROPER REGISTRATION PLATES**”).

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 2008.