

HOUSE BILL 1088

C5, R4, R5

(9lr1825)

ENROLLED BILL

—Economic Matters / Finance—

Introduced by **Delegates DeBoy, G. Clagett, Doory, Frick, Jones, Lafferty, Malone, Schuler, and Stein**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

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

3 FOR the purpose of repealing a certain provision exempting a certain limousine
4 services permit from a certain annual assessment; authorizing the use of the
5 For-Hire Driving Services Enforcement Fund for certain enforcement activities
6 relating to limousine services; altering the definition of "limousine" for purposes
7 of certain vehicle laws; prohibiting an individual from operating for hire a
8 limousine designed to carry no more than a certain number of passengers unless
9 the individual holds a certain for-hire driver's license ~~and the limousine~~
10 ~~displays certain registration plates~~; prohibiting a person from permitting an
11 individual to operate for hire a limousine designed to carry no more than a
12 certain number of passengers unless the individual operating the limousine
13 holds a certain for-hire driver's license and the limousine displays certain

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber committee amendments.

Bold italics indicate conference committee amendments.



1 registration plates; providing for a certain penalty for a violation of certain
2 provisions of this Act; requiring that a certain number of points be assessed
3 against an individual under a certain point system maintained by the Motor
4 Vehicle Administration for a violation of ~~certain provisions~~ a certain provision of
5 this Act; and generally relating to limousines and limousine services.

6 BY renumbering

7 Article – Transportation
8 Section 16–402(a)(10) through (37), respectively
9 to be Section 16–402(a)(11) through (38), respectively
10 Annotated Code of Maryland
11 (2006 Replacement Volume and 2008 Supplement)

12 BY repealing and reenacting, without amendments,

13 Article – Public Utility Companies
14 Section 10–101(a), (e), (f), (g), (h), (i), and (j), 10–102(b), and 10–103(a)
15 Annotated Code of Maryland
16 (2008 Replacement Volume and 2008 Supplement)

17 BY repealing and reenacting, with amendments,

18 Article – Public Utility Companies
19 Section 10–112
20 Annotated Code of Maryland
21 (2008 Replacement Volume and 2008 Supplement)

22 BY repealing and reenacting, with amendments,

23 Article – Transportation
24 Section 11–129.1 and 27–101(z)
25 Annotated Code of Maryland
26 (2006 Replacement Volume and 2008 Supplement)

27 BY repealing and reenacting, without amendments,

28 Article – Transportation
29 Section 13–939
30 Annotated Code of Maryland
31 (2006 Replacement Volume and 2008 Supplement)

32 BY adding to

33 Article – Transportation
34 Section 16–402(a)(10) and 21–1127
35 Annotated Code of Maryland
36 (2006 Replacement Volume and 2008 Supplement)

37 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
38 MARYLAND, That Section(s) 16–402(a)(10) through (37), respectively, of Article –
39 Transportation of the Annotated Code of Maryland be renumbered to be Section(s)
40 16–402(a)(11) through (38), respectively.

1 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
2 read as follows:

3 **Article – Public Utility Companies**

4 10–101.

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

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

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

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

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

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

15 (ii) providing taxicab services.

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

17 (1) providing limousine services; and

18 (2) providing sedan services.

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

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

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

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

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

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

3 (i) "Remuneration" includes:

4 (1) a fare;

5 (2) a fee;

6 (3) a toll;

7 (4) a gratuity; and

8 (5) personal services.

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

11 (2) "Sedan service" does not include providing taxicab services or
12 limousine services.

13 10-102.

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

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

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

21 (i) aging support;

22 (ii) developmental and other disabilities;

23 (iii) kidney dialysis;

24 (iv) Medical Assistance Program;

25 (v) Head Start;

26 (vi) Welfare-to-Work;

27 (vii) mental health; and

1 (viii) job training.

2 10-103.

3 (a) Except as provided in subsection (b) of this section, a person may not
4 operate a motor vehicle for hire in the State under a permit or authorization to
5 transport passengers issued by the Commission or the appropriate local authority
6 unless the person holds a for-hire driver's license issued by the Commission.

7 10-112.

8 (a) There is a For-Hire Driving Services Enforcement Fund.

9 (b) The Fund is a special, nonlapsing fund that is not subject to § 7-302 of
10 the State Finance and Procurement Article.

11 (c) The purpose of the Fund is to provide adequate resources for the
12 Commission to enforce the requirements of this title concerning for-hire driving
13 services.

14 (d) (1) The Fund consists of assessments made on permits for vehicles
15 regulated by the Commission to provide for-hire driving services in the State.

16 (2) The Commission shall establish an assessment not exceeding \$40
17 to be paid annually with respect to each vehicle permit to provide for-hire driving
18 services, except for a vehicle permit to be used exclusively for[:

19 (i) limousine service; or

20 (ii)] employee van transportation to or from a designated work
21 site.

22 (e) The Fund is to be used solely for statewide enforcement activities of the
23 Commission relating to taxicab services, **LIMOUSINE SERVICES**, and sedan services.

24 **Article - Transportation**

25 11-129.1.

26 "Limousine" means a vehicle that:

27 (1) Has been modified or stretched for transportation of passengers;
28 [and]

29 (2) **IS DRIVEN AS PART OF A SERVICE PROVIDED BY A PERSON**
30 **THAT ADVERTISES ITSELF AS A PROVIDER OF LIMOUSINE SERVICES OR**

1 **REGISTERS WITH THE PUBLIC SERVICE COMMISSION AS A PROVIDER OF**
2 **LIMOUSINE SERVICES; OR**

3 (3) Is equipped with amenities not normally provided in passenger
4 cars, including a custom interior, television, video cassette recorder, musical sound
5 system, telephone, ice storage area, additional interior lighting, and driver-passenger
6 communication such as an intercom or power-operated driver partition.

7 13-939.

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

10 (b) For each Class Q (limousine) vehicle, the annual registration fee is
11 \$185.00.

12 (c) On registration of a vehicle under this section, the Administration shall
13 issue special limousine vehicle registration plates of the size and design that the
14 Administration determines.

15 16-402.

16 (a) After the conviction of an individual for a violation of Title 2, Subtitle 5, §
17 2-209, or § 3-211 of the Criminal Law Article, or of the vehicle laws or regulations of
18 this State or of any local authority, points shall be assessed against the individual as
19 of the date of violation and as follows:

20 (10) OPERATING A LIMOUSINE ~~OR ALLOWING AN INDIVIDUAL~~
21 ~~TO OPERATE A LIMOUSINE~~ IN VIOLATION OF ~~§ 21-1127~~ § 21-1127(A) OF THIS
22 ARTICLE 2 POINTS

23 **21-1127.**

24 (A) AN INDIVIDUAL MAY NOT OPERATE FOR HIRE A LIMOUSINE
25 DESIGNED TO CARRY 15 OR FEWER INDIVIDUALS, INCLUDING THE DRIVER,
26 UNLESS:

27 (1) ~~THE~~ THE INDIVIDUAL HOLDS A VALID FOR-HIRE DRIVER'S
28 LICENSE ISSUED BY THE PUBLIC SERVICE COMMISSION; ~~AND~~

29 (2) ~~THE LIMOUSINE DISPLAYS SPECIAL LIMOUSINE VEHICLE~~
30 ~~REGISTRATION PLATES ISSUED UNDER § 13-939 OF THIS ARTICLE.~~

1 **(B) A PERSON MAY NOT ALLOW AN INDIVIDUAL TO OPERATE FOR HIRE**
2 **A LIMOUSINE DESIGNED TO CARRY 15 OR FEWER INDIVIDUALS, INCLUDING THE**
3 **DRIVER, UNLESS:**

4 **(1) THE INDIVIDUAL OPERATING THE LIMOUSINE HOLDS A VALID**
5 **FOR-HIRE DRIVER’S LICENSE ISSUED BY THE PUBLIC SERVICE COMMISSION;**
6 **AND**

7 **(2) THE LIMOUSINE DISPLAYS SPECIAL LIMOUSINE VEHICLE**
8 **REGISTRATION PLATES ISSUED UNDER § 13-939 OF THIS ARTICLE.**

9 27-101.

10 (z) Any person who is convicted of a violation of § 21-1126 **OR § 21-1127** of
11 this article is guilty of a misdemeanor and on conviction is subject to imprisonment not
12 exceeding 1 year or a fine not exceeding \$1,000 or both.

13 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2009.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.