

HOUSE BILL 1088

C5, R4, R5

9lr1825
CF SB 688

By: **Delegates DeBoy, G. Clagett, Doory, Frick, Jones, Lafferty, Malone, Schuler, and Stein**

Introduced and read first time: February 13, 2009

Assigned to: Economic Matters

A BILL ENTITLED

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
14 registration plates; providing for a certain penalty for a violation of certain
15 provisions of this Act; requiring that a certain number of points be assessed
16 against an individual under a certain point system maintained by the Motor
17 Vehicle Administration for a violation of certain provisions of this Act; and
18 generally relating to limousines and limousine services.

19 BY renumbering

20 Article – Transportation
21 Section 16-402(a)(10) through (37), respectively
22 to be Section 16-402(a)(11) through (38), respectively
23 Annotated Code of Maryland
24 (2006 Replacement Volume and 2008 Supplement)

25 BY repealing and reenacting, without amendments,

26 Article – Public Utility Companies
27 Section 10-101(a), (e), (f), (g), (h), (i), and (j), 10-102(b), and 10-103(a)
28 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2008 Replacement Volume and 2008 Supplement)

2 BY repealing and reenacting, with amendments,
 3 Article – Public Utility Companies
 4 Section 10–112
 5 Annotated Code of Maryland
 6 (2008 Replacement Volume and 2008 Supplement)

7 BY repealing and reenacting, with amendments,
 8 Article – Transportation
 9 Section 11–129.1 and 27–101(z)
 10 Annotated Code of Maryland
 11 (2006 Replacement Volume and 2008 Supplement)

12 BY repealing and reenacting, without amendments,
 13 Article – Transportation
 14 Section 13–939
 15 Annotated Code of Maryland
 16 (2006 Replacement Volume and 2008 Supplement)

17 BY adding to
 18 Article – Transportation
 19 Section 16–402(a)(10) and 21–1127
 20 Annotated Code of Maryland
 21 (2006 Replacement Volume and 2008 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 23 MARYLAND, That Section(s) 16–402(a)(10) through (37), respectively, of Article –
 24 Transportation of the Annotated Code of Maryland be renumbered to be Section(s)
 25 16–402(a)(11) through (38), respectively.

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

28 **Article – Public Utility Companies**

29 10–101.

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

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

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

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

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

4 (i) providing passenger-for-hire services; and

5 (ii) providing taxicab services.

6 (g) “Provide passenger-for-hire services” includes:

7 (1) providing limousine services; and

8 (2) providing sedan services.

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

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

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

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

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

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

21 (i) “Remuneration” includes:

22 (1) a fare;

23 (2) a fee;

24 (3) a toll;

25 (4) a gratuity; and

26 (5) personal services.

27 (j) (1) “Sedan service” means operating a motor vehicle for hire using a
28 motor vehicle designed to carry 15 or fewer individuals, including the driver.

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

3 10-102.

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

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

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

11 (i) aging support;

12 (ii) developmental and other disabilities;

13 (iii) kidney dialysis;

14 (iv) Medical Assistance Program;

15 (v) Head Start;

16 (vi) Welfare-to-Work;

17 (vii) mental health; and

18 (viii) job training.

19 10-103.

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

24 10-112.

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

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

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

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

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

6 (i) limousine service; or

7 (ii)] employee van transportation to or from a designated work
8 site.

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

11 Article - Transportation

12 11-129.1.

13 "Limousine" means a vehicle that:

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

16 (2) **IS DRIVEN AS PART OF A SERVICE PROVIDED BY A PERSON**
17 **THAT ADVERTISES ITSELF AS A PROVIDER OF LIMOUSINE SERVICES OR**
18 **REGISTERS WITH THE PUBLIC SERVICE COMMISSION AS A PROVIDER OF**
19 **LIMOUSINE SERVICES; OR**

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

24 13-939.

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

27 (b) For each Class Q (limousine) vehicle, the annual registration fee is
28 \$185.00.

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

1 16-402.

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

6 (10) OPERATING A LIMOUSINE OR ALLOWING AN INDIVIDUAL
7 TO OPERATE A LIMOUSINE IN VIOLATION OF § 21-1127 OF THIS
8 ARTICLE 2 POINTS

9 21-1127.

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

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

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

17 (B) A PERSON MAY NOT ALLOW AN INDIVIDUAL TO OPERATE FOR HIRE
18 A LIMOUSINE DESIGNED TO CARRY 15 OR FEWER INDIVIDUALS, INCLUDING THE
19 DRIVER, UNLESS:

20 (1) THE INDIVIDUAL OPERATING THE LIMOUSINE HOLDS A VALID
21 FOR-HIRE DRIVER'S LICENSE ISSUED BY THE PUBLIC SERVICE COMMISSION;
22 AND

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

25 27-101.

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

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