

BY: Finance Committee

AMENDMENTS TO SENATE BILL 868
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “Senator Ferguson” and substitute “Senators Ferguson, Middleton, Benson, Hershey, Klausmeier, Mathias, Pugh, and Reilly”; and in line 2, after “Services” insert “and For-Hire Transportation”.

On pages 1 through 3, strike beginning with “authorizing” in line 4 on page 1 down through “provisions” in line 5 on page 3 and substitute “providing that certain insurance is deemed to satisfy a certain financial responsibility requirement for a motor vehicle under certain provisions of law; authorizing a certain insurer that writes motor vehicle liability coverage to exclude certain coverage and a certain duty to defend under a certain personal motor vehicle insurance policy under certain circumstances; providing that a motor vehicle insurer has a right of contribution against certain other insurers under certain circumstances; providing that a certain provision of law is not deemed to invalidate or limit a certain motor vehicle insurance policy exclusion; requiring a motor vehicle insurer that excludes coverage for providing transportation network services to provide certain written notice to certain persons at certain times; prohibiting a certain law from being construed to require a certain coverage; providing that a certain policy may not be required to be dependent on a certain insurer first denying a certain claim; providing that a certain insurer is not precluded from providing a certain motor vehicle insurance coverage; requiring the Insurance Commissioner to make a certain determination annually through a certain date regarding the availability of a certain insurance market to provide certain coverage to the transportation network services industry; stating a certain intent of the General Assembly; altering certain definitions to establish the scope of the provision of certain types of transportation services; prohibiting a certain person from operating a certain motor vehicle for hire under a certain permit or authorization to transport passengers unless the person holds a certain license issued by the Public Service Commission; requiring a person providing

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transportation network services in a certain geographic area to hold a certain transportation network operator's license issued by the Commission unless the person is providing a trip for which a certain entity requires a certificate of authority; prohibiting an applicant for a for-hire driver's license from providing sedan services, limousine services, or taxicab services unless the applicant has been granted certain authority or been issued a certain license by the Commission to provide the services; authorizing the Commission to issue a temporary driver's license to an applicant if certain requirements are met; authorizing the Commission to issue a permanent driver's license if the applicant submits a certain supplemental criminal background check; providing a certain exception to the requirement for a supplemental background check for certain applicants before a certain date and under certain circumstances; authorizing certain companies to request a waiver from certain requirements under certain circumstances; requiring the Commission to make a certain determination within a certain period of time; requiring the Commission to adopt certain regulations to ensure that transportation network companies and operators are making reasonable efforts to make certain services available to certain persons; prohibiting an operator from providing transportation network services unless the Commission has authorized the operator to operate on a provisional basis or has issued a certain temporary or permanent transportation network operator's license; authorizing the Commission to issue a temporary transportation network operator license to an applicant if certain requirements are met; authorizing the Commission to issue a permanent transportation network operator license if the applicant submits a certain supplemental criminal background check; providing a certain exception to the requirement for the supplemental background check before a certain date and under certain circumstances; authorizing a transportation network company to request a waiver from certain requirements under certain circumstances; requiring the Commission to make a certain determination within a certain period of time; authorizing a transportation network company to submit certain information on behalf of an operator; requiring the Commission to adopt certain regulations that provide a certain process for the submission of information and the issuance and renewal of certain licenses; providing that certain records are not subject to release under the Maryland Public Information Act or any other law; prohibiting the Commission from disclosing certain records or

information under certain circumstances; requiring an operator, a transportation network company, or both to maintain certain motor vehicle insurance; establishing certain motor vehicle insurance requirements for an operator providing transportation network services, including the amount of certain security and coverage requirements; requiring a transportation network company to verify certain coverage and provide certain policy information to the Commission and the Insurance Commissioner; authorizing the Commission to consult with the Insurance Commissioner under certain circumstances; prohibiting the Commission and the Insurance Commissioner from disclosing certain information; requiring certain motor vehicle insurance to be issued by certain insurers under certain circumstances; requiring a transportation network company to provide certain disclosures to a certain operator before the operator may accept a request for a certain ride; requiring a certain operator to provide certain information to certain interested parties under certain circumstances; requiring a transportation network company and certain insurers to cooperate to facilitate the exchange of information under certain circumstances; providing that the authority of certain jurisdictions to impose an assessment, tax, fee, or charge is not limited by a certain provision of law; authorizing a certain county or municipality to impose a certain assessment on certain transportation services under certain circumstances; prohibiting an assessment from exceeding a certain amount under certain circumstances; requiring that certain revenue be used for certain purposes; authorizing a certain county or municipality that licensed or regulated taxicab services on or before a certain date to impose a certain assessment on certain trips; requiring a county, before imposing an assessment in a municipality, to provide certain notice and time to the municipality; requiring a municipality, before imposing a certain assessment, to provide certain notice and time to the county; authorizing a county and municipality to enter into certain agreements; requiring a certain county or municipality that imposes a certain assessment to provide certain notice to the Comptroller under certain circumstances; requiring a transportation network company to collect and submit certain assessments, fees, charges, or taxes to the Comptroller; requiring the Comptroller to distribute certain amounts to a certain account; prohibiting a certain amount distributed to a certain account from exceeding a certain percentage of certain revenue; authorizing the Comptroller to inspect certain locations under certain circumstances; prohibiting the

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Comptroller from disclosing certain information under certain circumstances; authorizing the Comptroller to adopt certain regulations or other requirements or procedures to govern the administration, collection, and enforcement of certain assessments under certain circumstances; establishing a Transportation Network Assessment Fund as a continuing, nonlapsing fund; specifying the purpose of the Fund; requiring the Comptroller to make certain deposits and certain disbursements; requiring the State Treasurer to be the custodian of the Fund; prohibiting any part of the Fund from reverting or being credited to the General Fund or certain special funds; stating a certain intent of the General Assembly; defining certain terms; requiring the Maryland Insurance Administration to conduct a certain study; requiring the Administration to report findings and recommendations to specified committees; requiring the Commission to study certain laws and regulations and report findings and recommendations by a certain date to specified committees”.

On page 3, in line 6, after “services” insert “and for-hire transportation”; after line 6, insert:

“BY repealing and reenacting, without amendments,

Article – Insurance

Section 3-319

Annotated Code of Maryland

(2011 Replacement Volume and 2014 Supplement)

BY adding to

Article – Insurance

Section 19-517 and 19-517.1

Annotated Code of Maryland

(2011 Replacement Volume and 2014 Supplement)”;

in line 9, after “(a)” insert “, 10-101(a), (d), and (f), and 10-103(b)”; in line 14, strike “and 10-102(b)” and substitute “, 10-101(e), (g), and (j), 10-103(a); and 10-401 and 10-402 to be under the amended subtitle “Subtitle 5. Prohibitions; Penalties””; in line 19, strike

“4-101.1” and substitute “10-101(l), (m), and (n); 10-103(c); 10-104.1”; in the same line, strike “10.5-101” and substitute “10-401”; in the same line, strike “10.5-112” and substitute “10-407”; in line 20, strike “title” and substitute “subtitle”; in the same line, strike “Title 10.5” and substitute “Subtitle 4”; and in the same line, after “Network” insert “Company”.

AMENDMENT NO. 2

On page 3, after line 24, insert:

“Article – Insurance

3–319.

(a) A surplus lines broker may not place surplus lines insurance with an unauthorized insurer that:

(1) has not been approved by the Commissioner as a surplus lines insurer in accordance with § 3–318 of this subtitle;

(2) for an insurer not domiciled in the State, has not qualified under § 3–303 of this subtitle;

(3) has been determined by the Commissioner to be insolvent or unsafe financially under subsection (b) of this section; or

(4) has been determined by the Commissioner to have refused to pay just claims.

(b) (1) The Commissioner shall direct that surplus lines insurance may not be placed with a surplus lines insurer that has been approved by the Commissioner if the Commissioner determines that the surplus lines insurer:

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- (i) is not in a safe or solvent financial condition; or
- (ii) has refused to pay just claims.

(2) After written notice of a determination made by the Commissioner under paragraph (1) of this subsection is mailed by the Commissioner to qualified surplus lines brokers, surplus lines insurance may not be placed with the surplus lines insurer.

(c) Notwithstanding any other provision of this subtitle, a surplus lines broker may not place surplus lines insurance with an insurer if the broker knows, or reasonably should know, that the insurer is in an unsafe or insolvent financial condition.

(d) A qualified surplus lines broker may not place a risk in an unauthorized insurer that has not previously appointed the Commissioner as agent for the acceptance of service of process.

19-517.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “TRANSPORTATION NETWORK COMPANY” HAS THE MEANING STATED IN § 10-101 OF THE PUBLIC UTILITIES ARTICLE.

(3) “TRANSPORTATION NETWORK OPERATOR” HAS THE MEANING STATED IN § 10-101 OF THE PUBLIC UTILITIES ARTICLE.

(4) “TRANSPORTATION NETWORK SERVICES” HAS THE MEANING STATED IN § 10-101 OF THE PUBLIC UTILITIES ARTICLE.

(B) INSURANCE REQUIRED UNDER § 10-405 OF THE PUBLIC UTILITIES ARTICLE SHALL BE DEEMED TO SATISFY THE FINANCIAL RESPONSIBILITY REQUIREMENT FOR A MOTOR VEHICLE UNDER §§ 19-505 AND 19-509 OF THIS ARTICLE AND TITLE 17, SUBTITLE 1 OF THE TRANSPORTATION ARTICLE.

(C) (1) AN AUTHORIZED INSURER THAT WRITES MOTOR VEHICLE LIABILITY INSURANCE IN THE STATE MAY EXCLUDE ANY AND ALL COVERAGE AND THE DUTY TO DEFEND AFFORDED UNDER AN OWNER'S OR OPERATOR'S PERSONAL MOTOR VEHICLE INSURANCE POLICY FOR ANY LOSS OR INJURY THAT OCCURS WHILE THE VEHICLE OPERATOR IS PROVIDING TRANSPORTATION NETWORK SERVICES.

(2) A MOTOR VEHICLE INSURER THAT DEFENDS OR INDEMNIFIES A CLAIM AGAINST A DRIVER FOR WHICH COVERAGE IS EXCLUDED UNDER THE TERMS OF ITS POLICY SHALL HAVE A RIGHT OF CONTRIBUTION AGAINST OTHER INSURERS THAT PROVIDE INSURANCE TO THE SAME DRIVER IN SATISFACTION OF THE REQUIREMENTS OF § 10-405 OF THE PUBLIC UTILITIES ARTICLE AT THE TIME OF THE LOSS.

(3) NOTHING IN THIS SECTION OR § 10-405 OF THE PUBLIC UTILITIES ARTICLE SHALL BE DEEMED TO INVALIDATE OR LIMIT AN EXCLUSION CONTAINED IN A POLICY, INCLUDING ANY POLICY IN USE OR APPROVED FOR USE BEFORE JULY 1, 2015, THAT EXCLUDES COVERAGE FOR MOTOR VEHICLES THAT ARE USED TO TRANSPORT PASSENGERS OR PROPERTY FOR A CHARGE OR ARE AVAILABLE FOR HIRE BY THE PUBLIC.

(4) THE RIGHT TO EXCLUDE COVERAGE AND THE DUTY TO DEFEND UNDER PARAGRAPH (1) OF THIS SUBSECTION APPLIES TO ANY COVERAGE INCLUDED IN A MOTOR VEHICLE LIABILITY INSURANCE POLICY, INCLUDING:

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(I) LIABILITY COVERAGE FOR BODILY INJURY AND PROPERTY DAMAGE;

(II) UNINSURED AND UNDERINSURED MOTORIST COVERAGE;

(III) MEDICAL PAYMENTS COVERAGE;

(IV) PERSONAL INJURY PROTECTION COVERAGE;

(V) COMPREHENSIVE PHYSICAL DAMAGE COVERAGE; AND

(VI) COLLISION PHYSICAL DAMAGE COVERAGE.

(5) IF A MOTOR VEHICLE INSURER EXCLUDES COVERAGE FOR PROVIDING TRANSPORTATION NETWORK SERVICES, THE MOTOR VEHICLE INSURER SHALL PROVIDE WRITTEN NOTICE TO THE NAMED INSURED STATING THAT THE POLICY EXCLUDES COVERAGE FOR PROVIDING TRANSPORTATION NETWORK SERVICES:

(I) FOR A POLICY INITIALLY PURCHASED ON OR AFTER JANUARY 1, 2016, AT THE TIME OF ISSUANCE; AND

(II) FOR A POLICY IN FORCE BEFORE JANUARY 1, 2016, AT THE TIME THE POLICY FIRST RENEWS AFTER JANUARY 1, 2016.

(D) (1) NOTHING IN THIS SECTION OR § 10-405 OF THE PUBLIC UTILITIES ARTICLE:

(I) MAY BE CONSTRUED TO REQUIRE A PERSONAL MOTOR VEHICLE INSURANCE POLICY TO PROVIDE PRIMARY OR EXCESS COVERAGE; OR

(II) IMPLIES OR REQUIRES THAT A PERSONAL MOTOR VEHICLE INSURANCE POLICY PROVIDE COVERAGE WHILE THE VEHICLE OPERATOR IS PROVIDING TRANSPORTATION NETWORK SERVICES.

(2) COVERAGE UNDER A MOTOR VEHICLE INSURANCE POLICY MAINTAINED BY A TRANSPORTATION NETWORK COMPANY MAY NOT BE DEPENDENT ON A PERSONAL MOTOR VEHICLE INSURER FIRST DENYING A CLAIM, NOR MAY A PERSONAL MOTOR VEHICLE INSURANCE POLICY BE REQUIRED TO FIRST DENY A CLAIM.

(3) NOTHING IN THIS SECTION OR § 10-405 OF THE PUBLIC UTILITIES ARTICLE PRECLUDES A MOTOR VEHICLE INSURER FROM PROVIDING COVERAGE FOR AN OPERATOR'S MOTOR VEHICLE WHILE THE OPERATOR IS PROVIDING TRANSPORTATION NETWORK SERVICES IF THE MOTOR VEHICLE INSURER ELECTS TO DO SO BY CONTRACT OR ENDORSEMENT.

19-517.1.

(A) BEGINNING JULY 1, 2017, AND ANNUALLY THEREAFTER THROUGH JULY 1, 2021, THE COMMISSIONER SHALL MAKE A DETERMINATION WHETHER, WITH REGARD TO THE REQUIRED COVERAGES UNDER § 10-405(A) OF THE PUBLIC UTILITIES ARTICLE, THERE IS A VIABLE, AFFORDABLE, AND ADEQUATE MARKET OF ADMITTED CARRIERS IN THE STATE AVAILABLE TO PROVIDE THE REQUIRED COVERAGES TO THE TRANSPORTATION NETWORK SERVICES INDUSTRY.

(B) TO THE EXTENT THAT THE COMMISSIONER MAKES AN AFFIRMATIVE FINDING OF AVAILABILITY, AND IN ACCORDANCE WITH THE PROVISIONS OF TITLE 3, SUBTITLE 3 OF THIS ARTICLE, IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT REQUIRED COVERAGES BE OBTAINED FROM ADMITTED INSURERS.

AMENDMENT NO. 3

On page 4, in line 6, strike “and”; in line 7, after “company” insert “; AND”

(VIII) A TRANSPORTATION NETWORK COMPANY”;

in line 12, strike the brackets; strike beginning with the semicolon in line 14 down through “OPERATOR” in line 16; in lines 18 and 22, in each instance, strike “§ 10.5-101” and substitute “§ 10-101”; strike beginning with “(QQ)” in line 19 down through “ARTICLE.” in line 20; in lines 21 and 23, strike “(RR)” and “(SS)”, respectively, and substitute “(QQ)” and “(RR)”, respectively.

On page 5, in lines 4 and 6, strike “(TT)” and “(UU)”, respectively, and substitute “(SS)” and “(TT)”, respectively.

On pages 5 through 19, strike in their entirety the lines beginning with line 8 on page 5 through line 7 on page 19, inclusive, and substitute:

“10-101.

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

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

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

(2) a taxicab driver's license.

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

(2) "Limousine service" does not include providing taxicab services [or], sedan services, OR TRANSPORTATION NETWORK SERVICES.

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

(2) "Operate a motor vehicle for hire" includes:

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

(ii) providing taxicab services.

(g) "Provide passenger-for-hire services" includes:

(1) providing limousine services; [and]

(2) providing sedan services; AND

(3) PROVIDING TRANSPORTATION NETWORK SERVICES.

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

(2) "Sedan service" does not include providing taxicab services [or], limousine services, OR TRANSPORTATION NETWORK SERVICES.

(L) “TRANSPORTATION NETWORK COMPANY” MEANS A COMPANY THAT HAS BEEN ISSUED A PERMIT BY THE COMMISSION AND 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 PROVIDING TAXICAB SERVICES, SEDAN SERVICES, OR LIMOUSINE SERVICES.

10-103.

(a) Except as provided in [subsection] SUBSECTIONS (b) AND (C) of this section, a person may not operate a motor vehicle for hire in the State under a permit or authorization to transport passengers issued by the Commission or the appropriate local authority unless the person holds a for-hire driver's license OR A TRANSPORTATION NETWORK OPERATOR'S LICENSE issued by the Commission.

(b) (1) A county or municipal corporation may license taxicab drivers who drive taxicabs that are based in that county or municipal corporation if, at a minimum, the county or municipal corporation conducts a criminal record check and driving record check of each applicant for a license.

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(2) A taxicab driver licensed by a county or municipal corporation is not required to be licensed by the Commission.

(C) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED:

(II) "WASHINGTON METROPOLITAN AREA TRANSIT DISTRICT" MEANS THE TRANSIT DISTRICT CREATED UNDER § 10-204 OF THE TRANSPORTATION ARTICLE AND INCLUDES, FOR THE STATE, MONTGOMERY AND PRINCE GEORGE'S COUNTIES AND THE POLITICAL SUBDIVISIONS LOCATED WITHIN THOSE COUNTIES.

(III) "WMATC" MEANS THE WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION CREATED UNDER § 10-204 OF THE TRANSPORTATION ARTICLE.

(2) A PERSON PROVIDING TRANSPORTATION NETWORK SERVICES IN THE PORTION OF THE WASHINGTON METROPOLITAN AREA TRANSIT DISTRICT LOCATED WITHIN THE STATE MUST HOLD A TRANSPORTATION NETWORK OPERATOR'S LICENSE ISSUED BY THE COMMISSION UNLESS THE PERSON IS PROVIDING A TRIP FOR WHICH WMATC REQUIRES A CERTIFICATE OF AUTHORITY.

10-104.1.

(A) AN APPLICANT FOR A FOR-HIRE DRIVER'S LICENSE MAY NOT PROVIDE SEDAN SERVICES, LIMOUSINE SERVICES, OR TAXICAB SERVICES UNLESS THE COMMISSION HAS AUTHORIZED THE APPLICANT TO OPERATE ON A PROVISIONAL BASIS OR HAS ISSUED A VALID TEMPORARY OR PERMANENT

DRIVER'S LICENSE TO PROVIDE SEDAN SERVICES, LIMOUSINE SERVICES, OR TAXICAB SERVICES.

(B) THE COMMISSION MAY APPROVE AN APPLICANT AND ISSUE A TEMPORARY DRIVER'S LICENSE TO THE APPLICANT IF:

(1) THE APPLICANT PROVIDES ALL INFORMATION THAT THE COMMISSION REQUIRES FOR THE APPLICATION, INCLUDING THE INFORMATION SPECIFIED IN ITEM (2) OF THIS SUBSECTION; AND

(2) THE COMMISSION IS SATISFIED WITH THE SUCCESSFUL SUBMISSION OF THE APPLICANT'S:

(I) NATIONAL CRIMINAL HISTORY RECORDS CHECK:

1. CONDUCTED BY THE NATIONAL ASSOCIATION OF PROFESSIONAL BACKGROUND SCREENERS OR A COMPARABLE ENTITY APPROVED BY THE COMMISSION; AND

2. THAT INCLUDES:

A. A MULTI-STATE MULTI-JURISDICTION CRIMINAL RECORDS DATABASE SEARCH OR A SEARCH OF A SIMILAR NATIONWIDE DATABASE WITH VALIDATION;

B. A SEARCH OF THE SEX OFFENDER AND CRIMES AGAINST MINORS REGISTRY; AND

(Over)

C. A SEARCH OF THE U.S. DEPARTMENT OF JUSTICE'S NATIONAL SEX OFFENDER PUBLIC WEB SITE; AND

(II) DRIVING RECORD CHECK THAT INCLUDES A DRIVING HISTORY RESEARCH REPORT.

(C) (1) SUBJECT TO SUBSECTION (D) OF THIS SECTION, THE COMMISSION MAY ISSUE A PERMANENT FOR-HIRE DRIVER'S LICENSE TO AN APPLICANT ON THE SUBMISSION OF A SATISFACTORY SUPPLEMENTAL CRIMINAL BACKGROUND CHECK AS SET FORTH UNDER § 10-104(B) OF THIS SUBTITLE.

(2) FOR TAXICAB SERVICES, THE APPLICANT MUST SUBMIT, WITHIN 30 DAYS OF THE ISSUANCE OF A TEMPORARY LICENSE, A SATISFACTORY SUPPLEMENTAL CRIMINAL BACKGROUND CHECK AS SET FORTH UNDER § 10-104(B) OF THIS SUBTITLE.

(D) BEFORE APRIL 1, 2016, THE COMMISSION MAY NOT REQUIRE AN APPLICANT FOR A FOR-HIRE DRIVER'S LICENSE TO COMPLY WITH SUBSECTION (C) OF THIS SECTION IF A SEDAN COMPANY OR LIMOUSINE COMPANY FOR WHICH THE APPLICANT WILL PROVIDE SERVICES, AT THE TIME IT APPLIES FOR A PERMIT, PROVIDES TO THE COMMISSION DETAILS OF THE PROCESS THE SEDAN COMPANY OR LIMOUSINE COMPANY USES TO COLLECT, REVIEW, AND SUBMIT THE INFORMATION SPECIFIED IN SUBSECTION (B)(2) OF THIS SECTION.

(E) (1) A SEDAN COMPANY OR LIMOUSINE COMPANY MAY REQUEST THAT THE COMMISSION WAIVE THE REQUIREMENT TO COMPLY WITH SUBSECTION (C) OF THIS SECTION AND INSTEAD COMPLY WITH SUBSECTION (B)(2) OF THIS SECTION FOR APPLICANTS AND DRIVERS OF THE SEDAN COMPANY OR LIMOUSINE COMPANY.

(2) ON RECEIPT OF A REQUEST UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE COMMISSION SHALL:

(I) DETERMINE WHETHER THE SEDAN COMPANY'S OR LIMOUSINE COMPANY'S PROCESS FOR COMPLYING WITH SUBSECTION (B)(2) OF THIS SECTION CAN BE SHOWN TO BE AS COMPREHENSIVE AND ACCURATE AS COMPLYING WITH THE SUPPLEMENTAL CRIMINAL BACKGROUND CHECK AS SET FORTH UNDER § 10-104(B) OF THIS SUBTITLE; AND

(II) WITHIN 3 MONTHS OF RECEIVING THE REQUEST, DETERMINE WHETHER TO:

1. GRANT THE WAIVER;
2. DENY THE WAIVER; OR
3. APPROVE AN ALTERNATIVE PROCESS.

(F) A SEDAN COMPANY, LIMOUSINE COMPANY, OR TAXICAB COMPANY MAY SUBMIT THE INFORMATION UNDER SUBSECTION (B) OF THIS SECTION ON BEHALF OF AN APPLICANT.

(G) THE COMMISSION SHALL ADOPT REGULATIONS THAT PROVIDE A PROCESS THAT IS AS EXPEDITIOUS AS POSSIBLE AND USES ELECTRONIC MEANS FOR:

(1) THE SUBMISSION OF THE INFORMATION UNDER SUBSECTION (B) OF THIS SECTION;

(2) THE ISSUANCE OF A TEMPORARY OR PERMANENT DRIVER'S LICENSE AND ALTERNATIVE AUTHORITY TO OPERATE ON A PROVISIONAL BASIS; AND

(3) THE RENEWAL OF A DRIVER'S LICENSE.

(H) (1) RECORDS PROVIDED TO THE COMMISSION BY A SEDAN COMPANY, LIMOUSINE COMPANY, OR TAXICAB COMPANY UNDER THIS SECTION ARE NOT SUBJECT TO RELEASE UNDER THE MARYLAND PUBLIC INFORMATION ACT OR ANY OTHER LAW.

(2) THE COMMISSION MAY NOT DISCLOSE RECORDS OR INFORMATION PROVIDED TO THE COMMISSION UNDER THIS SECTION TO ANY PERSON UNLESS THE DISCLOSURE IS REQUIRED BY SUBPOENA OR COURT ORDER.

(3) IF A SUBPOENA OR COURT ORDER REQUIRES THE COMMISSION TO DISCLOSE INFORMATION PROVIDED TO THE COMMISSION UNDER THIS SECTION, THE COMMISSION SHALL PROMPTLY NOTIFY THE SEDAN COMPANY, LIMOUSINE COMPANY, OR TAXICAB COMPANY BEFORE DISCLOSING THE INFORMATION.

SUBTITLE 4. TRANSPORTATION NETWORK COMPANY SERVICES.

10-401.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “INSURANCE COMMISSIONER” MEANS THE INSURANCE COMMISSIONER OF THE MARYLAND INSURANCE ADMINISTRATION.

(C) “OPERATOR” MEANS A TRANSPORTATION NETWORK OPERATOR, TRANSPORTATION NETWORK PARTNER, OR TRANSPORTATION NETWORK DRIVER.

10-402.

(A) THIS SUBTITLE APPLIES TO TRANSPORTATION NETWORK COMPANIES, OPERATORS, AND TRANSPORTATION NETWORK SERVICES.

(B) TO THE EXTENT NOT OTHERWISE COVERED IN THIS SUBTITLE, TRANSPORTATION NETWORK COMPANIES, OPERATORS, AND TRANSPORTATION NETWORK SERVICES SHALL BE SUBJECT TO:

(1) ANY APPLICABLE PROVISIONS OF TITLES 9 AND 10 OF THIS ARTICLE; AND

(2) REGULATIONS ADOPTED BY THE COMMISSION FOR THE REGULATION OF TRANSPORTATION NETWORK SERVICES.

10-403.

(A) THE COMMISSION SHALL ADOPT REGULATIONS TO ENSURE THAT TRANSPORTATION NETWORK COMPANIES AND OPERATORS ARE MAKING REASONABLE EFFORTS TO MAKE TRANSPORTATION NETWORK SERVICES ACCESSIBLE TO ALL PEOPLE, INCLUDING INDIVIDUALS WITH DISABILITIES.

(B) THE REGULATIONS ADOPTED BY THE COMMISSION UNDER SUBSECTION (A) OF THIS SECTION SHALL PROVIDE FOR:

(1) THE TRANSPORTATION OF PASSENGERS WITH SERVICE ANIMALS;

(2) THE ACCESSIBILITY OF WEB SITES AND MOBILE APPLICATIONS USED TO PROVIDE TRANSPORTATION NETWORK SERVICES;

(3) THE REASONABLE ACCOMMODATIONS NECESSARY TO SERVE INDIVIDUALS WITH DISABILITIES; AND

(4) THE PROVISION OF INFORMATION TO AN OPERATOR BY A TRANSPORTATION NETWORK COMPANY RELATED TO THE REQUIREMENTS OF FEDERAL AND STATE LAWS RELATED TO ANTIDISCRIMINATION.

10-404.

(A) AN OPERATOR MAY NOT PROVIDE TRANSPORTATION NETWORK SERVICES UNLESS THE COMMISSION HAS AUTHORIZED THE OPERATOR TO OPERATE ON A PROVISIONAL BASIS OR HAS ISSUED A VALID TEMPORARY OR PERMANENT TRANSPORTATION NETWORK OPERATOR'S LICENSE TO PROVIDE TRANSPORTATION NETWORK SERVICES.

(B) THE COMMISSION MAY APPROVE AN APPLICANT TO BE AN OPERATOR AND ISSUE A TEMPORARY TRANSPORTATION NETWORK OPERATOR'S LICENSE TO THE APPLICANT IF:

(1) THE APPLICANT PROVIDES ALL INFORMATION THAT THE COMMISSION REQUIRES FOR THE APPLICATION, INCLUDING THE INFORMATION SPECIFIED IN ITEM (2) OF THIS SUBSECTION; AND

(2) THE COMMISSION IS SATISFIED WITH THE SUCCESSFUL SUBMISSION OF THE APPLICANT'S:

(I) NATIONAL CRIMINAL HISTORY RECORDS CHECK:

1. CONDUCTED BY THE NATIONAL ASSOCIATION OF PROFESSIONAL BACKGROUND SCREENERS OR A COMPARABLE ENTITY APPROVED BY THE COMMISSION; AND

2. THAT INCLUDES:

A. A MULTI-STATE MULTI-JURISDICTION CRIMINAL RECORDS DATABASE SEARCH OR A SEARCH OF A SIMILAR NATIONWIDE DATABASE WITH VALIDATION;

B. A SEARCH OF THE SEX OFFENDER AND CRIMES AGAINST MINORS REGISTRY; AND

C. A SEARCH OF THE U.S. DEPARTMENT OF JUSTICE'S NATIONAL SEX OFFENDER PUBLIC WEB SITE; AND

(II) DRIVING RECORD CHECK THAT INCLUDES A DRIVING HISTORY RESEARCH REPORT.

(C) SUBJECT TO SUBSECTION (D) OF THIS SECTION, THE COMMISSION MAY ISSUE A PERMANENT TRANSPORTATION NETWORK OPERATOR'S LICENSE TO AN APPLICANT UPON THE SUBMISSION OF A SATISFACTORY SUPPLEMENTAL CRIMINAL BACKGROUND CHECK AS SET FORTH UNDER § 10-104(B) OF THIS TITLE.

(D) BEFORE APRIL 1, 2016, THE COMMISSION MAY NOT REQUIRE AN APPLICANT FOR A PERMANENT TRANSPORTATION NETWORK OPERATOR'S LICENSE TO COMPLY WITH SUBSECTION (C) OF THIS SECTION IF A TRANSPORTATION NETWORK COMPANY FOR WHICH THE APPLICANT WILL PROVIDE SERVICES, AT THE TIME IT APPLIES FOR A PERMIT, PROVIDES TO THE COMMISSION DETAILS OF THE PROCESS THE TRANSPORTATION NETWORK COMPANY USES TO COLLECT, REVIEW, AND SUBMIT THE INFORMATION SPECIFIED IN SUBSECTION (B)(2) OF THIS SECTION.

(E) (1) A TRANSPORTATION NETWORK COMPANY MAY REQUEST THAT THE COMMISSION WAIVE THE REQUIREMENT TO COMPLY WITH SUBSECTION (C) OF THIS SECTION AND INSTEAD REQUIRE COMPLIANCE WITH SUBSECTION (B)(2) OF THIS SECTION FOR APPLICANTS AND OPERATORS OF THE TRANSPORTATION NETWORK COMPANY.

(2) ON RECEIPT OF A REQUEST UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE COMMISSION SHALL:

(I) DETERMINE WHETHER THE TRANSPORTATION NETWORK COMPANY'S PROCESS FOR COMPLYING WITH SUBSECTION (B)(2) OF THIS SECTION CAN BE SHOWN TO BE AS COMPREHENSIVE AND ACCURATE AS COMPLYING WITH THE SUPPLEMENTAL CRIMINAL BACKGROUND CHECK AS SET FORTH UNDER § 10-104(B) OF THIS TITLE; AND

(II) WITHIN 3 MONTHS OF RECEIVING THE REQUEST, DETERMINE WHETHER TO:

1. GRANT THE WAIVER;
2. DENY THE WAIVER; OR
3. APPROVE AN ALTERNATIVE PROCESS.

(F) A TRANSPORTATION NETWORK COMPANY MAY SUBMIT THE INFORMATION UNDER SUBSECTION (B) OF THIS SECTION ON BEHALF OF AN OPERATOR.

(G) THE COMMISSION SHALL ADOPT REGULATIONS THAT PROVIDE A PROCESS THAT IS AS EXPEDITIOUS AS POSSIBLE AND USES ELECTRONIC MEANS FOR:

(1) THE SUBMISSION OF THE INFORMATION UNDER SUBSECTION (B) OF THIS SECTION;

(2) THE ISSUANCE OF A TEMPORARY OR PERMANENT TRANSPORTATION NETWORK OPERATOR'S LICENSE AND ALTERNATIVE AUTHORITY TO OPERATE ON A PROVISIONAL BASIS; AND

(3) THE RENEWAL OF A TRANSPORTATION NETWORK OPERATOR'S LICENSE.

(H) (1) RECORDS PROVIDED TO THE COMMISSION BY A TRANSPORTATION NETWORK COMPANY UNDER THIS SECTION ARE NOT SUBJECT

(Over)

TO RELEASE UNDER THE MARYLAND PUBLIC INFORMATION ACT OR ANY OTHER LAW.

(2) THE COMMISSION MAY NOT DISCLOSE RECORDS OR INFORMATION PROVIDED TO THE COMMISSION UNDER THIS SECTION TO ANY PERSON UNLESS THE DISCLOSURE IS REQUIRED BY SUBPOENA OR COURT ORDER.

(3) IF A SUBPOENA OR COURT ORDER REQUIRES THE COMMISSION TO DISCLOSE INFORMATION PROVIDED TO THE COMMISSION UNDER THIS SECTION, THE COMMISSION SHALL PROMPTLY NOTIFY THE TRANSPORTATION NETWORK COMPANY BEFORE DISCLOSING THE INFORMATION.

10-405.

(A) (1) AN OPERATOR, A TRANSPORTATION NETWORK COMPANY ON BEHALF OF THE OPERATOR, OR A COMBINATION OF BOTH SHALL MAINTAIN PRIMARY MOTOR VEHICLE INSURANCE THAT:

(I) RECOGNIZES THAT THE OPERATOR IS A TRANSPORTATION NETWORK OPERATOR OR OTHERWISE USES A MOTOR VEHICLE TO TRANSPORT PASSENGERS FOR HIRE; AND

(II) COVERS THE OPERATOR WHILE THE OPERATOR IS PROVIDING TRANSPORTATION NETWORK SERVICES.

(2) (I) THE FOLLOWING MOTOR VEHICLE INSURANCE REQUIREMENTS SHALL APPLY WHILE AN OPERATOR IS PROVIDING TRANSPORTATION NETWORK SERVICES:

1. SECURITY OF AT LEAST:

A. FOR THE PAYMENT OF CLAIMS FOR BODILY INJURY OR DEATH ARISING FROM AN ACCIDENT, UP TO \$50,000 FOR ANY ONE PERSON AND UP TO \$100,000 FOR ANY TWO OR MORE PERSONS, IN ADDITION TO INTEREST AND COSTS; AND

B. FOR THE PAYMENT OF CLAIMS FOR PROPERTY OF OTHERS DAMAGED OR DESTROYED IN AN ACCIDENT, UP TO \$25,000, IN ADDITION TO INTEREST AND COSTS;

2. UNINSURED MOTORIST INSURANCE COVERAGE REQUIRED UNDER § 19-509 OF THE INSURANCE ARTICLE; AND

3. PERSONAL INJURY PROTECTION COVERAGE REQUIRED UNDER § 19-505 OF THE INSURANCE ARTICLE; AND

(II) THE COVERAGE REQUIREMENTS UNDER THIS PARAGRAPH MAY BE SATISFIED BY MOTOR VEHICLE INSURANCE MAINTAINED BY:

1. AN OPERATOR;

2. A TRANSPORTATION NETWORK COMPANY; OR

3. BOTH AN OPERATOR AND A TRANSPORTATION NETWORK COMPANY.

(B) IF INSURANCE IS PROVIDED BY BOTH THE TRANSPORTATION NETWORK COMPANY AND THE OPERATOR UNDER SUBSECTION (A) OF THIS

SECTION, THE INSURANCE MAINTAINED BY THE TRANSPORTATION NETWORK OPERATOR IS PRIMARY.

(C) THE INSURANCE MAINTAINED BY A TRANSPORTATION NETWORK COMPANY SHALL PROVIDE THE COVERAGE REQUIRED UNDER SUBSECTION (A) OF THIS SECTION FROM THE FIRST DOLLAR OF A CLAIM AND PROVIDE FOR THE DUTY TO DEFEND THE CLAIM IN THE EVENT THE INSURANCE MAINTAINED BY AN OPERATOR UNDER SUBSECTION (A) OF THIS SECTION HAS COVERAGE THAT HAS BEEN CANCELED OR HAS LAPSED OR IS OTHERWISE NOT IN FORCE.

(D) (1) A TRANSPORTATION NETWORK COMPANY SHALL:

(I) VERIFY THAT THE COVERAGE REQUIRED UNDER SUBSECTION (A) OF THIS SECTION IS MAINTAINED AT ALL TIMES; AND

(II) PROVIDE TO THE COMMISSION AND THE INSURANCE COMMISSIONER, ANNUALLY UPON EACH RENEWAL:

1. A VALID CERTIFICATE OF INSURANCE COVERAGE THAT MEETS THE REQUIREMENTS OF SUBSECTION (A) OF THIS SECTION AND THAT:

A. IS PREPARED BY THE INSURER;

B. IS SIGNED BY AN OFFICER OF THE INSURER;

C. IS IN A FORM ACCEPTABLE TO THE COMMISSION;

D. STATES THE NAME AND HOME OFFICE ADDRESS OF THE INSURER PROVIDING COVERAGE TO THE TRANSPORTATION NETWORK COMPANY;

E. STATES THE EFFECTIVE DATES OF THE COVERAGE;

F. STATES A GENERAL DESCRIPTION OF THE COVERAGE; AND

G. INCLUDES A CERTIFICATION OF A POLICY PROVISION THAT WILL NOTIFY THE COMMISSION AND THE INSURANCE COMMISSIONER OF ANY TERMINATION OF COVERAGE AT LEAST 60 DAYS IN ADVANCE OF THE EFFECTIVE DATE OF THE TERMINATION; AND

2. THE UNDERLYING POLICY FOR THE COVERAGE REQUIRED UNDER SUBSECTION (A) OF THIS SECTION.

(2) (i) THE COMMISSION MAY CONSULT WITH THE INSURANCE COMMISSIONER CONCERNING THE PROVISIONS OF THE UNDERLYING POLICY PROVIDED TO THE COMMISSION AND THE INSURANCE COMMISSIONER UNDER PARAGRAPH (1)(II)2 OF THIS SUBSECTION.

(ii) 1. RECORDS PROVIDED TO THE COMMISSION BY A TRANSPORTATION NETWORK COMPANY UNDER THIS SECTION ARE NOT SUBJECT TO RELEASE UNDER THE MARYLAND PUBLIC INFORMATION ACT OR ANY OTHER LAW.

2. THE COMMISSION AND THE INSURANCE COMMISSIONER MAY NOT DISCLOSE RECORDS OR INFORMATION PROVIDED TO

THE COMMISSION AND THE INSURANCE COMMISSIONER UNDER THIS SECTION TO ANY PERSON UNLESS THE DISCLOSURE IS REQUIRED BY SUBPOENA OR COURT ORDER.

3. IF A SUBPOENA OR COURT ORDER REQUIRES THE COMMISSION OR THE INSURANCE COMMISSIONER TO DISCLOSE INFORMATION PROVIDED TO THE COMMISSION OR THE INSURANCE COMMISSIONER UNDER THIS SECTION, THE COMMISSION OR THE INSURANCE COMMISSIONER, AS APPROPRIATE, PROMPTLY SHALL NOTIFY THE TRANSPORTATION NETWORK COMPANY BEFORE DISCLOSING THE INFORMATION.

(E) INSURANCE REQUIRED UNDER SUBSECTION (A) OF THIS SECTION SHALL BE ISSUED BY:

(1) AN INSURER AUTHORIZED TO DO BUSINESS IN THE STATE; OR

(2) SOLELY WITH RESPECT TO INSURANCE MAINTAINED BY A TRANSPORTATION NETWORK COMPANY, AN ELIGIBLE SURPLUS LINES INSURER:

(I) IN ACCORDANCE WITH THE REQUIREMENTS OF TITLE 3, SUBTITLE 3 OF THE INSURANCE ARTICLE; AND

(II) HAVING AN A.M. BEST FINANCIAL STRENGTH RATING OF A- OR BETTER.

(F) BEFORE AN OPERATOR MAY ACCEPT A REQUEST FOR A RIDE MADE THROUGH THE TRANSPORTATION NETWORK COMPANY'S DIGITAL NETWORK, THE TRANSPORTATION NETWORK COMPANY SHALL DISCLOSE TO THE OPERATOR, IN WRITING, THE FOLLOWING:

(1) THE INSURANCE COVERAGE, INCLUDING THE TYPES OF COVERAGE AND THE LIMITS FOR EACH COVERAGE, THAT THE TRANSPORTATION NETWORK COMPANY PROVIDES WHILE THE OPERATOR IS PROVIDING TRANSPORTATION NETWORK SERVICES;

(2) THAT THE OPERATOR SHOULD CONTACT THE OPERATOR'S PERSONAL MOTOR VEHICLE INSURER OR AGENT TO:

(i) ADVISE THE INSURER OR AGENT THAT THE OPERATOR WILL BE PROVIDING TRANSPORTATION NETWORK SERVICES; AND

(ii) TO DETERMINE THE COVERAGE, IF ANY, THAT MAY BE AVAILABLE FROM THE OPERATOR'S PERSONAL MOTOR VEHICLE POLICY; AND

(3) THAT, IF THE MOTOR VEHICLE THAT THE OPERATOR USES TO PROVIDE TRANSPORTATION NETWORK SERVICES HAS A LIEN AGAINST IT, USING THE MOTOR VEHICLE FOR TRANSPORTATION NETWORK SERVICES WITHOUT PHYSICAL DAMAGE COVERAGE MAY VIOLATE THE TERMS OF THE CONTRACT WITH THE LIENHOLDER.

(G) (1) IF AN ACCIDENT OCCURS THAT INVOLVES A MOTOR VEHICLE THAT IS BEING USED TO PROVIDE TRANSPORTATION NETWORK SERVICES, THE OPERATOR, ON REQUEST OF DIRECTLY INTERESTED PARTIES, INCLUDING A MOTOR VEHICLE INSURER OR AN INVESTIGATIVE LAW ENFORCEMENT OFFICER, SHALL:

(i) PROVIDE PROOF OF INSURANCE SATISFYING THE REQUIREMENTS OF THIS SECTION; AND

(II) DISCLOSE WHETHER THE ACCIDENT OCCURRED WHILE THE OPERATOR WAS PROVIDING TRANSPORTATION NETWORK SERVICES.

(2) IN A CLAIM COVERAGE INVESTIGATION FOLLOWING A VEHICULAR ACCIDENT, A TRANSPORTATION NETWORK COMPANY AND ANY INSURER POTENTIALLY PROVIDING COVERAGE UNDER THIS SECTION SHALL COOPERATE TO FACILITATE THE EXCHANGE OF INFORMATION WITH DIRECTLY INVOLVED PARTIES AND ANY INSURER OF AN OPERATOR, IF APPLICABLE, INCLUDING:

(I) THE PRECISE TIMES THAT AN OPERATOR WAS LOGGED ONTO THE TRANSPORTATION NETWORK COMPANY'S DIGITAL NETWORK:

1. IN THE 12-HOUR PERIOD IMMEDIATELY PRECEDING THE ACCIDENT; AND

2. IN THE 12-HOUR PERIOD IMMEDIATELY FOLLOWING THE ACCIDENT; AND

(II) A CLEAR DESCRIPTION OF THE COVERAGE, EXCLUSIONS, AND LIMITS PROVIDED UNDER ANY MOTOR VEHICLE INSURANCE MAINTAINED UNDER THIS SECTION.

10-406.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANING INDICATED.

(2) "ASSESSMENT" MEANS A CHARGE IMPOSED BY A LOCAL JURISDICTION ON EACH TRANSPORTATION NETWORK SERVICE THAT INCLUDES

A PASSENGER TRIP DURING TRANSPORTATION NETWORK COVERAGE PERIOD THREE AS DESCRIBED IN § 10-101(N)(1)(III) OF THIS TITLE.

(3) “EXEMPT JURISDICTION” MEANS A COUNTY OR MUNICIPALITY THAT IMPOSED A TAX, FEE, OR CHARGE ON FOR-HIRE TRANSPORTATION SERVICES PROVIDED ON A PER RIDE OR PER PASSENGER BASIS IN THAT COUNTY OR MUNICIPALITY ON OR BEFORE JANUARY 1, 2015.

(B) THIS SECTION DOES NOT LIMIT THE AUTHORITY OF AN EXEMPT JURISDICTION TO IMPOSE AN ASSESSMENT, A TAX, A FEE, OR A CHARGE ON FOR-HIRE TRANSPORTATION SERVICES, INCLUDING TRANSPORTATION NETWORK SERVICES.

(C) (1) IN ACCORDANCE WITH SUBSECTIONS (D) AND (E) OF THIS SECTION, A COUNTY OR MUNICIPALITY MAY IMPOSE AN ASSESSMENT UNDER THIS SECTION.

(2) EXCEPT IN AN EXEMPT JURISDICTION, AN ASSESSMENT AUTHORIZED BY THIS SECTION MAY NOT EXCEED 25 CENTS PER TRIP.

(3) EXCEPT AS PROVIDED IN SUBSECTION (E)(2) OF THIS SECTION AND SUBJECT TO THE LIMITATION IN PARAGRAPH (2) OF THIS SUBSECTION, AN ASSESSMENT MAY NOT BE IMPOSED ON A TRANSPORTATION NETWORK SERVICE BY BOTH A COUNTY AND A MUNICIPALITY.

(4) THE REVENUE GENERATED FROM AN ASSESSMENT AUTHORIZED UNDER THIS SECTION SHALL BE USED FOR TRANSPORTATION PURPOSES.

(D) A COUNTY OR MUNICIPALITY THAT LICENSED OR REGULATED TAXICAB SERVICES ON OR BEFORE JANUARY 1, 2015, EITHER DIRECTLY OR THROUGH THE COMMISSION AS PROVIDED IN § 10-202 OF THIS TITLE, MAY IMPOSE AN ASSESSMENT ON TRIPS THAT ORIGINATE WITHIN THE COUNTY OR MUNICIPALITY.

(E) (1) THIS SUBSECTION APPLIES TO A COUNTY THAT:

(I) IS NOT AUTHORIZED TO IMPOSE AN ASSESSMENT UNDER SUBSECTION (D) OF THIS SECTION; AND

(II) HAS NOT IMPOSED AN ASSESSMENT BY JULY 1, 2016.

(2) BEFORE THE COUNTY MAY IMPOSE AN ASSESSMENT IN A MUNICIPALITY, THE COUNTY SHALL:

(I) NOTIFY THE MUNICIPALITY OF THE COUNTY'S INTENT TO IMPOSE AN ASSESSMENT ON TRANSPORTATION NETWORK SERVICES THAT ORIGINATE IN THE MUNICIPALITY; AND

(II) PROVIDE THE MUNICIPALITY REASONABLE TIME TO PASS AN ORDINANCE AUTHORIZING THE IMPOSITION OF AN ASSESSMENT.

(3) BEFORE A MUNICIPALITY MAY IMPOSE AN ASSESSMENT, THE MUNICIPALITY SHALL:

(I) NOTIFY THE COUNTY OF THE MUNICIPALITY'S INTENT TO IMPOSE AN ASSESSMENT; AND

(II) IF THE COUNTY IMPOSES AN ASSESSMENT, PROVIDE THE COUNTY REASONABLE TIME TO NOTIFY THE COMPTROLLER BEFORE THE MUNICIPALITY'S ASSESSMENT BECOMES EFFECTIVE.

(4) NOTWITHSTANDING PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, A COUNTY AND MUNICIPALITY MAY ENTER INTO AN AGREEMENT TO SHARE REVENUES AND ALLOCATE THEM IN ANY MANNER.

(F) A COUNTY OR MUNICIPALITY THAT IMPOSES AN ASSESSMENT SHALL NOTIFY THE COMPTROLLER OF:

(1) THE AMOUNT OF THE ASSESSMENT; AND

(2) ANY CHANGE IN THE ASSESSMENT AMOUNT AT LEAST 120 DAYS BEFORE THE NEW AMOUNT TAKES EFFECT.

(G) (1) THIS SUBSECTION GOVERNS THE COLLECTION, REMITTANCE, ACCOUNTING, AND USE OF REVENUES FROM ASSESSMENTS IMPOSED BY A COUNTY OR MUNICIPALITY UNDER THIS SECTION.

(2) A TRANSPORTATION NETWORK COMPANY SHALL:

(I) COLLECT ASSESSMENTS ON BEHALF OF AN OPERATOR WHO ACCEPTS A REQUEST FOR A RIDE MADE THROUGH THE TRANSPORTATION NETWORK COMPANY'S DIGITAL NETWORK;

(II) COLLECT ANY ASSESSMENT, FEE, CHARGE, OR TAX IMPOSED BY AN EXEMPT JURISDICTION ON A TRANSPORTATION NETWORK SERVICE; AND

(III) SUBMIT TO THE COMPTROLLER NO LATER THAN 30 DAYS AFTER THE END OF A CALENDAR QUARTER, OR AS OTHERWISE SPECIFIED BY THE COMPTROLLER IN REGULATIONS:

1. THE ASSESSMENTS AND OTHER REVENUES COLLECTED BY THE TRANSPORTATION NETWORK COMPANY ON BEHALF OF THE TRANSPORTATION NETWORK OPERATORS;

2. THE ALLOCATION OF THE ASSESSMENTS AND OTHER REVENUES ATTRIBUTABLE TO EACH COUNTY OR MUNICIPALITY THAT HAS IMPOSED AN ASSESSMENT BASED ON WHERE THE TRIP ORIGINATED; AND

3. UNDER OATH, A CERTIFICATION THAT IT HAS SUBMITTED THE CORRECT AMOUNT OF ASSESSMENTS AND REVENUES.

(3) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, FROM THE ASSESSMENTS AND REVENUES IMPOSED BY COUNTIES AND MUNICIPALITIES, THE COMPTROLLER SHALL DISTRIBUTE EACH QUARTER THE AMOUNT NECESSARY TO ADMINISTER THE ASSESSMENTS TO AN ADMINISTRATIVE COST ACCOUNT.

(II) THE AMOUNT DISTRIBUTED TO THE ADMINISTRATIVE COST ACCOUNT MAY NOT EXCEED 5% OF THE REVENUE FROM THE ASSESSMENTS AND OTHER REVENUE.

(4) AFTER MAKING THE DISTRIBUTION REQUIRED BY PARAGRAPH (2) OF THIS SUBSECTION, WITHIN 45 DAYS OF THE END OF EACH CALENDAR

QUARTER, THE COMPTROLLER SHALL DISTRIBUTE THE REMAINING REVENUE TO THE COUNTY OR MUNICIPALITY THAT IS THE SOURCE OF THE REVENUE.

(5) (I) THE COMPTROLLER MAY INSPECT, AT A TRANSPORTATION NETWORK COMPANY'S PLACE OF BUSINESS OR A MUTUALLY AGREED LOCATION, NO MORE THAN ANNUALLY, RECORDS NECESSARY TO ENSURE THAT THE TRANSPORTATION NETWORK COMPANY HAS REMITTED TO THE COMPTROLLER THE CORRECT REVENUES AND ALLOCATIONS.

(II) RECORDS PROVIDED TO THE COMPTROLLER BY A TRANSPORTATION NETWORK COMPANY UNDER THIS SUBSECTION ARE NOT SUBJECT TO RELEASE UNDER THE MARYLAND PUBLIC INFORMATION ACT OR ANY OTHER LAW.

(III) SUBJECT TO SUBPARAGRAPH (IV) OF THIS PARAGRAPH, THE COMPTROLLER MAY NOT DISCLOSE RECORDS OR INFORMATION PROVIDED BY A TRANSPORTATION NETWORK COMPANY UNLESS THE DISCLOSURE IS REQUIRED BY A SUBPOENA OR COURT ORDER.

(IV) IF A SUBPOENA OR COURT ORDER REQUIRES THE COMPTROLLER TO DISCLOSE INFORMATION PROVIDED BY A TRANSPORTATION NETWORK COMPANY, THE COMPTROLLER SHALL PROMPTLY NOTIFY THE TRANSPORTATION NETWORK COMPANY BEFORE DISCLOSING THE INFORMATION.

(6) THE COMPTROLLER MAY ADOPT REGULATIONS OR OTHER REQUIREMENTS OR PROCEDURES TO CARRY OUT THE PROVISIONS OF THIS SECTION, INCLUDING REQUIREMENTS AND PROCEDURES REGARDING THE ADMINISTRATION, COLLECTION, AND ENFORCEMENT OF THE ASSESSMENT.

(Over)

10-407.

(A) THERE IS A TRANSPORTATION NETWORK ASSESSMENT FUND.

(B) THE FUND CONSISTS OF ASSESSMENT REVENUES SUBMITTED TO THE COMPTROLLER FROM TRANSPORTATION NETWORK COMPANIES UNDER § 10-406(G) OF THIS SUBTITLE.

(C) THE PURPOSE OF THE FUND IS TO:

(1) RECEIVE ASSESSMENT REVENUES SUBMITTED FROM TRANSPORTATION NETWORK COMPANIES; AND

(2) DISBURSE ASSESSMENT REVENUES TO THE APPROPRIATE COUNTIES AND MUNICIPALITIES IN ACCORDANCE WITH THIS SUBSECTION.

(D) (1) THE COMPTROLLER SHALL:

(I) DEPOSIT IN THE FUND ASSESSMENT REVENUES RECEIVED FROM TRANSPORTATION NETWORK COMPANIES; AND

(II) DISBURSE TRIP ASSESSMENT REVENUES TO THE APPROPRIATE COUNTIES AND MUNICIPALITIES.

(2) THE TREASURER IS THE CUSTODIAN OF THE FUND.

(E) (1) THE FUND IS A CONTINUING, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE, AND MAY NOT BE DEEMED A PART OF THE GENERAL FUND OF THE STATE.

(2) NO PART OF THE FUND MAY REVERT OR BE CREDITED TO:

(I) THE GENERAL FUND OF THE STATE; OR

(II) A SPECIAL FUND OF THE STATE.

Subtitle [4.] 5. Prohibitions; Penalties.

[10-401.] 10-501.

(a) A person may not transport, solicit for transport, or agree to transport any person or baggage in a motor vehicle for hire unless the operator of the motor vehicle is licensed by the Commission.

(b) A person who owns or is in charge of a motor vehicle may not allow the motor vehicle to be used in violation of this section, § 10-109, or § 10-209 of this title.

[10-402.] 10-502.

(a) A person may not operate a vehicle that provides passenger-for-hire services in the State:

(1) unless the person is licensed as a passenger-for-hire driver by the Commission; or

(2) in violation of this title or Title 9, Subtitle 2 of this article.

(b) A person may not operate a vehicle that provides taxicab services in the State:

(Over)

(1) unless the person is licensed as a taxicab driver by the Commission or a county or municipal corporation; or

(2) that is under the jurisdiction of the Commission, in violation of this title.

(c) Subject to the hearing provisions of § 3-102(c) of this article, the Commission may impose on a person who violates this section a civil penalty not exceeding \$500 for each violation.”.

AMENDMENT NO. 4

On page 19, before line 8, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that:

(1) the insurance coverages for transportation network companies and transportation network operators required under this Act be provided, to the extent available, by insurance carriers admitted in the State; and

(2) the Maryland Insurance Administration expedite review of applications by authorized insurers for approval of insurance products for transportation network services, and that these products become available for purchase by July 1, 2016.

SECTION 3. AND BE IT FURTHER ENACTED, That the Maryland Insurance Administration:

(1) shall conduct a study on:

(i) the availability of coverages required under § 10-405 of the Public Utilities Article, as enacted by this Act, for the transportation network industry offered by insurers admitted in the State;

(ii) the methods to increase the availability of required coverages by admitted carriers; and

(iii) the affordability of required coverages;

(2) in conducting the study required under item (1) of this section, may consult with:

(i) the Public Service Commission;

(ii) representatives of insurance carriers in the State;

(iii) representatives of the surplus lines carrier industry;

(iv) representatives of the transportation network services industry;

(v) national insurance regulatory organizations; and

(vi) other interested parties, as determined by the Administration; and

(3) on or before November 1, 2016, report its findings and recommendations, including legislative and regulatory actions, to the Senate Finance Committee and the House Economic Matters Committee, in accordance with § 2-1246 of the State Government Article.

SECTION 4. AND BE IT FURTHER ENACTED, That the Public Service Commission shall:

(1) study the laws and regulations that apply to sedan services, limousine services, and taxicab services for purposes of modernizing and streamlining application processes and other requirements and allowing these services to better compete in the marketplace; and

(2) on or before December 1, 2015, submit an interim report and, on or before July 1, 2016, submit a final report with any findings and recommendations, including legislative and regulatory actions, to the Senate Finance Committee and the House Economic Matters Committee, in accordance with § 2-1246 of the State Government Article.

SECTION 5. AND BE IT FURTHER ENACTED, That this Act may not be construed to authorize a transportation network company to be out of compliance with applicable regulations adopted by the Public Service Commission in accordance with the Public Utilities Article, as amended by this Act.”.

and in line 8, strike “2.” and substitute “6.”.