

SENATE BILL 766

C5

7lr3171

By: **Senator Ferguson**

Introduced and read first time: February 3, 2017

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Public Utilities – Transportation Network Services – Operators’ Licenses and**
3 **Vehicle Permits**

4 FOR the purpose of requiring that a passenger motor vehicle used to provide certain
5 transportation network services have a certain safety inspection certificate issued
6 within a certain period after the first use of the vehicle to provide certain services
7 and annually after that; requiring that a safety inspection certificate be issued by
8 certain facilities; requiring a transportation network company to verify certain
9 information; requiring a safety inspection to verify the safe and proper operating
10 condition of certain equipment; prohibiting the Public Service Commission from
11 establishing a maximum age for certain passenger motor vehicles used to provide
12 certain services; requiring the Commission to adopt certain regulations; prohibiting
13 the Commission from denying an application for certain transportation network
14 operators’ licenses due to a criminal conviction or traffic violation that occurred more
15 than a certain number of years before the application, subject to an exception;
16 authorizing the Commission to deny a certain application if the applicant has been
17 convicted of certain crimes of violence or included on certain lists; defining certain
18 terms; and generally relating to the issuance of certain licenses and permits related
19 to transportation network services.

20 BY adding to

21 Article – Public Utilities
22 Section 9–209
23 Annotated Code of Maryland
24 (2010 Replacement Volume and 2016 Supplement)

25 BY repealing and reenacting, with amendments,

26 Article – Public Utilities
27 Section 10–404
28 Annotated Code of Maryland
29 (2010 Replacement Volume and 2016 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Public Utilities**

4 **9–209.**

5 (A) IN THIS SECTION, “TRANSPORTATION NETWORK COMPANY”,
6 “TRANSPORTATION NETWORK OPERATOR”, AND “TRANSPORTATION NETWORK
7 SERVICE” HAVE THE MEANINGS STATED IN § 10–101 OF THIS ARTICLE.

8 (B) THIS SECTION APPLIES TO A PERMIT ISSUED BY THE COMMISSION FOR
9 A PASSENGER MOTOR VEHICLE USED BY A TRANSPORTATION NETWORK OPERATOR
10 TO PROVIDE TRANSPORTATION NETWORK SERVICES.

11 (C) (1) A PASSENGER MOTOR VEHICLE SHALL HAVE A VALID SAFETY
12 INSPECTION CERTIFICATE THAT IS ISSUED:

13 (I) WITHIN 90 DAYS AFTER THE FIRST USE OF THE VEHICLE TO
14 PROVIDE TRANSPORTATION NETWORK SERVICES; AND

15 (II) ANNUALLY AFTER THAT.

16 (2) THE SAFETY INSPECTION CERTIFICATE SHALL BE ISSUED BY A
17 FACILITY THAT IS REGISTERED OR LICENSED BY ANY STATE OR LOCAL
18 GOVERNMENT TO PERFORM SAFETY INSPECTIONS.

19 (3) A TRANSPORTATION NETWORK COMPANY SHALL VERIFY:

20 (I) THE SAFETY INSPECTION CERTIFICATE; AND

21 (II) THE REGISTRATION OR LICENSE OF THE FACILITY THAT
22 PERFORMS THE SAFETY INSPECTION.

23 (4) A SAFETY INSPECTION SHALL VERIFY, AT A MINIMUM, THE SAFE
24 AND PROPER OPERATING CONDITION OF THE FOLLOWING EQUIPMENT:

25 (I) BRAKES AND BRAKE LIGHTS;

26 (II) BUMPERS;

27 (III) DOORS;

- 1 **(IV) EMERGENCY PARKING BRAKE;**
- 2 **(V) FRONT SEAT ADJUSTMENT MECHANISM;**
- 3 **(VI) HEADLIGHTS;**
- 4 **(VII) HORN;**
- 5 **(VIII) INTERIOR AND EXTERIOR REAR VIEW MIRRORS;**
- 6 **(IX) MUFFLER AND EXHAUST SYSTEM;**
- 7 **(X) REAR WINDOW AND OTHER GLASS;**
- 8 **(XI) SAFETY BELTS;**
- 9 **(XII) SPEEDOMETER;**
- 10 **(XIII) SUSPENSION AND STEERING MECHANISM;**
- 11 **(XIV) TAILLIGHTS;**
- 12 **(XV) TIRES AND TIRE TREAD;**
- 13 **(XVI) TURN INDICATOR LIGHTS; AND**
- 14 **(XVII) WINDSHIELD AND WINDSHIELD WIPERS.**

15 **(C) THE COMMISSION MAY NOT ESTABLISH A MAXIMUM AGE FOR A**
16 **PASSENGER MOTOR VEHICLE USED TO PROVIDE TRANSPORTATION NETWORK**
17 **SERVICES.**

18 **(D) THE COMMISSION SHALL ADOPT REGULATIONS TO CARRY OUT THIS**
19 **SECTION.**

20 10-404.

21 (a) An operator may not provide transportation network services unless the
22 Commission has authorized the operator to operate on a provisional basis or has issued a
23 valid temporary or permanent transportation network operator's license to provide
24 transportation network services.

25 (b) The Commission may approve an applicant to be an operator and issue a
26 temporary transportation network operator's license to the applicant if:

1 (1) the applicant provides all information that the Commission requires for
2 the application, including the information specified in item (2) of this subsection; and

3 (2) the Commission is satisfied with the successful submission of the
4 applicant's:

5 (i) national criminal history records check:

6 1. conducted by a consumer reporting agency as defined
7 under § 14–1201 of the Commercial Law Article or a comparable entity approved by the
8 Commission; and

9 2. that includes:

10 A. a Multi–State Multi–Jurisdiction Criminal Records
11 Database Search or a search of a similar nationwide database with validation;

12 B. a search of the Sex Offender Registry; and

13 C. a search of the U.S. Department of Justice's National Sex
14 Offender Public Web site; and

15 (ii) driving record check that includes a driving history research
16 report.

17 (c) Subject to subsection (d) of this section, the Commission may issue a
18 permanent transportation network operator's license to an applicant upon the submission
19 of a satisfactory supplemental criminal background check as set forth under § 10–104(b) of
20 this title.

21 (d) Before December 15, 2016, the Commission may not require an applicant for
22 a permanent transportation network operator's license to comply with subsection (c) of this
23 section if a transportation network company for which the applicant will provide services,
24 at the time it applies for a permit, provides to the Commission details of the process the
25 transportation network company uses to collect, review, and submit the information
26 specified in subsection (b)(2) of this section.

27 (e) (1) A transportation network company may request that the Commission
28 waive the requirement to comply with subsection (c) of this section and instead require
29 compliance with subsection (b)(2) of this section for applicants and operators of the
30 transportation network company.

31 (2) On receipt of a request under paragraph (1) of this subsection, the
32 Commission shall:

1 (i) determine whether the transportation network company's
2 process for complying with subsection (b)(2) of this section can be shown to be as
3 comprehensive and accurate as complying with the supplemental criminal background
4 check as set forth under § 10–104(b) of this title; and

5 (ii) within 3 months after receiving the request, determine whether
6 to:

- 7 1. grant the waiver;
- 8 2. deny the waiver; or
- 9 3. approve an alternative process.

10 (f) A transportation network company may submit the information under
11 subsection (b) of this section on behalf of an operator.

12 (g) The Commission shall adopt regulations that:

13 (1) provide a process that is as expeditious as possible and uses electronic
14 means for:

15 [(1)] (I) the submission of the information under subsection (b) of this
16 section;

17 [(2)] (II) the issuance of a temporary or permanent transportation
18 network operator's license and alternative authority to operate on a provisional basis; and

19 [(3)] (III) the renewal of a transportation network operator's license; AND

20 (2) IDENTIFY ANY CRIMINAL CONVICTION OR TRAFFIC VIOLATION
21 THAT WILL DISQUALIFY AN APPLICANT FOR A TEMPORARY OR PERMANENT
22 TRANSPORTATION NETWORK OPERATOR'S LICENSE UNDER THIS SECTION.

23 (h) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,
24 THE COMMISSION MAY NOT DENY AN APPLICATION FOR A TEMPORARY OR
25 PERMANENT TRANSPORTATION NETWORK OPERATOR'S LICENSE DUE TO A
26 CRIMINAL CONVICTION OR TRAFFIC VIOLATION THAT OCCURRED MORE THAN 7
27 YEARS BEFORE THE DATE OF THE APPLICATION UNDER THIS SECTION UNLESS THE
28 CONVICTION IS FOR A CRIME OF VIOLENCE AS DEFINED IN § 14–101 OF THE
29 CRIMINAL LAW ARTICLE.

30 (2) THE COMMISSION MAY DENY AN APPLICATION FOR A
31 TEMPORARY OR PERMANENT TRANSPORTATION NETWORK OPERATOR'S LICENSE IF
32 THE APPLICANT IS INCLUDED ON:

1 **(I) THE SEX OFFENDER REGISTRY; OR**

2 **(II) THE U.S. DEPARTMENT OF JUSTICE'S NATIONAL SEX**
3 **OFFENDER PUBLIC WEB SITE.**

4 **(I)** (1) Records or information provided to the Commission by a transportation
5 network company under this section are not subject to release under the Maryland Public
6 Information Act.

7 (2) The Commission may not disclose records or information provided to
8 the Commission under this section to any person unless:

9 (i) the disclosure is required by court order or order of the Maryland
10 Tax Court; or

11 (ii) the disclosure is to the Comptroller under § 10-406(g)(5) of this
12 subtitle.

13 (3) On notice that a person is seeking records or information under
14 paragraph (2)(i) of this subsection, the Commission shall promptly notify the transportation
15 network company before disclosing the records or information.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2017.