

SENATE BILL 171

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CF HB 120

By: **Senator Guzzone**

Introduced and read first time: January 13, 2020

Assigned to: Finance

Committee Report: Favorable

Senate action: Adopted

Read second time: February 11, 2020

CHAPTER _____

1 AN ACT concerning

2 **Motor Carriers and For-Hire Driving Services – Nonprofit Organizations and**
3 **Volunteer Drivers**

4 FOR the purpose of providing that a motor carrier permit is not required for transportation
5 services that a nonprofit organization provides under certain circumstances; altering
6 the definition of “transportation network services”; providing that a nonprofit
7 organization that provides transportation for remuneration to clients of certain
8 services may not be required to obtain a motor carrier permit; and generally relating
9 to motor carriers and for-hire driving services.

10 BY repealing and reenacting, with amendments,
11 Article – Public Utilities
12 Section 9–201, 10–101(n), and 10–102
13 Annotated Code of Maryland
14 (2010 Replacement Volume and 2019 Supplement)

15 BY repealing and reenacting, without amendments,
16 Article – Public Utilities
17 Section 10–101(a), (l), and (m)
18 Annotated Code of Maryland
19 (2010 Replacement Volume and 2019 Supplement)

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

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.



Article – Public Utilities

9–201.

(a) Except as provided in subsection (b) of this section, a motor carrier permit is required for a passenger motor vehicle used in the transportation of persons for hire.

(b) A motor carrier permit is not required for:

(1) a motor vehicle used exclusively for the transportation of pupils to and from public or private schools;

(2) a motor vehicle operated for a period of not more than 3 months in any registration year in the transportation of persons employed at a cannery located in a county;

(3) taxicabs;

(4) public transportation for hire authorized to operate on the boardwalk in Ocean City;

(5) a vanpool operation as defined in § 11–175.1 of the Transportation Article;

(6) a local public transportation system established under a law enacted by the local governing body of a county or municipal corporation;

(7) subject to subsection (c) of this section, a motor vehicle used by a privately owned transportation company exclusively to provide transportation system services under a contract with the governing body of a county or municipal corporation or with a unit of State government; [or]

(8) shuttle bus service operated by the University of Maryland, College Park Campus for students enrolled at the University of Maryland, College Park Campus and, in exchange for payment by a municipal corporation in which the University of Maryland, College Park Campus operates shuttle bus service, transportation service on the shuttle bus to residents of the municipal corporation; **OR**

(9) TRANSPORTATION SERVICES THAT A NONPROFIT ORGANIZATION PROVIDES THROUGH THE USE OF A VOLUNTEER DRIVER AND THE VOLUNTEER DRIVER’S PERSONAL VEHICLE.

(c) A privately owned transportation company that provides transportation system services under a contract with the governing body of a county or municipal corporation or with a unit of State government shall obtain a motor carrier permit for motor vehicles that the company does not use exclusively to provide transportation system services under a contract with the governing body of a county or municipal corporation or

1 with a unit of State government.

2 (d) The public duties of a common carrier may not be imposed on a person with
3 respect to a vehicle for which a motor carrier permit is required under this section, if the
4 vehicle is not actually engaged in public transportation.

5 10–101.

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

7 (l) “Transportation network company” means a company that operates in the
8 State using a digital network to connect passengers to transportation network operators or
9 transportation network partners for transportation network services.

10 (m) “Transportation network operator”, “transportation network partner”, or
11 “transportation network driver” means an individual who:

12 (1) has been issued a transportation network operator’s license, or is
13 otherwise authorized, by the Commission to provide transportation network services;

14 (2) receives, through a transportation network company’s digital network
15 application, a connection to a potential passenger to transport the passenger between
16 points chosen by the passenger in exchange for the payment of a fee to the transportation
17 network company; and

18 (3) uses a motor vehicle that is owned, leased, or otherwise authorized for
19 use by the individual and is approved for use in providing transportation network services
20 by the Commission.

21 (n) (1) “Transportation network services” means the activities of an operator
22 during:

23 (i) transportation network coverage period one, during which the
24 operator is logged onto and ready to accept a prearranged ride request made through a
25 transportation network company’s digital network application;

26 (ii) transportation network coverage period two, during which the
27 operator accepts a ride request from a passenger that is prearranged through a
28 transportation network company’s digital network application, and is traveling to a
29 predetermined location to pick up the passenger; and

30 (iii) transportation network coverage period three, during which the
31 operator transports the passenger and continuing until the passenger departs the motor
32 vehicle.

33 (2) “Transportation network services” does not include:

1 (i) providing taxicab services, sedan services, or limousine services;
2 [or]

3 (ii) any shared expense carpool arrangement or service or other type
4 of arrangement or service in which a driver receives a fee that does not exceed the driver's
5 costs associated with providing a ride; **OR**

6 **(III) TRANSPORTATION SERVICES THAT A NONPROFIT**
7 **ORGANIZATION PROVIDES THROUGH THE USE OF A VOLUNTEER DRIVER AND THE**
8 **VOLUNTEER DRIVER'S PERSONAL VEHICLE.**

9 10–102.

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

12 (b) This title applies to any motor vehicle used in the transportation of persons in
13 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, State,
16 or local government, or a nonprofit organization as identified in § 501(c)(3) and (4) of the
17 Internal Revenue Code, that requires a criminal history records check and driving record
18 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 application
28 of this title or Title 9 of this article to a for-hire driver or other person who operates a motor
29 vehicle for hire or provides transportation of persons for hire in addition to providing
30 transportation services to clients of services listed in subsection (b)(2) of this section.

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

2 (1) a nonprofit organization that provides transportation for remuneration
3 to clients of services listed in subsection (b)(2) of this section may **NOT** be required to obtain
4 a motor carrier permit under Title 9 of this article; **[but] AND**

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

8 (e) (1) A driver employed or offered employment by a governmental unit or
9 nonprofit organization under subsection (b)(2) of this section shall apply to the Criminal
10 Justice Information System Central Repository of the Department of Public Safety and
11 Correctional Services for a State criminal history records check on or before the first day of
12 the driver's actual employment.

13 (2) As part of the application for a State criminal history records check, the
14 driver employed or offered employment by the governmental unit or nonprofit organization
15 shall submit to the Central Repository:

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

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

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

23 1. the governmental unit or nonprofit organization; and

24 2. the driver.

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

29 1. the governmental unit or nonprofit organization; and

30 2. the driver.

31 (4) In accordance with regulations adopted by the Department of Public
32 Safety and Correctional Services, the governmental unit or nonprofit organization shall
33 verify periodically a list of its drivers.

1 (5) Information the governmental unit or nonprofit organization obtains
2 from the Central Repository under this subsection shall be:

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

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

5 (6) In accordance with § 10–223 of the Criminal Procedure Article, a driver
6 employed by a governmental unit or nonprofit organization may challenge the contents of
7 a printed statement or revised printed statement issued by the Central Repository.

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

10 (1) the designation of taxicab stands; and

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

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2020.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.