

SENATE BILL 142

R2

(PRE-FILED)

2lr0727
CF 2lr1623

By: **Senator Beidle**

Requested: October 12, 2021

Introduced and read first time: January 12, 2022

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **State Airports – Commercial Activity – Rental Vehicles and Peer-to-Peer Car**
3 **Sharing**

4 FOR the purpose of establishing certain standards and requirements governing the
5 provision of services and the granting of privileges by the Maryland Aviation
6 Administration with respect to commercial activity undertaken by rental vehicle
7 companies and peer-to-peer car sharing programs at State airports; altering the
8 definition of “commercial activity” as it relates to State airports to include certain
9 activities performed by rental vehicle companies and peer-to-peer car sharing
10 programs; establishing that the Administration’s authority over commercial activity
11 at a certain airport extends to a commercial zone within a certain radius of the main
12 terminal; requiring the Administration to establish the rules and requirements for
13 the conduct of airport-related commercial activity within a certain commercial zone;
14 and generally relating to commercial activity by rental vehicle companies and
15 peer-to-peer car sharing programs at State airports.

16 BY repealing and reenacting, without amendments,
17 Article – Insurance
18 Section 19–520(a)(1), (8), and (9)
19 Annotated Code of Maryland
20 (2017 Replacement Volume and 2021 Supplement)

21 BY repealing and reenacting, with amendments,
22 Article – Transportation
23 Section 5–408 and 18–108(a)
24 Annotated Code of Maryland
25 (2020 Replacement Volume and 2021 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Insurance

19–520.

(a) (1) In this section the following words have the meanings indicated.

(8) “Peer-to-peer car sharing” means the authorized use of a motor vehicle by an individual other than the vehicle’s owner through a peer-to-peer car sharing program.

(9) “Peer-to-peer car sharing program” means a platform that is in the business of connecting vehicle owners with drivers to enable the sharing of motor vehicles for financial consideration.

Article – Transportation

5–408.

(a) In its operation of an airport, airport facility, or air navigation facility owned or controlled by this State, the Administration, with the approval of the Secretary and subject to the direction of the Commission, may contract, lease, or otherwise arrange with any person to:

(1) Provide the person with services furnished by the Administration or its agents at the airport or facility; or

(2) Grant to the person the privilege of:

(i) Using or improving for commercial purposes any part of the airport or facility; or

(ii) Supplying services, facilities, goods, commodities, or other things at the airport or facility.

(b) (1) For the privileges granted, the Administration may establish any terms and conditions and fix any charges, rentals, or fees that:

(i) Are reasonable and uniform for the same class of privilege or service;

(ii) Are established with due regard to the property and improvements used and the expenses of operation to this State; and

(iii) Do not deprive the public of its rightful, equal, and uniform use of any part of the airport or facility.

1 (2) **(I)** The Administration shall monitor the charges, fees, or prices of
2 any goods or services offered to the public by persons granted the privilege under this
3 section.

4 **(II)** Every contract, lease, or other arrangement shall provide that
5 charges, fees, or prices:

6 **[(i)]** **1.** May not be increased without the prior approval of the
7 Administration; and

8 **[(ii)]** **2.** Are to be reasonable.

9 **(III)** In determining reasonableness the Administration **[shall]** **MAY**
10 consider the charges, fees, or prices for the same goods or services at comparable airports.

11 (3) The Administration shall:

12 (i) Monitor the employment practices under Title 20, Subtitle 6 of
13 the State Government Article of persons granted privileges under this section; and

14 (ii) Refer for investigation all alleged violations of § 20–606 of the
15 State Government Article to the Commission on Civil Rights, the Equal Employment
16 Opportunity Commission, or any appropriate State or federal administrative body.

17 **(4) IN CARRYING OUT ITS POWERS AND DUTIES UNDER THIS**
18 **SUBSECTION WITH RESPECT TO THE OFFER FOR RENTAL OR USE OF A MOTOR**
19 **VEHICLE BY A RENTAL VEHICLE COMPANY, AS DEFINED IN § 18–108 OF THIS**
20 **ARTICLE, OR A PEER–TO–PEER CAR SHARING PROGRAM, AS DEFINED IN § 19–520 OF**
21 **THE INSURANCE ARTICLE, THE ADMINISTRATION SHALL:**

22 **(I) TREAT ENTITIES OR BUSINESSES THAT ENGAGE IN LIKE**
23 **SERVICES AS BEING OF THE SAME CLASS;**

24 **(II) PROVIDE SERVICES AND GRANT PRIVILEGES IN A**
25 **CONSISTENT MANNER TO ENTITIES OR BUSINESSES THAT ENGAGE IN LIKE**
26 **SERVICES;**

27 **(III) ENSURE THAT THE TERMS AND CONDITIONS OF**
28 **AGREEMENTS, INCLUDING ALL ACCESS AND FEE REQUIREMENTS, ARE REASONABLE**
29 **AND UNIFORM WHEN COMPARING:**

30 **1. ON–AIRPORT RENTAL VEHICLE COMPANIES AND**
31 **ON–AIRPORT PEER–TO–PEER CAR SHARING PROGRAMS; AND**

32 **2. OFF–AIRPORT RENTAL VEHICLE COMPANIES AND**

1 OFF-AIRPORT PEER-TO-PEER CAR SHARING PROGRAMS; AND

2 (IV) TAKE INTO CONSIDERATION THE ADMINISTRATION'S
3 LONG-TERM INVESTMENT IN THE CONSOLIDATED RENTAL VEHICLE FACILITY AND
4 ASSOCIATED STRUCTURES AND IMPROVEMENTS.

5 (c) (1) (I) In this subsection, "commercial activity" means the sale,
6 merchandising, marketing, or promotion of any goods or services.

7 (II) "COMMERCIAL ACTIVITY" INCLUDES THE OFFER OR
8 ARRANGEMENT BY A RENTAL VEHICLE COMPANY OR A PEER-TO-PEER CAR SHARING
9 PROGRAM OF THE RENTAL OR USE OF A MOTOR VEHICLE BY:

10 1. LISTING, PUBLISHING, OR ADVERTISING THE RENTAL
11 OR USE OF A MOTOR VEHICLE BY MENTIONING THE FORMAL OR INFORMAL NAME OF
12 AN AIRPORT OPERATED BY THE ADMINISTRATION, INCLUDING THE USE OF
13 "BALTIMORE-WASHINGTON INTERNATIONAL THURGOOD MARSHALL AIRPORT",
14 "BWI", "BWI MARSHALL", OR ANY SIMILAR DERIVATIVE;

15 2. LISTING, PUBLISHING, OR ADVERTISING THE RENTAL
16 OR USE OF A MOTOR VEHICLE PARKED ON OR LOCATED AT AIRPORT PROPERTY OR
17 FACILITIES;

18 3. FACILITATING THE USE OF MOTOR VEHICLES TO
19 TRANSPORT AIRPORT CUSTOMERS TO OR FROM AIRPORT PROPERTY OR FACILITIES,
20 REGARDLESS OF WHETHER:

21 A. USE IS INITIATED ON OR OFF AIRPORT PROPERTY OR
22 FACILITIES;

23 B. THE RENTAL START TIME OCCURS ON OR OFF
24 AIRPORT PROPERTY OR FACILITIES; OR

25 C. THE CAR SHARING START TIME OCCURS ON OR OFF
26 AIRPORT PROPERTY OR FACILITIES; OR

27 4. PROMOTING OR MARKETING MOTOR VEHICLES TO
28 TRANSPORT AIRPORT CUSTOMERS TO OR FROM AIRPORT PROPERTY OR FACILITIES,
29 REGARDLESS OF WHETHER:

30 A. THE TRANSPORTATION IS INITIATED ON OR OFF
31 AIRPORT PROPERTY OR FACILITIES;

32 B. THE RENTAL START TIME OCCURS ON OR OFF

1 AIRPORT PROPERTY OR AIRPORT FACILITIES; OR

2 C. THE CAR SHARING START TIME OCCURS ON OR OFF
3 AIRPORT PROPERTY OR AIRPORT FACILITIES.

4 (2) Commercial activity is [permitted] ALLOWED at an airport operated by
5 the Administration only when expressly authorized by and in a manner prescribed by the
6 Administration.

7 (3) (I) THIS PARAGRAPH APPLIES TO COMMERCIAL ACTIVITY
8 DESCRIBED IN PARAGRAPH (1)(II) OF THIS SUBSECTION.

9 (II) THE ADMINISTRATION'S AUTHORITY OVER COMMERCIAL
10 ACTIVITY AT BALTIMORE-WASHINGTON INTERNATIONAL THURGOOD MARSHALL
11 AIRPORT SHALL EXTEND TO A COMMERCIAL ZONE THAT IS WITHIN A 7-MILE RADIUS
12 OF THE MAIN TERMINAL.

13 (III) THE ADMINISTRATION SHALL ESTABLISH RULES AND
14 REQUIREMENTS FOR THE CONDUCT OF AIRPORT-RELATED COMMERCIAL ACTIVITY
15 WITHIN THE COMMERCIAL ZONE DESCRIBED IN SUBPARAGRAPH (II) OF THIS
16 PARAGRAPH.

17 18-108.

18 (a) (1) In this section, "rental vehicle company" means [a person] AN ENTITY
19 that rents a motor vehicle to a consumer.

20 (2) "Rental vehicle company" does not include a peer-to-peer car sharing
21 program, as defined under § 19-520 of the Insurance Article, and that is subject to Title
22 18.5 of this article.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
24 1, 2022.