SENATE BILL 142

By: Senator Beidle
Requested: October 12, 2021
Introduced and read first time: January 12, 2022
Assigned to: Finance

A BILL ENTITLED

AN ACT concerning
State Airports – Commercial Activity – Rental Vehicles and Peer–to–Peer Car Sharing

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

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

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

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
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

(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

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

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

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

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

(III) In determining reasonableness the Administration may consider the charges, fees, or prices for the same goods or services at comparable airports.

(3) The Administration shall:

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

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

(4) In carrying out its powers and duties under this subsection with respect to the offer for rental or use of a motor vehicle by a rental vehicle company, as defined in § 18–108 of this article, or a peer–to–peer car sharing program, as defined in § 19–520 of the insurance article, the administration shall:

   (I) Treat entities or businesses that engage in like services as being of the same class;

   (II) Provide services and grant privileges in a consistent manner to entities or businesses that engage in like services;

   (III) Ensure that the terms and conditions of agreements, including all access and fee requirements, are reasonable and uniform when comparing:

      1. On–airport rental vehicle companies and on–airport peer–to–peer car sharing programs; and

      2. Off–airport rental vehicle companies and
(iv) Take into consideration the Administration’s long-term investment in the consolidated rental vehicle facility and associated structures and improvements.

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

(II) “Commercial activity” includes the offer or arrangement by a rental vehicle company or a peer-to-peer car sharing program of the rental or use of a motor vehicle by:

1. Listing, publishing, or advertising the rental or use of a motor vehicle by mentioning the formal or informal name of an airport operated by the Administration, including the use of “Baltimore–Washington International Thurgood Marshall Airport”, “BWI”, “BWI Marshall”, or any similar derivative;

2. Listing, publishing, or advertising the rental or use of a motor vehicle parked on or located at airport property or facilities;

3. Facilitating the use of motor vehicles to transport airport customers to or from airport property or facilities, regardless of whether:

   A. Use is initiated on or off airport property or facilities;

   B. The rental start time occurs on or off airport property or facilities; or

   C. The car sharing start time occurs on or off airport property or facilities;

4. Promoting or marketing motor vehicles to transport airport customers to or from airport property or facilities, regardless of whether:

   A. The transportation is initiated on or off airport property or facilities;

   B. The rental start time occurs on or off
C. The car sharing start time occurs on or off airport property or airport facilities.

(2) Commercial activity is allowed at an airport operated by the Administration only when expressly authorized by and in a manner prescribed by the Administration.

(3) (I) This paragraph applies to commercial activity described in paragraph (1)(II) of this subsection.

(II) The Administration’s authority over commercial activity at Baltimore–Washington International Thurgood Marshall Airport shall extend to a commercial zone that is within a 7-mile radius of the main terminal.

(III) The Administration shall establish rules and requirements for the conduct of airport-related commercial activity within the commercial zone described in subparagraph (II) of this paragraph.

18–108.

(a) (1) In this section, “rental vehicle company” means an entity that rents a motor vehicle to a consumer.

(2) “Renting vehicle company” does not include a peer-to-peer car sharing program, as defined under § 19–520 of the Insurance Article, and that is subject to Title 18.5 of this article.

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