

BY: Finance Committee

AMENDMENTS TO SENATE BILL 740
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “altering” in line 3 down through the semicolon in line 5; strike beginning with “unless” in line 8 down through “policy” in line 9 and substitute “for certain violations; requiring a transportation network company to allow an operator whose account is deactivated to withdraw certain earnings under certain circumstances”; in line 10, strike “the transportation network company’s operators and”; in line 15, after “10–101(a)” insert “, (l), (m), and (n) and 10–401(a) and (c)”; and strike in their entirety lines 18 through 22, inclusive.

AMENDMENT NO. 2

On page 2, after line 5, insert:

“(l) “Transportation network company” means a company that 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:

(i) providing taxicab services, sedan services, or limousine services;

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

(iii) transportation services that a nonprofit organization provides through the use of a volunteer driver and the volunteer driver’s personal vehicle.

10-401.

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

(c) “Operator” means a transportation network operator, transportation network partner, or transportation network driver.

10-410.

(A) IN THIS SECTION, “DEACTIVATE” OR “DEACTIVATION” MEANS AN ACTION BY A TRANSPORTATION NETWORK COMPANY TO PERMANENTLY CHANGE AN OPERATOR’S ACCOUNT STATUS FROM ELIGIBLE TO PROVIDE TRANSPORTATION NETWORK SERVICES TO INELIGIBLE TO PROVIDE TRANSPORTATION NETWORK SERVICES.

(B) THIS SECTION DOES NOT APPLY TO AN OPERATOR’S LOSS OF ACCESS TO A TRANSPORTATION NETWORK COMPANY’S DIGITAL NETWORK APPLICATION IF THE LOSS OF ACCESS:

(1) IS CONTINGENT ON AN OPERATOR’S COMPLIANCE WITH A LICENSE, INSURANCE, OR A REGULATORY REQUIREMENT;

(2) WAS IMPLEMENTED BY THE TRANSPORTATION NETWORK COMPANY FOR A LEGITIMATE FINANCIAL, BUSINESS, OR ECONOMIC REASON AND NOT RELATED TO THE OPERATOR’S CONDUCT;

(3) IS ABLE TO BE RESOLVED THROUGH UNILATERAL ACTION BY THE OPERATOR; OR

(4) IS THE RESULT OF ACCESS RESTRICTIONS DUE TO INCLEMENT WEATHER OR NETWORK OUTAGES.

(Over)

(C) A TRANSPORTATION NETWORK COMPANY SHALL:

(1) MAINTAIN A WRITTEN PLAIN-LANGUAGE DEACTIVATION POLICY THAT PROVIDES FOR THE POLICIES AND PROCEDURES FOR THE DEACTIVATION OF OPERATORS; AND

(2) MAKE THE DEACTIVATION POLICY AVAILABLE ONLINE THROUGH THE TRANSPORTATION NETWORK COMPANY'S DIGITAL NETWORK APPLICATION.

(D) THE DEACTIVATION POLICY SHALL:

(1) STATE THAT THE DEACTIVATION POLICY IS ENFORCEABLE AS A TERM OF THE TRANSPORTATION NETWORK COMPANY'S CONTRACT WITH THE OPERATOR;

(2) DEFINE "SERIOUS MISCONDUCT" AND SPECIFY THAT SERIOUS MISCONDUCT INCLUDES:

(I) REFUSAL TO PROVIDE TRANSPORTATION NETWORK SERVICES FOR ANY REASON RELATED TO A POTENTIAL PASSENGER'S DISABILITY, INCLUDING THE USE OF A MOBILITY AID OR TRAVEL WITH A SERVICE ANIMAL; AND

(II) ANY OTHER CONDUCT THAT WOULD CONSTITUTE AN ACT OF APPARENT DISCRIMINATION UNDER FEDERAL OR STATE LAW;

(3) INCLUDE A NONEXHAUSTIVE LIST OF EXAMPLES OF CONDUCT THAT CONSTITUTES SERIOUS MISCONDUCT UNDER THE DEACTIVATION POLICY;

(4) PROVIDE THE OPERATOR WITH A REASONABLE UNDERSTANDING OF WHAT MAY CONSTITUTE A VIOLATION THAT WARRANTS DEACTIVATION UNDER THE DEACTIVATION POLICY;

(5) DESCRIBE THE PROCEDURES FOR NOTIFYING AN OPERATOR OF A DEACTIVATION AND THE REASON FOR THE DEACTIVATION;

(6) DESCRIBE THE PROCEDURES AND ELIGIBILITY CRITERIA FOR THE RECONSIDERATION OF A DEACTIVATION DECISION AND THE PROCESS, CONSISTENT WITH SUBSECTION (I) OF THIS SECTION, FOR AN OPERATOR TO REQUEST A DEACTIVATION APPEAL WITH THE TRANSPORTATION NETWORK COMPANY; AND

(7) BE SPECIFIC ENOUGH FOR AN OPERATOR TO UNDERSTAND WHAT CONSTITUTES A VIOLATION OF THE POLICY AND HOW TO AVOID VIOLATING THE POLICY.

(E) A TRANSPORTATION NETWORK COMPANY MAY NOT DEACTIVATE AN OPERATOR FOR A VIOLATION NOT REASONABLY UNDERSTOOD TO BE PART OF THE TRANSPORTATION NETWORK COMPANY'S DEACTIVATION POLICY.

(F) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A TRANSPORTATION NETWORK COMPANY MAY NOT RELY SOLELY ON A PASSENGER REPORT AS THE BASIS FOR A DEACTIVATION.

(2) A TRANSPORTATION NETWORK COMPANY MAY RELY SOLELY ON A PASSENGER REPORT AS THE BASIS FOR A DEACTIVATION IF:

(I) THE REPORT WAS SUBMITTED WITHIN 14 DAYS AFTER THE DATE OF THE ALLEGED INCIDENT; OR

(II) 1. THE REPORT INVOLVES AN ALLEGED VIOLATION OF A FEDERAL OR STATE LAW;

2. THE REPORT INVOLVES AN ALLEGED VIOLATION OF THE TRANSPORTATION NETWORK COMPANY'S NONDISCRIMINATION POLICY;

3. THE REPORT INVOLVES AN ALLEGED ACT OF FRAUD UNDER TITLE 8 OF THE CRIMINAL LAW ARTICLE, AS DEFINED IN THE TRANSPORTATION NETWORK COMPANY'S CONTRACT WITH THE OPERATOR, OR IN THE TRANSPORTATION NETWORK COMPANY'S TERMS, INCLUDING:

A. DELIBERATELY INCREASING THE TIME OR DISTANCE OF A PASSENGER TRIP OR ACCEPTING A PASSENGER TRIP WITHOUT THE INTENTION OF COMPLETING THE TRIP;

B. USING ANOTHER OPERATOR'S ACCOUNT OR CREATING A FAKE OR DUPLICATE ACCOUNT ON A TRANSPORTATION NETWORK COMPANY'S DIGITAL NETWORK APPLICATION;

C. INTENTIONALLY REQUESTING OR ACCEPTING FRAUDULENT OR FALSIFIED PASSENGER TRIPS; OR

D. INTENTIONALLY DISRUPTING OR MANIPULATING THE NORMAL FUNCTIONING OF A TRANSPORTATION NETWORK COMPANY'S DIGITAL NETWORK APPLICATION, INCLUDING MANIPULATING THE SETTINGS ON A PHONE TO PREVENT THE PROPER FUNCTIONING OF A TRANSPORTATION NETWORK COMPANY'S DIGITAL NETWORK APPLICATION; OR

4. THE REPORT INVOLVES OPERATOR, ROAD, OR PERSONAL SAFETY.

(G) A TRANSPORTATION NETWORK COMPANY SHALL ALLOW AN OPERATOR WHOSE ACCOUNT IS DEACTIVATED TO WITHDRAW EARNINGS THAT ACCRUED BEFORE THE DEACTIVATION UNLESS:

(1) THE TRANSPORTATION NETWORK COMPANY REASONABLY BELIEVES THAT A PORTION OF THE EARNINGS ARE CONNECTED TO CRIMINAL OR FRAUDULENT CONDUCT; OR

(2) THE WITHDRAWAL WOULD VIOLATE A FEDERAL OR STATE LAW.

(H) (1) A TRANSPORTATION NETWORK COMPANY SHALL PROVIDE AN OPERATOR WITH WRITTEN NOTICE OF A DEACTIVATION:

(I) ON THE DATE THE DEACTIVATION BECOMES EFFECTIVE;
OR

(II) FOR SERIOUS MISCONDUCT, WITHIN 3 DAYS AFTER THE DEACTIVATION.

(2) A WRITTEN NOTICE OF DEACTIVATION SHALL INCLUDE:

(Over)

(I) THE REASON FOR THE DEACTIVATION;

(II) INFORMATION ON AN OPERATOR'S RIGHT TO APPEAL THE DEACTIVATION; AND

(III) INSTRUCTIONS FOR AN OPERATOR TO APPEAL THE DEACTIVATION.

(I) (1) A DEACTIVATION POLICY SHALL INCLUDE AN APPEALS PROCESS FOR AN OPERATOR TO APPEAL A DEACTIVATION.

(2) AN OPERATOR WHO IS DEACTIVATED BY A TRANSPORTATION NETWORK COMPANY HAS THE RIGHT TO APPEAL THE DEACTIVATION BEGINNING ON THE DATE THE OPERATOR RECEIVES NOTICE OF THE DEACTIVATION.

(3) AN APPEALS PROCESS SHALL PROVIDE AN OPERATOR WITH:

(I) AT LEAST 30 DAYS FROM THE DATE OF THE NOTICE OF DEACTIVATION TO APPEAL THE DEACTIVATION; AND

(II) AN OPPORTUNITY TO PROVIDE THE TRANSPORTATION NETWORK COMPANY OR THIRD PARTY, AS APPROPRIATE, WITH INFORMATION TO SUPPORT THE APPEAL.

(4) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, A TRANSPORTATION NETWORK COMPANY SHALL REVIEW AND MAKE A FINAL DECISION ON AN APPEAL OF A DEACTIVATION WITHIN 15 DAYS AFTER RECEIPT

OF THE APPEAL AND ANY INFORMATION THE OPERATOR PROVIDES TO SUPPORT THE APPEAL.

(II) A TRANSPORTATION NETWORK COMPANY OR AN OPERATOR MAY REQUEST AN ADDITIONAL 15 DAYS TO REVIEW AND MAKE A FINAL DECISION ON AN APPEAL OF DEACTIVATION OR PROVIDE INFORMATION TO SUPPORT THE APPEAL, AS APPROPRIATE.

(5) A TRANSPORTATION NETWORK COMPANY MAY USE A THIRD PARTY TO ASSIST IN THE APPEALS PROCESS.

(6) A TRANSPORTATION NETWORK COMPANY SHALL CONSIDER ALL INFORMATION PROVIDED BY THE OPERATOR DURING THE APPEALS PROCESS.

(7) FOR AN APPEALED DEACTIVATION TO BE UPHELD UNDER THE APPEALS PROCESS A TRANSPORTATION NETWORK COMPANY OR A THIRD PARTY MUST DETERMINE THAT UNDER THE TOTALITY OF THE CIRCUMSTANCES THERE IS EVIDENCE TO FIND THAT IT IS MORE LIKELY THAN NOT THAT A VIOLATION OF THE DEACTIVATION POLICY HAS OCCURRED.”.

On pages 2 through 15, strike in their entirety the lines beginning with line 6 on page 2 through line 31 on page 15, inclusive.

On page 16, in line 1, strike “3.” and substitute “2.”; and in line 2, strike “October 1, 2026” and substitute “January 1, 2027”.