

# **HB0940 data centers.pdf**

Uploaded by: Anne Manuel

Position: FAV

**HB0940: Large Load Customers – Electric System Interconnection and Demand Response  
Program**

**House Environment and Transportation Committee**

Feb. 24, 2026

Dear Chair Korman, Vice Chair Guyton, and Members of the Committee:

My name is Anne Manuel. I have lived in Silver Spring, Maryland, for more than 40 years. I am deeply alarmed about the threat presented by the climate crisis, and given the Trump Administration's war on clean energy, I am counting on Maryland to take the lead in crafting responsible energy legislation. I strongly believe that HB0940 is an important step in that direction.

I have reluctantly come to accept that "Large Load Customers" – i.e., data centers, are here to stay, with all that implies for our energy infrastructure. PJM projects that data centers will account for an astonishing 94% of the load growth between now and 2030. Thanks to the reinstatement of last year's SB0116—the Data Center Impact Analysis and Report—we can at least understand the implications of that growth and use that knowledge to inform policy. Without a doubt, data centers will profoundly strain our grid. As the grid struggles to meet peak capacity on hot or cold days, blackouts, with dire consequences, will predictably ensue.

SB0596 would provide a solution to this problem by creating a demand response program (the "interconnection program" of the Bill's title) that will use carbon-free sources, industry-grade battery storage, and flexible loads to allow data centers to reduce their loads during peak hours. Further, the Bill requires that new data centers coming to Maryland provide 25% of their capacity load through battery storage, locally generated carbon-free means, or through demand response. The Bill gives new data centers that provide 100% of their load capacity *and* pay prevailing wage rates permitting priority for load studies, permitting, and interconnection.

These measures will ensure that the data-center industry will not just benefit billionaires, it will encourage carbon-free generation, battery storage, and load management instead of having the data centers resort to fossil fuels such as diesel generation, with all the associated health and pollution issues, to meet peak needs. The Bill will also promote climate justice by requiring that data center developers contribute to a community benefit fund that assists low-income Marylanders through the Empower program. The larger the data center, the more a developer must contribute, at a rate of \$1,000 per MW.

The growth of data centers threatens to wreak havoc on our plans for a cleaner energy future. HB0940 is a major step towards protecting that future. Thank you for your consideration.

Anne Manuel  
2021 Luzerne Ave  
Silver Spring, MD. 20910

# **HB840 Testimony.pdf**

Uploaded by: Brad Rifkin

Position: FAV

Alan M. Rifkin  
M. Celeste Bruce (MD, DC)  
Brad I. Rifkin  
William A. Castelli  
Edgar P. Silver (1923-2014)  
Laurence Levitan (1933-2024)  
†Of Counsel

Arnold M. Weiner  
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Camille G. Fesche (MD, DC, NY, NJ)  
Geoffrey W. Washington

Scott A. Livingston (MD, DC)  
Jamie Eisenberg Katz (MD, DC, NY)  
Michael D. Berman (MD, DC)†

Michael V. Johansen  
Barry L. Gogel  
Madelaine Kramer Katz (MD, DC, VA)  
Devon L. Harman

Joel D. Rozner (MD, DC)  
Stuart A. Cherry  
Michael T. Marr (MD, DC, VA, NC)  
Michael A. Miller†

John C. Reith (Nonlawyer/Consultant)  
Matthew Bohle (Nonlawyer/Consultant)  
Obie L. Chinemere (Nonlawyer/Consultant)

February 24, 2026

## RE: Support HB480 – Transportation Network Companies – Deactivation of Drivers

Chair Korman and members of the House Environment and Transportation Committee:

Empower offers its support to HB480 – legislation aimed at protecting Maryland’s hard-working drivers. Empower supports the goals of HB480 to provide deactivation protections for drivers who work for Transportation Network Companies (“TNCs”) given the control TNCs have over them.

By way of background, Empower is a software company that helps drivers who want to work for themselves, instead of TNCs. With Empower, drivers are neither employees nor contractors; they’re customers. Drivers set their own rates, get 100% of the fare, and pay the company a subscription fee in exchange for software and support services that help them run their own businesses. Drivers using Empower’s software are making thousands of dollars more per month working for themselves than they make working for TNCs, which pay them only about 50% of what TNCs charge riders. Drivers are able to charge riders less and still make considerably more money because they get 100% of the fare.

While the legislation – as drafted – modifies the definition of a TNC, a Transportation Network Operator, Partner and Driver, we appreciate the bill sponsor’s willingness to offer amendments to clarify the bill does not transform Maryland’s independent drivers using Empower’s software into Transportation Network Operators.

Therefore, we respectfully request a favorable report on the bill along with the adoption of the bill sponsor’s clarifying amendments.

# **iINTRODUCTION - HB480 - 2026.pdf**

Uploaded by: diana fennell

Position: FAV



## THE MARYLAND HOUSE OF DELEGATES ANNAPOLIS, MARYLAND 21401

Good afternoon, Chair, Vice Chair, and Honorable Members of the Environment and Transportation Committee.

I am here today to introduce House Bill 0480, legislation that strengthens fairness, transparency, and due process for transportation network operators, ride-share drivers, when they face deactivation from digital platforms.

Transportation network companies such as Uber and Lyft play a significant role in Maryland's transportation system. They provide critical mobility options for residents and visitors while offering flexible income opportunities for thousands of Marylanders who rely on ride-share driving as a primary or supplemental source of earnings.

However, despite their importance to the transportation ecosystem, ride-share drivers currently face the risk of sudden and unexplained deactivation, often without advance notice, clear justification, or a meaningful opportunity to appeal.

Because drivers are classified as independent contractors, they lack traditional workplace protections. As a result, many drivers, after investing substantial personal resources in vehicles, insurance, and maintenance, can lose access to the platform overnight. This instability not only harms individual drivers and their families, but also undermines the reliability of our transportation network as a whole.

HB 0480 addresses this gap by establishing clear, reasonable standards governing when and how a transportation network company may deactivate an operator. Specifically, the bill requires companies to:

- Maintain and publicly share a written deactivation policy that is clear, specific, and accessible;
- Ensure that deactivations are consistent with that policy and supported by a fair and objective investigation;
- Provide advance notice and detailed explanations for deactivation decisions, except in cases of egregious misconduct or when immediate action is required by law; and
- Offer drivers a meaningful internal appeals process with defined timelines and access to relevant records.

Importantly, this bill does not prevent transportation network companies from acting swiftly to protect public safety. HB 0480 explicitly allows immediate deactivation in cases involving

egregious misconduct or legal requirements. Instead, the bill ensures that routine deactivations are free from discrimination, retaliation, or arbitrary decision-making.

By promoting fairness and accountability, HB 0480 supports both drivers and the broader transportation system, helping to ensure economic stability for Maryland workers while maintaining safe, reliable ride-share services for the public.

For these reasons, I respectfully urge the committee to give House Bill 0480 a favorable report.

Thank you for your time and consideration.

# HB480\_FAV.pdf

Uploaded by: Donna Edwards

Position: FAV



## MARYLAND STATE & D.C. AFL-CIO

*Affiliated with the National AFL-CIO*

**Donna S. Edwards**  
*President*

**Samuel Epps, IV**  
*Secretary-Treasurer*

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### **HB 480 – Transportation Network Companies – Deactivation of Operators**

#### **House Environment and Transportation Committee**

**February 24, 2026**

**SUPPORT**

**Donna S. Edwards**

#### **Maryland State and DC AFL-CIO**

Chairman and members of the Committee, thank you for the opportunity to submit testimony in support of HB 480. On behalf of our 700 affiliated unions, I offer the following comments.

HB 480 enhances transparency and fairness within our transportation network companies (TNCs) by requiring these companies to establish easy-to-understand deactivation policies and appeal processes for when they wish to restrict an operator.

TNC operators connect passengers to their destinations safely and efficiently, providing an essential service that many of our residents rely on for their everyday transportation needs. Under current law, when companies make deactivation decisions, operators face a lack of due process and a sudden loss of income with no ability to dispute the decision. Similar to a number of states including Colorado, Minnesota, Washington and Virginia, this legislation enacts a number of measures that address these concerns to prevent discrimination, enhance transparency, and create a fair and equitable misconduct procedure.

First, it requires TNCs to provide timely notice and justification for the deactivation of an operator while mandating a thorough investigation be conducted prior to deactivation. This ensures that there is a plausible reason for removal and prevents unjust actions due to unclear or unjustified claims. Second, this bill requires TNCs to establish an appeals process, allowing operators to challenge deactivations and argue their case to reinstate their ability to drive passengers. This process, which is required to be comprehensive, timely and easily accessible, provides operators with an opportunity to dispute deactivation and understand their rights within that process.

This legislation is a necessary step forward in strengthening protections for TNC operators while promoting fairness and transparency in the industry. For these reasons, we urge a favorable vote on HB 480.



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[www.mddclabor.org](http://www.mddclabor.org)



[facebook.com/mddcaflcio](https://facebook.com/mddcaflcio)



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# **HB0480 Francisco Flores FAV**

Uploaded by: Francisco Flores

Position: FAV

## **WRITTEN TESTIMONY – HB480**

FROM: Francisco Flores Testimony (he was unable to sign up for today's hearing):

Good afternoon. My name is Francisco Flores, I'm a disabled veteran and I'm here for support for bill hb0480. I'm here to say that uber and lyft have unfair deactivation for many drivers.

I say this because I was deactivated for about 5 days when someone accused me of something. Uber said to me that someone complained and had an argument with me. Uber said that they couldn't tell me who, where, when. How can a driver defend themselves against accusations if they don't know what it is.

Because of my good record of 7 years, they activated me back. I was scared out of my mind because this is my full time job. There's been flyers out there where if a passenger complained you could get your money back.

What people don't know is that we lose our jobs until someone in another state determines to activate you back or not. This investigations. they don't have no proof, or police reports.

For this reasons I support Hb0480. Thank you.

# **HB0480 Mitchell Yangson FAV**

Uploaded by: Mitchell Yangson

Position: FAV

# WRITTEN TESTIMONY – HB480

Mitchell Yangson Testimony:

Good afternoon Mister Chair and members of the Environment and Transportation Committee,

My name is Mitchell Yangson and I am the director of the ACE Collaborative and the DMV Drivers Alliance,

We are an organization that has engaged with over 2,000 drivers in the DMV region. We have also provided assistance to over 200 drivers in reactivating their accounts.

Uber and Lyft's current driver deactivation method puts drivers and customers in an unsafe environment. The main reason that a driver can be deactivated or fired by the app is based on customer hearsay, (false reports) and nothing more. It does not matter if a driver has a 4.8 or a perfect 5-star rating. It does not matter how many years the driver has been driving on the app.

Drivers can be deactivated on just 1 unsubstantiated accusation by the customer. For example, a customer can simply claim that a driver was driving under the influence, or the driver assaulted them without verifiable evidence. The customer does not need to submit a police report or provide supporting video or audio recordings for their accusation. There is really no due process or just cause for drivers.

This current method actually lends itself to drivers being unsafe and prone to abuse from passengers. Secondly, because drivers know how easy it is for any customer to deactivate them and their lack of options in challenging these unfair deactivations, it creates an environment where a driver is reluctant to inform passengers of basic traffic safety laws. Drivers can be reluctant to inform a passenger to put on their seatbelts, or refuse to give a ride to a bunch of drunk customers because the driver does not have enough seatbelts available, we have drivers telling us that they are afraid to refuse rides from parents who did not bring a car seat for their baby.

It has gotten so bad, that there are even Facebook posts that tell people how they can get a free ride from an uber driver by making false claims or statements.

Uber and Lyft even an acknowledge in their correspondence with drivers that there are customers that do game the system

These are the reasons why HB0480 should be reported favorably by thos committee. By giving drivers more options or ways to challenge these unfair deactivations and by providing some regulation on this deactivation process, drivers will be more comfortable in informing passengers of basic traffic safety laws because they know that they have more options in challenging unfair deactivations.

If you really want to increase both the safety and well-being of Maryland workers and Maryland customers who use apps like Uber and Lyft, I urge to report favorably on HB0480

**MD HB480 FAVORABLE WITH AMENDMENTS.pdf**

Uploaded by: Rob Garagiola

Position: FWA



Uber Technologies, Inc.  
1725 3rd Street  
San Francisco, CA 94158  
uber.com

February 24, 2026

The Honorable Marc Korman, Chair  
The Honorable Michele Guyton, Vice Chair  
House Environment and Transportation Committee  
Taylor House Office Building, Annapolis, Maryland 21401

**RE: HB 480 – Transportation Network Companies – Deactivation of Operators – FAVORABLE WITH AMENDMENTS**

Dear Chair Korman, Vice Chair Guyton, and Members of the Environment & Transportation Committee,

On behalf of Uber, thank you for the opportunity to testify in support of HB 480. We extend our sincere appreciation to Delegate Fennell for her collaborative efforts in working with us and her constituents to develop these meaningful amendments. While we are still awaiting the final review of the amendment language from the bill drafters, we are encouraged by the progress and suggest a Favorable with Amendments report.

The proposed legislation, as amended, outlines a balanced framework for the deactivation of Transportation Network Company (TNC) operators, promoting transparency, while maintaining high standards for passenger safety. As amended, the bill codifies the requirement for TNCs to maintain a written, plain-language deactivation policy available through the digital application. The bill ensures that deactivated operators have the opportunity to withdraw accrued earnings. The only exception is if there is a reasonable belief the earnings are connected to criminal or fraudulent conduct. It also ensures drivers always receive a notice of deactivation and the specific reasons for it at the time of the action, or within three days in cases of serious misconduct.

This legislation also reinforces Uber's commitment to safe transportation by ensuring that safety violations are handled with appropriate gravity. For instance, in general, customer reports must be submitted within 14 days of an incident if they will be the sole basis for deactivation – however, reports involving road safety, interpersonal safety, or violations of federal/state law can be considered regardless of when they are received.

We encourage a Favorable with Amendments report on HB 480.

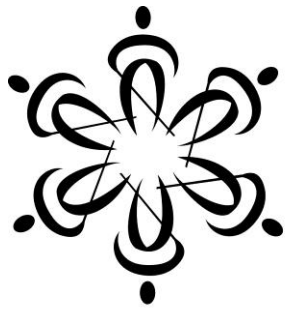
Respectfully submitted,

LáVita Gardner  
Manager, Public Policy

# **FWA HB0480 TNC Operators.pdf**

Uploaded by: Ronza Othman

Position: FWA



NATIONAL FEDERATION  
OF THE BLIND  
MARYLAND

*Live the life you want.*

From: Ronza Othman, President  
National Federation of the Blind of Maryland  
15 Charles Plaza, #3002  
Baltimore, MD 21201 [president@nfbmd.org](mailto:president@nfbmd.org)

To: House Environment and Transportation Committee

The members of the National Federation of the Blind of Maryland urge the House Environment and Transportation Committee to give a favorable report conditional on amendment to HB0480. This bill would require transportation network companies to maintain deactivation policies and enact requirements relating to those policies and the steps to be taken relating to the deactivation of operators.

We understand the General Assembly's desire to protect transportation network operators from arbitrary and capricious deactivation and commend the bill's emphasis on transparent deactivation policies and procedures. The bill as written, however, is problematic to the extent that it creates loopholes that would prevent transportation network companies from deactivating transportation network operators who refuse service to the blind or people with disabilities, particularly those who use service animals. For example, the bill says that a transportation network company's deactivation policies cannot provide for deactivation on the basis of "AN OPERATOR'S ACCEPTANCE OR REJECTION OF Any INDIVIDUAL OFFER, ANY TYPES OF OFFERS, OR ANY NUMBER OR PROPORTION OF OFFERS." This provision can be construed as prohibiting a transportation network company from deactivating a driver based on the driver's rejection of an offer from a person with a disability, with or without a service animal.

Unfortunately, transportation network companies have an abysmal record of respecting the rights of passengers with disabilities, particularly those who use guide dogs or other service animals, but also those who use long white canes and other mobility devices. Indeed, both the Maryland Attorney General and the United States Department of justice are currently considering or taking action against transportation networks for repeatedly violating the rights of passengers with disabilities, particularly those who use service animals and mobility devices. We therefore insist that the bill be amended to make clear that an operator can be immediately deactivated for discriminating against a passenger who is blind or has a disability based on that passenger's blindness, disability, or use of a service animal. This could be done, for example, by defining

refusal to transport a passenger with a disability as “egregious misconduct” and by removing or modifying the language quoted above.

For these reasons, we ask for a favorable report conditional on the above amendments on HB0480. For questions, please contact me at [President@nfbmd.org](mailto:President@nfbmd.org) or at 443-426-4110.

**National Federation of the Blind of Maryland**

**Ronza Othman, *President NFBMD*** | 15 Charles Plaza, #3002, Baltimore, MD 21201 | 443-426-4110 | [www.nfbmd.org](http://www.nfbmd.org)

**PDF\_[MD] HB 480\_TNC deactivation\_TechNet.pdf**

Uploaded by: margaret durkin

Position: UNF

February 20, 2026

The Honorable Marc Korman  
Chair  
House Environment and Transportation Committee  
Maryland House of Delegates  
251 Taylor House Office Building  
6 Bladen Street  
Annapolis, MD 21401

*RE: HB 480 (Fennell) - Transportation Network Companies - Deactivation of Operators – Unfavorable*

Dear Chair Korman and Members of the Committee,

On behalf of TechNet, I'm writing to share comments on HB 480.

TechNet is the national, bipartisan network of technology CEOs and senior executives that promotes the growth of the innovation economy by advocating a targeted policy agenda at the federal and 50-state level. TechNet's diverse membership includes 103 dynamic American businesses ranging from startups to the most iconic companies on the planet and represents five million employees and countless customers in the fields of information technology, artificial intelligence, e-commerce, the sharing and gig economies, advanced energy, transportation, cybersecurity, venture capital, and finance.

The sharing economy is creating income opportunities in every corner of the country, allowing people to work independently and on discretionary schedules, use their personal property and skills to generate income, help them expand their businesses, and provide for themselves and their families. Policymakers should ensure that efforts to regulate the sharing economy protect innovation and individual empowerment, are not overly burdensome, and recognize the unique nature of the sharing economy when compared to traditional providers. The composition of the U.S. workforce is changing as new technologies have provided low-barrier access to flexible, independent work. This type of work allows individuals and families in need of supplemental income, including during periods of unemployment or underemployment, to access work on demand. Over time, in large part due to the availability of the gig and sharing economies, the independent workforce has grown to serve as an important source of supplemental earnings for millions of Americans.

TechNet has concerns about HB 480 as drafted. Our member companies take safety reports from riders and drivers extremely seriously and review each one to

determine the appropriate course of action. If a driver disagrees with the action taken, they can already ask for the decision to be reviewed. If a driver is found to have been in violation of any company's community guidelines, they are removed from the platform for the safety of the community.

Many of our TNC members already have policies in place to address operator deactivations and appeals processes. HB 480 gives wide latitude to the Public Service Commission to adopt regulations around the form and description of the deactivation policy and manner in which said policy is distributed. Further, leaving the Commission to define the "reasonableness" of a private company's policy is vague, overbroad, and anti-competitive. Businesses require certainty to thrive, and we are concerned that the Commission's ability to adopt regulations will lead to business uncertainty. The provision in the bill related to the Commission seeking out "any other information or record the Commission determines is necessary" could inadvertently lead to companies having to reveal proprietary information.

TechNet seeks to encourage, enable, and advance American leadership in innovation, and is vigilant against vague, overbroad, unnecessary, harmful, or hostile laws and regulations that slow down innovation. We promote policies that encourage the development of entrepreneurship, mobile commerce, and the next wave of innovation in the new economy. Establishing an innovation-friendly policy framework is the key to the competitiveness of the technology industry. For the previously stated reasons, TechNet is opposed to HB 480. Thank you for your consideration of our concerns and please let me know if you have any questions.

Sincerely,

*Margaret Durkin*

Margaret Durkin

TechNet Executive Director, Pennsylvania & the Mid-Atlantic

# **HB 480\_Information\_PSC.pdf**

Uploaded by: Barve Barve

Position: INFO

KUMAR P. BARVE  
CHAIR

FREDERICK H. HOOVER, JR.  
BONNIE A. SUCHMAN  
ODOGWU OBI LINTON  
RYAN C. MCLEAN



## PUBLIC SERVICE COMMISSION

Chair Marc Korman  
Environment and Transportation Committee  
250 Taylor House Office Building  
Annapolis, MD 21401

### **RE: HB 480 – Information – Transportation Network Companies – Deactivation of Operators**

Dear Chair Korman and Committee Members:

The Public Service Commission (the Commission) appreciates the opportunity to provide this informational testimony for HB 480. The Commission has regulatory authority over transportation companies operating for-hire within the State of Maryland, which includes Transportation Network Companies (“TNCs”). Under this authority, the Commission, in general, issues permits and licenses to companies and vehicles upon receiving documented evidence of adherence to certain criteria and requires the filing of certain reports on an annual basis by the regulated entities. In addition to other types of for-hire driver’s licenses, the Commission issues licenses for individuals operating for-hire under a Transportation Network Company permit, and these drivers are identified as Transportation Network Operators (“TNOs”).

In HB 480, Section 10–101 seeks to amend the current definitions of both Transportation Network Companies and Transportation Network Operators. It is possible that the change in definition could cause additional transportation companies to be classified as TNCs and their drivers as TNOs. This could result in an increase in the number of drivers required to apply for licensure to operate in Maryland. Those numbers are unknown at this time.

HB 480 would require the Commission to adopt regulations in response to the bill’s implementation and require the Commission to adopt model notices and descriptions of the deactivation appeal process related to TNOs. The additional requirements posed by this legislation, if passed, may therefore require revisions to the current sections of COMAR pertaining to TNCs.

Section 10-409(J)(3) of the legislation provides a process for a TNO to appeal a decision by a TNC that deactivates or restricts the TNO from the company’s digital network for a period of at least 48 hours. This appeal process also allows the TNO to file a complaint with the Commission or to bring a civil action against the TNC. This new appeals process would create a substantial increase in the number of complaints received by the Commission, requiring more in-depth investigations. Currently, the Commission does not regulate how TNCs handle driver

deactivations, except in cases when there are violations of the vehicle requirements and driver screening standards outlined in COMAR. Beyond violations requiring deactivation due to failure to comply with COMAR, the Commission does not have authority to dictate TNC policies regarding the deactivation of its operators. TNCs are required to report to the Commission the number of deactivations, however, the information provided does not include any driver information, but only the numbers of drivers deactivated in a calendar year.

There are few instances where the Commission investigates or is involved in the management of labor for public service companies. These issues are primarily left up to the Maryland Department of Labor. HB 480 would significantly change the role of the Commission with regards to labor practices of public service companies. There are currently over 175,000 TNOs operating in Maryland. In 2025, two TNC reported over 6500 deactivations to the Commission which has the potential to create 6500 investigations and Commission proceedings relating to those investigations.

The Public Service Commission appreciates the opportunity to provide this informational testimony for your consideration for bill HB 480. Please contact the Commission's Director of Legislative Affairs, Niki Wiggins, if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Kumar P. Barve', with a stylized flourish at the end.

Kumar P. Barve  
Chair, Maryland Public Service Commission

**SB0740 & HB0480 - OPC Testimony.pdf**

Uploaded by: David Lapp

Position: INFO

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————— **OPC** —————  
**OFFICE OF PEOPLE'S COUNSEL**  
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BRANDI NIELAND  
DIRECTOR, CONSUMER  
ASSISTANCE UNIT

CARISSA RALBOVSKY  
CHIEF OPERATING OFFICER

**BILL NO.:** Senate Bill 0740 / House Bill 0480 – Transportation Network Companies - Deactivation of Operators

**COMMITTEE:** Finance  
Environment and Transportation

**HEARING DATE:** February 25, 2026 (FIN)  
February 24, 2026 (ENT)

**SPONSOR:** Senator Kramer  
Delegates Fennell, Patterson, Taylor, Turner, Wilkins, and Williams

**POSITION:** Informational

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The Office of People’s Counsel (OPC) respectfully offers the following informational comments on Senate Bill 0740/House Bill 0480. SB 0740/HB 0480 proposes changes to the statute governing “transportation network companies” (TNCs) and associated drivers—referred to as “transportation network operators” (TNOs)<sup>1</sup>—regulated by the Public Service Commission (PSC). Specifically, SB 0740/HB 0480 seeks to provide TNOs with additional protections to guard against certain employment practices and to modify the definitions of both TNC and TNO. As the statutory representative of non-commercial users of services regulated by the PSC,<sup>2</sup> OPC provides the following informational comments on the proposed modifications to the definitions of TNC and TNO and both the potential utility and the potential unintended consequences of these changes on the PSC’s authority to regulate certain rideshare companies and operators.

Under the Public Utilities Article (PUA), the PSC’s regulation of TNCs and TNOs includes important licensing and public safety requirements—for example, it requires that

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<sup>1</sup> Under Public Utilities Article (PUA) § 10-101(m) “transportation network operator”, “transportation network partner”, and “transportation network driver” share a single definition.

<sup>2</sup> PUA §§ 2-201, 2-204.

a TNC or TNO, or a combination of both, carry motor vehicle insurance;<sup>3</sup> submit operator data to the PSC;<sup>4</sup> and that a TNO be licensed with the PSC, and therefore subject to additional regulation that aims to protect passengers.<sup>5</sup> In our capacity as the statutory representative of non-commercial users—i.e., riders—OPC participates in PSC cases regarding regulation of TNCs, including a case currently before the PSC that highlights the potential utility of further clarifying the statutory definitions of TNC and TNO.

In April of 2024, PSC Staff brought a complaint against Yazam, Inc. d/b/a/ Empower (“Empower”) for operating as a TNC in Maryland without the required license from the PSC.<sup>6</sup> Empower argued that it was not a TNC subject to the PSC’s regulation, in part, because drivers who use Empower’s software to connect with passengers do not meet the statutory definition of TNOs since Empower does not receive payments directly from passengers—as do ride services such as Uber and Lyft—but instead receives subscription fees from drivers.<sup>7</sup> Empower asserted that the Maryland General Assembly, when it crafted this provision under Senate Bill 868 in 2015, specifically intended for the payment exchange described within the provision to take place between the passenger and the TNC.<sup>8</sup> OPC and PSC Staff disagreed with Empower’s interpretation that it is not a TNC.

Just last month, the PSC issued an order agreeing with OPC and Staff that Empower qualifies as a TNC under the existing law.<sup>9</sup> This decision, however, follows nearly two years of litigation and does not fully resolve the case, which remains ongoing. The proposed modifications to the definition of a TNC may help to clarify the PSC’s authority to regulate companies like Empower, but as drafted, the proposed modifications to the definition of a TNO may inadvertently undermine that authority, leading to more costly and unnecessary litigation. To avoid this likely unintended consequence, OPC recommends the following amendments to the definition of a TNO in PUA § 10-101(m):

- Change the “and” to an “or” in Section 10-101(l)(1) to eliminate any confusion over passengers who do not pay directly for services and may not be “customers” in the traditional sense (i.e., minor children or individuals receiving transportation services under the accounts of others);
- Add the word “connected” as the first word in Section 10-101(m)(2)(i) to echo the “connect passengers” language in Section 10-101(l)(1) and ensure it is clear that

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<sup>3</sup> PUA § 10-405(a).

<sup>4</sup> PUA § 10-409.

<sup>5</sup> PUA § 10-501.

<sup>6</sup> Case No. 9732, *In the Matter of the Staff of the Public Service Commission v. Yazam, Inc. d/b/a/ Empower* (Apr. 5, 2024).

<sup>7</sup> Case No. 9732, Empower’s Answer to Staff’s Complaint at 1, ML No. 310159 (June 7, 2024).

<sup>8</sup> *Id.* at 3.

<sup>9</sup> Order No. 92165, Case No. 9732 (Jan. 29, 2026).

the definition applies whenever the app is used to make such connections;

- Delete “to the transportation network company” language under § 10-101(m)(2)(ii)(1) so that the fee does not specifically need to be paid “to the transportation company”;
- Change the “and” to an “or” at the end of § 10-101(m)(2)(ii)(2), so that a driver meets the definition of a “transportation network operator” if the driver meets any of the three—rather than all three—criteria. To ensure that the change from a conjunctive to an alternative doesn’t unintentionally capture drivers using an approved car for personal use, add to § 10-101(m)(3), “when providing transportation services for compensation.”

With these modifications, SB 0740/HB 0480 can help to clarify the PSC’s jurisdiction to regulate businesses and individuals like Empower and ensure that riders—the non-commercial customers OPC is charged with representing—remain protected under current law.

OPC appreciates the opportunity to provide this information on SB 0740/HB 0480 and is available to answer any questions or further discuss the recommended amendments.