

# SENATE BILL 868

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5lr0828  
CF HB 1231

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By: ~~Senator Ferguson~~ Senators Ferguson, Middleton, Benson, Hershey,  
Klausmeier, Mathias, Pugh, and Reilly

Introduced and read first time: February 27, 2015

Assigned to: Rules

Re-referred to: Finance, March 6, 2015

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: April 5, 2015

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Public Utilities – Transportation Network Services and For-Hire**  
3 **Transportation**

4 FOR the purpose of authorizing the establishment of transportation network services in  
5 the State; ~~authorizing an individual to submit an application for registration as a~~  
6 ~~transportation network operator; requiring a transportation network company to~~  
7 ~~conduct, or have a third party conduct, a certain criminal history records check using~~  
8 ~~a certain database and obtain and review a driving record check for each applicant~~  
9 ~~before approving an application for the applicant; prohibiting a transportation~~  
10 ~~network company from approving an application for an applicant who has been~~  
11 ~~convicted of certain crimes; requiring a transportation network operator to meet~~  
12 ~~certain qualifications; requiring a transportation network company to register with~~  
13 ~~the Public Service Commission and create an application process for individuals to~~  
14 ~~apply for registration as a transportation network operator; requiring a~~  
15 ~~transportation network company to maintain certain records and a certain registry~~  
16 ~~of transportation network operators; requiring a transportation network company to~~  
17 ~~submit certain information to the Commission; requiring a transportation network~~  
18 ~~company to conduct, or have a third party conduct, a safety inspection of a motor~~  
19 ~~vehicle that will be used to provide transportation network services before the motor~~  
20 ~~vehicle is used to provide transportation network services; requiring the safety~~  
21 ~~inspection to be consistent with certain standards; requiring a transportation~~  
22 ~~network company to provide certain information on the transportation network~~  
23 ~~company's Web site; authorizing a transportation network company or a~~

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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.



~~transportation network operator to provide transportation network services at no cost, for a suggested donation, or for a certain fare; requiring a transportation network company or a transportation network operator to disclose certain fare information to a passenger before the passenger arranges a trip with a transportation network company or a transportation network operator; requiring a transportation network company to transmit a certain electronic receipt to a passenger on completion of providing transportation network services; requiring a transportation network company to implement a certain policy on the use of drugs or alcohol while an individual is arranging or providing transportation network services; requiring a transportation network company to adopt a certain policy prohibiting discriminatory conduct; requiring a transportation network operator to comply with a certain policy and applicable laws regarding discriminatory conduct; requiring a transportation network company and a transportation network operator to maintain certain insurance coverage; authorizing certain insurance requirements to be satisfied in a certain manner; specifying the types of insurer that may issue certain required insurance; providing that certain required insurance shall be deemed to satisfy a certain financial responsibility requirement; authorizing certain insurers to exclude certain coverage and duty to defend if the exclusion is expressly set forth in a certain policy under certain circumstances; setting forth the types of coverage that the right to exclude coverage and duty to indemnify and defend may apply to under certain circumstances; requiring a certain insurer to notify a certain insured party that the insurer has no duty to defend or indemnify certain persons for liability for a loss under certain circumstances; requiring certain insurers to make certain disclosures in a certain manner; requiring a transportation network operator to provide certain insurance information if a certain accident occurs; requiring a transportation network operator to cooperate to facilitate the exchange of certain information under certain circumstances; requiring a motor vehicle used to provide transportation network services to meet certain criteria and display a certain trade dress under certain circumstances; requiring a transportation network company to ensure that the company's Web site is accessible to the blind and visually impaired and to the deaf and hard of hearing and report to the Commission on increasing access to wheelchair accessible transportation network services on or before a certain date; prohibiting a transportation network company from imposing certain additional or special charges on an individual with a disability for providing certain services or requiring that an individual with a disability be accompanied by an attendant; requiring that if a transportation network operator accepts a certain ride request from a passenger with a disability who uses a mobility device the operator shall stow the device in the vehicle under certain circumstances; prohibiting a transportation network company from charging a trip cancellation fee and requiring a transportation network company to issue a certain refund in a timely manner under certain circumstances; requiring a transportation network operator to treat an individual with disabilities in a certain manner and properly and safely handle certain equipment; authorizing the Commission to inspect certain records of a transportation network company under certain circumstances; providing that certain records are not subject to disclosure under the Maryland Public Information Act; prohibiting the Commission or other public entity to disclose certain records or information unless the disclosure is required by a subpoena or court order; requiring~~

1 ~~the Commission or other public entity to promptly inform a transportation network~~  
2 ~~company before disclosing certain records or information as required by a subpoena~~  
3 ~~or court order; providing that transportation network companies and transportation~~  
4 ~~network operators are governed exclusively by certain provisions and regulations;~~  
5 ~~prohibiting a county or municipal corporation from imposing certain taxes or license~~  
6 ~~requirements on a transportation application company or transportation network~~  
7 ~~operator under certain circumstances or subjecting a transportation network~~  
8 ~~company to a local permitting process, rate limitation, or other local requirement;~~  
9 ~~specifying that a transportation network company and a transportation network~~  
10 ~~operator are not common carriers; exempting a motor vehicle used to provide~~  
11 ~~transportation network services from certain provisions of law relating to for-hire~~  
12 ~~driving services; specifying that certain provisions of law relating to for-hire driving~~  
13 ~~services do not apply to a transportation network company or a transportation~~  
14 ~~network operator; providing for the application of certain provisions providing that~~  
15 certain insurance is deemed to satisfy a certain financial responsibility requirement  
16 for a motor vehicle under certain provisions of law; authorizing a certain insurer that  
17 writes motor vehicle liability coverage to exclude certain coverage and a certain duty  
18 to defend under a certain personal motor vehicle insurance policy under certain  
19 circumstances; providing that a motor vehicle insurer has a right of contribution  
20 against certain other insurers under certain circumstances; providing that a certain  
21 provision of law is not deemed to invalidate or limit a certain motor vehicle insurance  
22 policy exclusion; requiring a motor vehicle insurer that excludes coverage for  
23 providing transportation network services to provide certain written notice to certain  
24 persons at certain times; prohibiting a certain law from being construed to require a  
25 certain coverage; providing that a certain policy may not be required to be dependent  
26 on a certain insurer first denying a certain claim; providing that a certain insurer is  
27 not precluded from providing a certain motor vehicle insurance coverage; requiring  
28 the Insurance Commissioner to make a certain determination annually through a  
29 certain date regarding the availability of a certain insurance market to provide  
30 certain coverage to the transportation network services industry; stating a certain  
31 intent of the General Assembly; altering certain definitions to establish the scope of  
32 the provision of certain types of transportation services; prohibiting a certain person  
33 from operating a certain motor vehicle for hire under a certain permit or  
34 authorization to transport passengers unless the person holds a certain license  
35 issued by the Public Service Commission; requiring a person providing  
36 transportation network services in a certain geographic area to hold a certain  
37 transportation network operator's license issued by the Commission unless the  
38 person is providing a trip for which a certain entity requires a certificate of authority;  
39 prohibiting an applicant for a for-hire driver's license from providing sedan services,  
40 limousine services, or taxicab services unless the applicant has been granted certain  
41 authority or been issued a certain license by the Commission to provide the services;  
42 authorizing the Commission to issue a temporary driver's license to an applicant if  
43 certain requirements are met; authorizing the Commission to issue a permanent  
44 driver's license if the applicant submits a certain supplemental criminal background  
45 check; providing a certain exception to the requirement for a supplemental  
46 background check for certain applicants before a certain date and under certain  
47 circumstances; authorizing certain companies to request a waiver from certain

1 requirements under certain circumstances; requiring the Commission to make a  
2 certain determination within a certain period of time; requiring the Commission to  
3 adopt certain regulations to ensure that transportation network companies and  
4 operators are making reasonable efforts to make certain services available to certain  
5 persons; prohibiting an operator from providing transportation network services  
6 unless the Commission has authorized the operator to operate on a provisional basis  
7 or has issued a certain temporary or permanent transportation network operator's  
8 license; authorizing the Commission to issue a temporary transportation network  
9 operator license to an applicant if certain requirements are met; authorizing the  
10 Commission to issue a permanent transportation network operator license if the  
11 applicant submits a certain supplemental criminal background check; providing a  
12 certain exception to the requirement for the supplemental background check before  
13 a certain date and under certain circumstances; authorizing a transportation  
14 network company to request a waiver from certain requirements under certain  
15 circumstances; requiring the Commission to make a certain determination within a  
16 certain period of time; authorizing a transportation network company to submit  
17 certain information on behalf of an operator; requiring the Commission to adopt  
18 certain regulations that provide a certain process for the submission of information  
19 and the issuance and renewal of certain licenses; providing that certain records are  
20 not subject to release under the Maryland Public Information Act or any other law;  
21 prohibiting the Commission from disclosing certain records or information under  
22 certain circumstances; requiring an operator, a transportation network company, or  
23 both to maintain certain motor vehicle insurance; establishing certain motor vehicle  
24 insurance requirements for an operator providing transportation network services,  
25 including the amount of certain security and coverage requirements; requiring a  
26 transportation network company to verify certain coverage and provide certain  
27 policy information to the Commission and the Insurance Commissioner; authorizing  
28 the Commission to consult with the Insurance Commissioner under certain  
29 circumstances; prohibiting the Commission and the Insurance Commissioner from  
30 disclosing certain information; requiring certain motor vehicle insurance to be issued  
31 by certain insurers under certain circumstances; requiring a transportation network  
32 company to provide certain disclosures to a certain operator before the operator may  
33 accept a request for a certain ride; requiring a certain operator to provide certain  
34 information to certain interested parties under certain circumstances; requiring a  
35 transportation network company and certain insurers to cooperate to facilitate the  
36 exchange of information under certain circumstances; providing that the authority  
37 of certain jurisdictions to impose an assessment, tax, fee, or charge is not limited by  
38 a certain provision of law; authorizing a certain county or municipality to impose a  
39 certain assessment on certain transportation services under certain circumstances;  
40 prohibiting an assessment from exceeding a certain amount under certain  
41 circumstances; requiring that certain revenue be used for certain purposes;  
42 authorizing a certain county or municipality that licensed or regulated taxicab  
43 services on or before a certain date to impose a certain assessment on certain trips;  
44 requiring a county, before imposing an assessment in a municipality, to provide  
45 certain notice and time to the municipality; requiring a municipality, before  
46 imposing a certain assessment, to provide certain notice and time to the county;  
47 authorizing a county and municipality to enter into certain agreements; requiring a

1 certain county or municipality that imposes a certain assessment to provide certain  
 2 notice to the Comptroller under certain circumstances; requiring a transportation  
 3 network company to collect and submit certain assessments, fees, charges, or taxes  
 4 to the Comptroller; requiring the Comptroller to distribute certain amounts to a  
 5 certain account; prohibiting a certain amount distributed to a certain account from  
 6 exceeding a certain percentage of certain revenue; authorizing the Comptroller to  
 7 inspect certain locations under certain circumstances; prohibiting the Comptroller  
 8 from disclosing certain information under certain circumstances; authorizing the  
 9 Comptroller to adopt certain regulations or other requirements or procedures to  
 10 govern the administration, collection, and enforcement of certain assessments under  
 11 certain circumstances; establishing a Transportation Network Assessment Fund as  
 12 a continuing, nonlapsing fund; specifying the purpose of the Fund; requiring the  
 13 Comptroller to make certain deposits and certain disbursements; requiring the State  
 14 Treasurer to be the custodian of the Fund; prohibiting any part of the Fund from  
 15 reverting or being credited to the General Fund or certain special funds; stating a  
 16 certain intent of the General Assembly; defining certain terms; requiring the  
 17 Maryland Insurance Administration to conduct a certain study; requiring the  
 18 Administration to report findings and recommendations to specified committees;  
 19 requiring the Commission to study certain laws and regulations and report findings  
 20 and recommendations by a certain date to specified committees; defining certain  
 21 terms; and generally relating to transportation network services and for-hire  
 22 transportation.

23 BY repealing and reenacting, without amendments,

24 Article – Insurance

25 Section 3–319

26 Annotated Code of Maryland

27 (2011 Replacement Volume and 2014 Supplement)

28 BY adding to

29 Article – Insurance

30 Section 19–517 and 19–517.1

31 Annotated Code of Maryland

32 (2011 Replacement Volume and 2014 Supplement)

33 BY repealing and reenacting, without amendments,

34 Article – Public Utilities

35 Section 1–101(a), ~~10–101(a), (d), and (f), and 10–103(b)~~

36 Annotated Code of Maryland

37 (2010 Replacement Volume and 2014 Supplement)

38 BY repealing and reenacting, with amendments,

39 Article – Public Utilities

40 Section 1–101(e), (pp), (qq), and (rr) ~~and 10–102(b), 10–101(e), (g), and (j), 10–103(a);~~

41 and 10–401 and 10–402 to be under the amended subtitle “Subtitle 5.

42 Prohibitions; Penalties”

43 Annotated Code of Maryland

(2010 Replacement Volume and 2014 Supplement)

BY adding to

Article – Public Utilities

Section 1–101(pp), (qq), and (rr); ~~4–101.1~~ 10–101(l), (m), and (n); 10–103(c); 10–104.1;

and ~~10.5–101~~ 10–401 through ~~10.5–112~~ 10–407 to be under the new ~~title~~

subtitle “~~Title 10.5~~” “Subtitle 4. Transportation Network Company Services”

Annotated Code of Maryland

(2010 Replacement Volume and 2014 Supplement)

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

**Article – Insurance**

3–319.

(a) A surplus lines broker may not place surplus lines insurance with an unauthorized insurer that:

(1) has not been approved by the Commissioner as a surplus lines insurer in accordance with § 3–318 of this subtitle;

(2) for an insurer not domiciled in the State, has not qualified under § 3–303 of this subtitle;

(3) has been determined by the Commissioner to be insolvent or unsafe financially under subsection (b) of this section; or

(4) has been determined by the Commissioner to have refused to pay just claims.

(b) (1) The Commissioner shall direct that surplus lines insurance may not be placed with a surplus lines insurer that has been approved by the Commissioner if the Commissioner determines that the surplus lines insurer:

(i) is not in a safe or solvent financial condition; or

(ii) has refused to pay just claims.

(2) After written notice of a determination made by the Commissioner under paragraph (1) of this subsection is mailed by the Commissioner to qualified surplus lines brokers, surplus lines insurance may not be placed with the surplus lines insurer.

(c) Notwithstanding any other provision of this subtitle, a surplus lines broker may not place surplus lines insurance with an insurer if the broker knows, or reasonably should know, that the insurer is in an unsafe or insolvent financial condition.

1           (d) A qualified surplus lines broker may not place a risk in an unauthorized  
2 insurer that has not previously appointed the Commissioner as agent for the acceptance of  
3 service of process.

4 **19-517.**

5           (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
6 INDICATED.

7                   (2) “TRANSPORTATION NETWORK COMPANY” HAS THE MEANING  
8 STATED IN § 10-101 OF THE PUBLIC UTILITIES ARTICLE.

9                   (3) “TRANSPORTATION NETWORK OPERATOR” HAS THE MEANING  
10 STATED IN § 10-101 OF THE PUBLIC UTILITIES ARTICLE.

11                   (4) “TRANSPORTATION NETWORK SERVICES” HAS THE MEANING  
12 STATED IN § 10-101 OF THE PUBLIC UTILITIES ARTICLE.

13           (B) INSURANCE REQUIRED UNDER § 10-405 OF THE PUBLIC UTILITIES  
14 ARTICLE SHALL BE DEEMED TO SATISFY THE FINANCIAL RESPONSIBILITY  
15 REQUIREMENT FOR A MOTOR VEHICLE UNDER §§ 19-505 AND 19-509 OF THIS  
16 ARTICLE AND TITLE 17, SUBTITLE 1 OF THE TRANSPORTATION ARTICLE.

17           (C) (1) AN AUTHORIZED INSURER THAT WRITES MOTOR VEHICLE  
18 LIABILITY INSURANCE IN THE STATE MAY EXCLUDE ANY AND ALL COVERAGE AND  
19 THE DUTY TO DEFEND AFFORDED UNDER AN OWNER’S OR OPERATOR’S PERSONAL  
20 MOTOR VEHICLE INSURANCE POLICY FOR ANY LOSS OR INJURY THAT OCCURS  
21 WHILE THE VEHICLE OPERATOR IS PROVIDING TRANSPORTATION NETWORK  
22 SERVICES.

23                   (2) A MOTOR VEHICLE INSURER THAT DEFENDS OR INDEMNIFIES A  
24 CLAIM AGAINST A DRIVER FOR WHICH COVERAGE IS EXCLUDED UNDER THE TERMS  
25 OF ITS POLICY SHALL HAVE A RIGHT OF CONTRIBUTION AGAINST OTHER INSURERS  
26 THAT PROVIDE INSURANCE TO THE SAME DRIVER IN SATISFACTION OF THE  
27 REQUIREMENTS OF § 10-405 OF THE PUBLIC UTILITIES ARTICLE AT THE TIME OF  
28 THE LOSS.

29                   (3) NOTHING IN THIS SECTION OR § 10-405 OF THE PUBLIC  
30 UTILITIES ARTICLE SHALL BE DEEMED TO INVALIDATE OR LIMIT AN EXCLUSION  
31 CONTAINED IN A POLICY, INCLUDING ANY POLICY IN USE OR APPROVED FOR USE  
32 BEFORE JULY 1, 2015, THAT EXCLUDES COVERAGE FOR MOTOR VEHICLES THAT ARE  
33 USED TO TRANSPORT PASSENGERS OR PROPERTY FOR A CHARGE OR ARE  
34 AVAILABLE FOR HIRE BY THE PUBLIC.

1           **(4) THE RIGHT TO EXCLUDE COVERAGE AND THE DUTY TO DEFEND**  
2 **UNDER PARAGRAPH (1) OF THIS SUBSECTION APPLIES TO ANY COVERAGE**  
3 **INCLUDED IN A MOTOR VEHICLE LIABILITY INSURANCE POLICY, INCLUDING:**

4           **(I) LIABILITY COVERAGE FOR BODILY INJURY AND PROPERTY**  
5 **DAMAGE;**

6           **(II) UNINSURED AND UNDERINSURED MOTORIST COVERAGE;**

7           **(III) MEDICAL PAYMENTS COVERAGE;**

8           **(IV) PERSONAL INJURY PROTECTION COVERAGE;**

9           **(V) COMPREHENSIVE PHYSICAL DAMAGE COVERAGE; AND**

10           **(VI) COLLISION PHYSICAL DAMAGE COVERAGE.**

11           **(5) IF A MOTOR VEHICLE INSURER EXCLUDES COVERAGE FOR**  
12 **PROVIDING TRANSPORTATION NETWORK SERVICES, THE MOTOR VEHICLE INSURER**  
13 **SHALL PROVIDE WRITTEN NOTICE TO THE NAMED INSURED STATING THAT THE**  
14 **POLICY EXCLUDES COVERAGE FOR PROVIDING TRANSPORTATION NETWORK**  
15 **SERVICES:**

16           **(I) FOR A POLICY INITIALLY PURCHASED ON OR AFTER**  
17 **JANUARY 1, 2016, AT THE TIME OF ISSUANCE; AND**

18           **(II) FOR A POLICY IN FORCE BEFORE JANUARY 1, 2016, AT THE**  
19 **TIME THE POLICY FIRST RENEWS AFTER JANUARY 1, 2016.**

20           **(D) (1) NOTHING IN THIS SECTION OR § 10-405 OF THE PUBLIC**  
21 **UTILITIES ARTICLE:**

22           **(I) MAY BE CONSTRUED TO REQUIRE A PERSONAL MOTOR**  
23 **VEHICLE INSURANCE POLICY TO PROVIDE PRIMARY OR EXCESS COVERAGE; OR**

24           **(II) IMPLIES OR REQUIRES THAT A PERSONAL MOTOR VEHICLE**  
25 **INSURANCE POLICY PROVIDE COVERAGE WHILE THE VEHICLE OPERATOR IS**  
26 **PROVIDING TRANSPORTATION NETWORK SERVICES.**

27           **(2) COVERAGE UNDER A MOTOR VEHICLE INSURANCE POLICY**  
28 **MAINTAINED BY A TRANSPORTATION NETWORK COMPANY MAY NOT BE DEPENDENT**  
29 **ON A PERSONAL MOTOR VEHICLE INSURER FIRST DENYING A CLAIM, NOR MAY A**



1 PERSONAL MOTOR VEHICLE INSURANCE POLICY BE REQUIRED TO FIRST DENY A  
2 CLAIM.

3 (3) NOTHING IN THIS SECTION OR § 10-405 OF THE PUBLIC  
4 UTILITIES ARTICLE PRECLUDES A MOTOR VEHICLE INSURER FROM PROVIDING  
5 COVERAGE FOR AN OPERATOR'S MOTOR VEHICLE WHILE THE OPERATOR IS  
6 PROVIDING TRANSPORTATION NETWORK SERVICES IF THE MOTOR VEHICLE  
7 INSURER ELECTS TO DO SO BY CONTRACT OR ENDORSEMENT.

8 19-517.1.

9 (A) BEGINNING JULY 1, 2017, AND ANNUALLY THEREAFTER THROUGH  
10 JULY 1, 2021, THE COMMISSIONER SHALL MAKE A DETERMINATION WHETHER,  
11 WITH REGARD TO THE REQUIRED COVERAGES UNDER § 10-405(A) OF THE PUBLIC  
12 UTILITIES ARTICLE, THERE IS A VIABLE, AFFORDABLE, AND ADEQUATE MARKET OF  
13 ADMITTED CARRIERS IN THE STATE AVAILABLE TO PROVIDE THE REQUIRED  
14 COVERAGES TO THE TRANSPORTATION NETWORK SERVICES INDUSTRY.

15 (B) TO THE EXTENT THAT THE COMMISSIONER MAKES AN AFFIRMATIVE  
16 FINDING OF AVAILABILITY, AND IN ACCORDANCE WITH THE PROVISIONS OF TITLE  
17 3, SUBTITLE 3 OF THIS ARTICLE, IT IS THE INTENT OF THE GENERAL ASSEMBLY  
18 THAT REQUIRED COVERAGES BE OBTAINED FROM ADMITTED INSURERS.

19 **Article – Public Utilities**

20 1-101.

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

22 (e) (1) “Common carrier” means a person, public authority, or federal, State,  
23 district, or municipal transportation unit that is engaged in the public transportation of  
24 persons for hire, by land, water, air, or any combination of them.

25 (2) “Common carrier” includes:

26 (i) an airline company;

27 (ii) a car company, motor vehicle company, automobile company, or  
28 motor bus company;

29 (iii) a power boat company, vessel-boat company, steamboat  
30 company, or ferry company;

31 (iv) a railroad company, street railroad company, or sleeping car  
32 company;

1 (v) a taxicab company;

2 (vi) a toll bridge company; ~~and~~

3 (vii) a transit company; AND

4 **(VIII) A TRANSPORTATION NETWORK COMPANY.**

5 (3) "Common carrier" does not include:

6 (i) a county revenue authority;

7 (ii) a toll bridge or other facility owned and operated by a county  
8 revenue authority;

9 (iii) a vanpool or launch service; ~~for~~

10 (iv) a for-hire water carrier, as defined in § 8-744 of the Natural  
11 Resources Article;

12 ~~(V) A TRANSPORTATION NETWORK COMPANY; OR~~

13 ~~(VI) A TRANSPORTATION NETWORK OPERATOR.~~

14 **(PP) "TRANSPORTATION NETWORK COMPANY" HAS THE MEANING STATED IN**  
15 **~~§ 10.5-101~~ § 10-101 OF THIS ARTICLE.**

16 ~~**(QQ) "TRANSPORTATION NETWORK OPERATOR" HAS THE MEANING STATED**~~  
17 ~~**IN § 10.5-101 OF THIS ARTICLE.**~~

18 ~~**(RR) (QQ) "TRANSPORTATION NETWORK SERVICES" HAS THE MEANING**~~  
19 ~~**STATED IN § 10.5-101 § 10-101 OF THIS ARTICLE.**~~

20 **[(pp)] ~~(ss)~~ (RR)** (1) "Transportation of persons for hire" means the  
21 transportation of persons by:

22 (i) regularly scheduled operations;

23 (ii) charter or contract operations; or

24 (iii) tour or sightseeing operations.

25 (2) "Transportation of persons for hire" includes the transportation of  
26 persons, whether on the cooperative plan, carried by a corporation, group, or association  
27 engaged in the transportation of its stockholders, shareholders, or members.

1 [(qq)] ~~(TT)~~ (SS) “Water company” means a public service company that owns a  
 2 water plant and sells or distributes water for gain.

3 [(rr)] ~~(UU)~~ (TT) “Water plant” means the material, equipment, and property  
 4 owned by a water company and used or to be used for or in connection with water service.

5 ~~4-101.1.~~

6 ~~THIS TITLE DOES NOT APPLY TO:~~

7 ~~(1) TRANSPORTATION NETWORK SERVICES;~~

8 ~~(2) A TRANSPORTATION NETWORK COMPANY; OR~~

9 ~~(3) A TRANSPORTATION NETWORK OPERATOR.~~

10 ~~10-102.~~

11 ~~(b) (1) This title applies to any motor vehicle used in the transportation of~~  
 12 ~~persons in exchange for remuneration except:~~

13 ~~[(1)] (I) motor vehicles designed to transport more than 15 persons; [and]~~

14 ~~[(2)] (II) transportation solely provided by or on behalf of a unit of federal,~~  
 15 ~~State, or local government, or a not-for-profit organization as identified in § 501(c)(3) and~~  
 16 ~~(4) of the Internal Revenue Code, that requires a criminal history records check and driving~~  
 17 ~~record check for its drivers, for clients of services including:~~

18 ~~[(i)] 1. aging support;~~

19 ~~[(ii)] 2. developmental and other disabilities;~~

20 ~~[(iii)] 3. kidney dialysis;~~

21 ~~[(iv)] 4. Medical Assistance Program;~~

22 ~~[(v)] 5. Head Start;~~

23 ~~[(vi)] 6. Welfare to Work;~~

24 ~~[(vii)] 7. mental health; and~~

25 ~~[(viii)] 8. job training; AND~~

~~(H) A MOTOR VEHICLE THAT IS USED BY A TRANSPORTATION NETWORK OPERATOR TO PROVIDE TRANSPORTATION NETWORK SERVICES UNDER TITLE 10.5 OF THIS ARTICLE.~~

~~(2) THIS TITLE DOES NOT APPLY TO A TRANSPORTATION NETWORK COMPANY OR A TRANSPORTATION NETWORK OPERATOR.~~

~~TITLE 10.5. TRANSPORTATION NETWORK SERVICES.~~

~~10.5-101.~~

~~(A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.~~

~~(B) "TRANSPORTATION NETWORK COMPANY" MEANS A PERSON THAT USES A DIGITAL NETWORK OR SOFTWARE APPLICATION TO CONNECT A PASSENGER TO TRANSPORTATION NETWORK SERVICES.~~

~~(C) "TRANSPORTATION NETWORK OPERATOR" MEANS AN INDIVIDUAL WHO OWNS OR OPERATES A MOTOR VEHICLE THAT IS:~~

~~(1) THE INDIVIDUAL'S PERSONAL MOTOR VEHICLE OR A MOTOR VEHICLE THAT IS OTHERWISE AUTHORIZED FOR USE BY THE INDIVIDUAL;~~

~~(2) NOT REGISTERED AS A MOTOR CARRIER UNDER § 13-423 OF THE TRANSPORTATION ARTICLE; AND~~

~~(3) USED TO PROVIDE TRANSPORTATION NETWORK SERVICES.~~

~~(D) (1) "TRANSPORTATION NETWORK SERVICES" MEANS TRANSPORTATION OF A PASSENGER:~~

~~(I) BETWEEN POINTS CHOSEN BY THE PASSENGER; AND~~

~~(II) THAT IS PREARRANGED BY A TRANSPORTATION NETWORK COMPANY.~~

~~(2) "TRANSPORTATION NETWORK SERVICES" DOES NOT INCLUDE:~~

~~(I) TAXICAB SERVICE;~~

~~(II) FOR HIRE SERVICES UNDER TITLE 10 OF THIS ARTICLE; OR~~

~~(III) PASSENGER SERVICES ENGAGED BY A PASSENGER HAILING A VEHICLE FROM THE STREET.~~

1 ~~10.5-102.~~

2 ~~FOR PURPOSES OF THIS TITLE, TRANSPORTATION NETWORK SERVICES ARE~~  
3 ~~CONSIDERED TO:~~

4 ~~(1) BEGIN WHEN A TRANSPORTATION NETWORK OPERATOR ACCEPTS~~  
5 ~~A REQUEST FOR TRANSPORTATION RECEIVED THROUGH THE TRANSPORTATION~~  
6 ~~NETWORK COMPANY'S DIGITAL NETWORK OR SOFTWARE APPLICATION;~~

7 ~~(2) CONTINUE WHILE THE TRANSPORTATION NETWORK OPERATOR~~  
8 ~~TRANSPORTS THE PASSENGER IN THE TRANSPORTATION NETWORK OPERATOR'S~~  
9 ~~MOTOR VEHICLE; AND~~

10 ~~(3) END WHEN THE PASSENGER EXITS THE TRANSPORTATION~~  
11 ~~NETWORK OPERATOR'S MOTOR VEHICLE.~~

12 ~~10.5-103.~~

13 ~~(A) AN INDIVIDUAL MAY SUBMIT AN APPLICATION TO A TRANSPORTATION~~  
14 ~~NETWORK COMPANY FOR REGISTRATION AS A TRANSPORTATION NETWORK~~  
15 ~~OPERATOR.~~

16 ~~(B) BEFORE APPROVING AN APPLICATION SUBMITTED UNDER SUBSECTION~~  
17 ~~(A) OF THIS SECTION, A TRANSPORTATION NETWORK COMPANY SHALL:~~

18 ~~(1) CONDUCT, OR HAVE A THIRD PARTY CONDUCT, A LOCAL AND~~  
19 ~~NATIONAL CRIMINAL HISTORY RECORDS CHECK FOR EACH APPLICANT USING THE~~  
20 ~~FOLLOWING DATABASES:~~

21 ~~(I) A MULTISTATE OR MULTIJURISDICTIONAL CRIMINAL~~  
22 ~~RECORDS LOCATOR OR OTHER SIMILAR COMMERCIAL NATIONWIDE DATABASE WITH~~  
23 ~~VALIDATION THAT USES A PRIMARY SOURCE SEARCH; AND~~

24 ~~(II) A NATIONAL SEX OFFENDER PUBLIC REGISTRY DATABASE;~~  
25 ~~AND~~

26 ~~(2) OBTAIN AND REVIEW A DRIVING RECORD CHECK FOR EACH~~  
27 ~~APPLICANT.~~

28 ~~(C) A TRANSPORTATION NETWORK COMPANY MAY NOT APPROVE AN~~  
29 ~~APPLICATION SUBMITTED UNDER SUBSECTION (A) OF THIS SECTION FOR AN~~  
30 ~~APPLICANT WHO:~~

~~(1) AS SHOWN IN THE CRIMINAL HISTORY RECORDS CHECK REQUIRED UNDER SUBSECTION (B)(1) OF THIS SECTION, WITHIN THE PAST 7 YEARS HAS BEEN CONVICTED OF:~~

~~(I) A CRIME OF VIOLENCE UNDER § 14-101 OF THE CRIMINAL LAW ARTICLE;~~

~~(II) SEXUAL ABUSE UNDER TITLE 3, SUBTITLE 3 OF THE CRIMINAL LAW ARTICLE;~~

~~(III) ROBBERY UNDER TITLE 4, SUBTITLE 3 OF THE CRIMINAL LAW ARTICLE; OR~~

~~(IV) FRAUD THAT IS PUNISHABLE AS A FELONY UNDER TITLE 8 OF THE CRIMINAL LAW ARTICLE;~~

~~(2) AS SHOWN IN THE DRIVING RECORD CHECK REQUIRED UNDER SUBSECTION (B)(2) OF THIS SECTION, WITHIN THE PAST 7 YEARS HAS BEEN CONVICTED OF:~~

~~(I) DRIVING UNDER THE INFLUENCE OF DRUGS OR ALCOHOL UNDER § 21-902 OF THE TRANSPORTATION ARTICLE;~~

~~(II) FAILURE TO REMAIN AT THE SCENE OF AN ACCIDENT UNDER TITLE 20 OF THE TRANSPORTATION ARTICLE; OR~~

~~(III) FLEEING OR ELUDING THE POLICE UNDER § 21-904 OF THE TRANSPORTATION ARTICLE; OR~~

~~(3) AS SHOWN IN THE DRIVING RECORD CHECK REQUIRED UNDER SUBSECTION (B)(2) OF THIS SECTION, WITHIN THE PAST 3 YEARS HAS BEEN CONVICTED OF:~~

~~(I) DRIVING WITH A SUSPENDED OR REVOKED LICENSE UNDER § 16-303 OF THE TRANSPORTATION ARTICLE; OR~~

~~(II) RECKLESS DRIVING UNDER § 21-901.1 OF THE TRANSPORTATION ARTICLE.~~

~~10.5-104.~~

~~A TRANSPORTATION NETWORK OPERATOR SHALL:~~

~~(1) POSSESS:~~

1           ~~(I) A VALID DRIVER'S LICENSE;~~

2           ~~(II) PROOF OF REGISTRATION FOR THE MOTOR VEHICLE THAT~~  
3 ~~IS USED FOR TRANSPORTATION NETWORK SERVICES; AND~~

4           ~~(III) PROOF OF INSURANCE FOR THE MOTOR VEHICLE THAT IS~~  
5 ~~USED FOR TRANSPORTATION NETWORK SERVICES; AND~~

6           ~~(2) BE AT LEAST 21 YEARS OLD.~~

7 ~~10.5-105.~~

8           ~~(A) A TRANSPORTATION NETWORK COMPANY SHALL:~~

9           ~~(1) REGISTER WITH THE COMMISSION;~~

10           ~~(2) CREATE AN APPLICATION PROCESS FOR INDIVIDUALS TO APPLY~~  
11 ~~FOR REGISTRATION AS A TRANSPORTATION NETWORK OPERATOR UNDER § 10.5-103~~  
12 ~~OF THIS TITLE;~~

13           ~~(3) MAINTAIN A CURRENT REGISTRY OF THE TRANSPORTATION~~  
14 ~~NETWORK COMPANY'S TRANSPORTATION NETWORK OPERATORS;~~

15           ~~(4) SUBMIT PROOF TO THE COMMISSION THAT THE COMPANY:~~

16           ~~(I) IS REGISTERED TO DO BUSINESS IN THE STATE; AND~~

17           ~~(II) MAINTAINS A WEB SITE THAT PROVIDES THE~~  
18 ~~TRANSPORTATION NETWORK COMPANY'S CUSTOMER SERVICE TELEPHONE NUMBER~~  
19 ~~OR ELECTRONIC MAIL ADDRESS;~~

20           ~~(5) IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION,~~  
21 ~~CONDUCT, OR HAVE A THIRD PARTY CONDUCT, A SAFETY INSPECTION OF THE~~  
22 ~~MOTOR VEHICLE THAT A TRANSPORTATION NETWORK OPERATOR WILL USE BEFORE~~  
23 ~~THE MOTOR VEHICLE MAY BE USED TO PROVIDE TRANSPORTATION NETWORK~~  
24 ~~SERVICES;~~

25           ~~(6) PROVIDE THE FOLLOWING INFORMATION ON THE~~  
26 ~~TRANSPORTATION NETWORK COMPANY'S WEB SITE:~~

27           ~~(I) THE TRANSPORTATION NETWORK COMPANY'S CUSTOMER~~  
28 ~~SERVICE TELEPHONE NUMBER OR ELECTRONIC MAIL ADDRESS;~~

1 ~~(H) THE TRANSPORTATION NETWORK COMPANY'S~~  
2 ~~ZERO TOLERANCE POLICY ESTABLISHED UNDER § 10.5 107 OF THIS TITLE;~~

3 ~~(HH) THE PROCEDURE FOR REPORTING A COMPLAINT ABOUT AN~~  
4 ~~INDIVIDUAL WHO A PASSENGER REASONABLY SUSPECTS VIOLATED THE~~  
5 ~~TRANSPORTATION NETWORK COMPANY'S ZERO TOLERANCE POLICY; AND~~

6 ~~(IV) A COMPLAINT TELEPHONE NUMBER AND ELECTRONIC MAIL~~  
7 ~~ADDRESS FOR THE COMMISSION; AND~~

8 ~~(7) MAINTAIN RECORDS FOR:~~

9 ~~(I) EACH APPLICATION SUBMITTED UNDER § 10.5 103 OF THIS~~  
10 ~~TITLE;~~

11 ~~(H) INFORMATION COLLECTED THROUGH A CRIMINAL HISTORY~~  
12 ~~RECORDS CHECK AND A REVIEW OF EACH APPLICANT'S DRIVING HISTORY UNDER §~~  
13 ~~10.5 103(C) OF THIS TITLE;~~

14 ~~(HH) THE INFORMATION REQUIRED FOR EACH TRANSPORTATION~~  
15 ~~NETWORK OPERATOR UNDER § 10.5 104 OF THIS TITLE;~~

16 ~~(IV) THE REGISTRY REQUIRED UNDER ITEM (3) OF THIS~~  
17 ~~SUBSECTION;~~

18 ~~(V) THE SAFETY INSPECTION REQUIRED UNDER ITEM (5) OF~~  
19 ~~THIS SUBSECTION;~~

20 ~~(VI) FOR AT LEAST 1 YEAR, EACH TRANSPORTATION NETWORK~~  
21 ~~SERVICE ARRANGED BY THE TRANSPORTATION NETWORK COMPANY, INCLUDING~~  
22 ~~COPIES OF RECEIPTS THAT ARE TRANSMITTED TO A PASSENGER UNDER §~~  
23 ~~10.5 106(B) OF THIS TITLE;~~

24 ~~(VII) FOR AT LEAST 1 YEAR, EACH COMPLAINT FILED FOR AN~~  
25 ~~ALLEGED VIOLATION OF THE TRANSPORTATION NETWORK COMPANY'S~~  
26 ~~ZERO TOLERANCE POLICY UNDER § 10.5 107(B)(2) OF THIS TITLE;~~

27 ~~(VIII) FOR AT LEAST 1 YEAR, EACH INVESTIGATION BEGUN UNDER~~  
28 ~~§ 10.5 107(B)(3) OF THIS TITLE;~~

29 ~~(IX) THE TRANSPORTATION NETWORK COMPANY'S INSURANCE~~  
30 ~~POLICY REQUIRED UNDER § 10.5 108(A) OF THIS TITLE; AND~~



~~(X) FOR AT LEAST 1 YEAR, EACH ACCIDENT THAT INVOLVES A MOTOR VEHICLE THAT IS USED FOR TRANSPORTATION NETWORK SERVICES PROVIDED BY THE TRANSPORTATION NETWORK COMPANY.~~

~~(B) THE SAFETY INSPECTION REQUIRED UNDER SUBSECTION (A)(5) OF THIS SECTION SHALL BE CONSISTENT WITH THE STANDARDS APPROVED BY THE DEPARTMENT OF STATE POLICE FOR VEHICLES THAT MUST BE INSPECTED IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE DEPARTMENT OF TRANSPORTATION OR A COMPARABLE INSPECTION REQUIRED BY THE JURISDICTION IN WHICH THE VEHICLE IS REGISTERED.~~

~~10.5-106.~~

~~(A) (1) A TRANSPORTATION NETWORK COMPANY OR A TRANSPORTATION NETWORK OPERATOR MAY:~~

~~(I) OFFER TRANSPORTATION NETWORK SERVICES AT NO COST;~~

~~(II) SUGGEST A DONATION FOR TRANSPORTATION NETWORK SERVICES PROVIDED; OR~~

~~(III) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, CHARGE A FARE FOR TRANSPORTATION NETWORK SERVICES PROVIDED.~~

~~(2) IF A FARE IS CHARGED UNDER PARAGRAPH (1)(III) OF THIS SUBSECTION, A TRANSPORTATION NETWORK COMPANY OR A TRANSPORTATION NETWORK OPERATOR SHALL DISCLOSE THE FOLLOWING INFORMATION TO A PASSENGER BEFORE THE PASSENGER ARRANGES A TRIP WITH A TRANSPORTATION NETWORK COMPANY OR A TRANSPORTATION NETWORK OPERATOR:~~

~~(I) THE METHOD FOR CALCULATING THE FARE;~~

~~(II) THE APPLICABLE RATE BEING CHARGED; AND~~

~~(III) AN ESTIMATED FARE FOR THE TRANSPORTATION NETWORK SERVICES THAT WILL BE PROVIDED.~~

~~(B) THE TRANSPORTATION NETWORK COMPANY, ON COMPLETION OF TRANSPORTATION NETWORK SERVICES PROVIDED BY A TRANSPORTATION NETWORK OPERATOR, SHALL TRANSMIT AN ELECTRONIC RECEIPT TO THE PASSENGER'S ELECTRONIC MAIL ADDRESS OR MOBILE APPLICATION DOCUMENTING:~~

~~(1) THE ORIGIN AND DESTINATION OF THE TRIP;~~

1           ~~(2) THE TOTAL TIME AND DISTANCE OF THE TRIP; AND~~

2           ~~(3) A BREAKDOWN OF THE TOTAL FARE PAID, IF ANY.~~

3 ~~10.5-107.~~

4           ~~(A) (1) IN THIS SECTION, "DISCRIMINATORY CONDUCT" INCLUDES:~~

5                   ~~(I) REFUSING SERVICE ON THE BASIS OF A PASSENGER'S RACE,~~  
6 ~~SEX, CREED, COLOR, NATIONAL ORIGIN, MARITAL STATUS, SEXUAL ORIENTATION,~~  
7 ~~AGE, GENDER IDENTITY, OR DISABILITY, INCLUDING REFUSAL OF SERVICE TO A~~  
8 ~~PASSENGER WITH A SERVICE ANIMAL UNLESS THE TRANSPORTATION NETWORK~~  
9 ~~OPERATOR HAS A DOCUMENTED SERIOUS MEDICAL ALLERGY TO ANIMALS ON FILE~~  
10 ~~WITH THE TRANSPORTATION NETWORK COMPANY;~~

11                   ~~(II) USING DEROGATORY OR HARASSING LANGUAGE ON THE~~  
12 ~~BASIS OF A PERSON'S RACE, SEX, CREED, COLOR, NATIONAL ORIGIN, MARITAL~~  
13 ~~STATUS, SEXUAL ORIENTATION, AGE, GENDER IDENTITY, OR DISABILITY;~~

14                   ~~(III) REFUSING SERVICE BASED ON THE PICK UP OR DROP OFF~~  
15 ~~LOCATION OF THE PASSENGER; OR~~

16                   ~~(IV) RATING A PASSENGER ON THE BASIS OF THE PASSENGER'S~~  
17 ~~RACE, SEX, CREED, COLOR, NATIONAL ORIGIN, MARITAL STATUS, SEXUAL~~  
18 ~~ORIENTATION, AGE, GENDER IDENTITY, OR DISABILITY.~~

19           ~~(2) "DISCRIMINATORY CONDUCT" DOES NOT INCLUDE REFUSING~~  
20 ~~SERVICE TO AN INDIVIDUAL WITH A DISABILITY DUE TO VIOLENT, SERIOUSLY~~  
21 ~~DISRUPTIVE, OR ILLEGAL CONDUCT BY THE INDIVIDUAL.~~

22           ~~(B) A TRANSPORTATION NETWORK COMPANY SHALL:~~

23                   ~~(1) IMPLEMENT A ZERO TOLERANCE POLICY ON THE USE OF DRUGS~~  
24 ~~OR ALCOHOL WHILE AN INDIVIDUAL IS ARRANGING OR PROVIDING~~  
25 ~~TRANSPORTATION NETWORK SERVICES;~~

26                   ~~(2) IMMEDIATELY SUSPEND AN INDIVIDUAL WHO IS ARRANGING OR~~  
27 ~~PROVIDING TRANSPORTATION NETWORK SERVICES ON RECEIPT OF A PASSENGER~~  
28 ~~COMPLAINT CONTAINING A REASONABLE ALLEGATION THAT THE INDIVIDUAL~~  
29 ~~VIOLATED THE ZERO TOLERANCE POLICY; AND~~

30                   ~~(3) CONDUCT AN INVESTIGATION INTO THE ALLEGED VIOLATION OF~~  
31 ~~THE ZERO TOLERANCE POLICY.~~

1       ~~(C) A SUSPENSION ISSUED UNDER SUBSECTION (B) OF THIS SECTION SHALL~~  
2 ~~LAST FOR THE DURATION OF THE INVESTIGATION.~~

3       ~~(D) (1) A TRANSPORTATION NETWORK COMPANY SHALL:~~

4               ~~(I) ADOPT A POLICY PROHIBITING DISCRIMINATORY CONDUCT;~~  
5 ~~AND~~

6               ~~(II) NOTIFY PEER TO PEER TRANSPORTATION NETWORK~~  
7 ~~OPERATORS OF THE POLICY.~~

8       ~~(2) A TRANSPORTATION NETWORK OPERATOR SHALL COMPLY:~~

9               ~~(I) WITH THE POLICY ADOPTED IN ACCORDANCE WITH THIS~~  
10 ~~SUBSECTION; AND~~

11               ~~(II) WITH ALL APPLICABLE LAWS REGARDING DISCRIMINATORY~~  
12 ~~CONDUCT.~~

13 ~~10.5-108.~~

14       ~~(A) FOR ACCIDENTS INVOLVING A TRANSPORTATION NETWORK OPERATOR~~  
15 ~~DURING THE PERIOD OF TIME IN WHICH A TRANSPORTATION NETWORK OPERATOR~~  
16 ~~IS PROVIDING TRANSPORTATION NETWORK SERVICES, THE FOLLOWING IS~~  
17 ~~REQUIRED:~~

18               ~~(1) PRIMARY AUTOMOBILE LIABILITY INSURANCE THAT COVERS THE~~  
19 ~~TRANSPORTATION NETWORK OPERATOR'S PROVISION OF SERVICES IN THE AMOUNT~~  
20 ~~OF \$1,000,000 PER INCIDENT FOR BODILY INJURY AND PROPERTY DAMAGE; AND~~

21               ~~(2) UNINSURED MOTORIST INSURANCE COVERAGE REQUIRED UNDER~~  
22 ~~§ 19-509 OF THE INSURANCE ARTICLE.~~

23       ~~(B) (1) FOR ACCIDENTS INVOLVING A TRANSPORTATION NETWORK~~  
24 ~~OPERATOR DURING THE PERIOD OF TIME IN WHICH A TRANSPORTATION NETWORK~~  
25 ~~OPERATOR IS LOGGED INTO THE TRANSPORTATION NETWORK COMPANY'S DIGITAL~~  
26 ~~NETWORK AND AVAILABLE TO PROVIDE TRANSPORTATION NETWORK SERVICES BUT~~  
27 ~~IS NOT PROVIDING TRANSPORTATION NETWORK SERVICES, THE FOLLOWING IS~~  
28 ~~REQUIRED:~~

29               ~~(I) AUTOMOBILE LIABILITY INSURANCE FOR BODILY INJURY~~  
30 ~~AND PROPERTY DAMAGE THAT MEETS OR EXCEEDS THE MINIMUM COVERAGE~~  
31 ~~REQUIREMENTS UNDER § 17-103(B) OF THE TRANSPORTATION ARTICLE; AND~~

1 ~~(H) AUTOMOBILE LIABILITY INSURANCE THAT MEETS OR~~  
2 ~~EXCEEDS THE MINIMUM COVERAGE REQUIREMENTS UNDER § 19-509 OF THE~~  
3 ~~INSURANCE ARTICLE.~~

4 ~~(2) A TRANSPORTATION NETWORK COMPANY SHALL MAINTAIN~~  
5 ~~AUTOMOBILE LIABILITY INSURANCE IN THE AMOUNTS REQUIRED UNDER~~  
6 ~~PARAGRAPH (1) OF THIS SUBSECTION TO PROVIDE COVERAGE IN THE EVENT A~~  
7 ~~PARTICIPATING TRANSPORTATION NETWORK OPERATOR'S OWN AUTOMOBILE~~  
8 ~~LIABILITY INSURANCE POLICY EXCLUDES COVERAGE ACCORDING TO ITS POLICY~~  
9 ~~TERMS OR DOES NOT PROVIDE THE MINIMAL COVERAGE REQUIRED UNDER~~  
10 ~~PARAGRAPH (1) OF THIS SUBSECTION.~~

11 ~~(C) THE INSURANCE REQUIREMENTS LISTED IN SUBSECTIONS (A) AND (B)~~  
12 ~~OF THIS SECTION MAY BE SATISFIED BY AN AUTOMOBILE LIABILITY POLICY~~  
13 ~~MAINTAINED BY:~~

14 ~~(1) THE TRANSPORTATION NETWORK OPERATOR;~~

15 ~~(2) THE TRANSPORTATION NETWORK COMPANY; OR~~

16 ~~(3) BOTH.~~

17 ~~(D) INSURANCE REQUIRED UNDER THIS SECTION MAY BE ISSUED BY:~~

18 ~~(1) AN INSURER AUTHORIZED TO DO BUSINESS IN THE STATE; OR~~

19 ~~(2) A SURPLUS LINES INSURER UNDER TITLE 3, SUBTITLE 3 OF THE~~  
20 ~~INSURANCE ARTICLE.~~

21 ~~(E) INSURANCE REQUIRED BY THIS SECTION SHALL BE DEEMED TO SATISFY~~  
22 ~~THE FINANCIAL RESPONSIBILITY REQUIREMENT FOR A MOTOR VEHICLE UNDER §~~  
23 ~~19-509 OF THE INSURANCE ARTICLE AND TITLE 17, SUBTITLE 1 OF THE~~  
24 ~~TRANSPORTATION ARTICLE.~~

25 ~~(F) (1) FOR THE PURPOSES OF THIS TITLE, INSURERS THAT WRITE~~  
26 ~~AUTOMOBILE LIABILITY INSURANCE IN THE STATE MAY EXCLUDE ANY AND ALL~~  
27 ~~COVERAGE AND THE DUTY TO DEFEND AFFORDED UNDER THE OWNER'S INSURANCE~~  
28 ~~POLICY FOR ANY LOSS OR INJURY THAT OCCURS WHILE AN INSURED VEHICLE~~  
29 ~~PROVIDES OR IS AVAILABLE TO PROVIDE TRANSPORTATION NETWORK SERVICES IF~~  
30 ~~THE EXCLUSION IS EXPRESSLY SET FORTH IN THE POLICY AND APPROVED FOR SALE~~  
31 ~~IN MARYLAND.~~

~~(2) THE RIGHT TO EXCLUDE COVERAGE AND THE DUTY TO INDEMNIFY AND DEFEND SET FORTH IN PARAGRAPH (1) OF THIS SUBSECTION MAY APPLY TO ANY COVERAGE INCLUDED IN AN AUTOMOBILE LIABILITY INSURANCE POLICY, INCLUDING:~~

~~(I) LIABILITY COVERAGE FOR BODILY INJURY AND PROPERTY DAMAGE;~~

~~(II) UNINSURED AND UNDERINSURED MOTORIST COVERAGE;~~

~~(III) MEDICAL PAYMENTS COVERAGE;~~

~~(IV) PERSONAL INJURY PROTECTION COVERAGE;~~

~~(V) COMPREHENSIVE PHYSICAL DAMAGE COVERAGE; AND~~

~~(VI) COLLISION PHYSICAL DAMAGE COVERAGE.~~

~~(3) AS REQUIRED UNDER § 27-304(18) OF THE INSURANCE ARTICLE, AN INSURER SHALL NOTIFY THE INSURED PARTY THAT THE INSURER HAS NO DUTY TO DEFEND OR INDEMNIFY ANY PERSON OR ORGANIZATION FOR LIABILITY FOR A LOSS THAT IS PROPERLY EXCLUDED IN ACCORDANCE WITH THE TERMS OF THE APPLICABLE PRIMARY OR EXCESS INSURANCE POLICY.~~

~~(G) (1) AN INSURER THAT WRITES AUTOMOBILE LIABILITY INSURANCE IN THE STATE SHALL DISCLOSE IN A PROMINENT PLACE ON ITS APPLICATION FOR INSURANCE WHETHER THE INSURANCE POLICY PROVIDES COVERAGE WHILE AN INSURED VEHICLE PROVIDES OR IS AVAILABLE TO PROVIDE TRANSPORTATION NETWORK SERVICES.~~

~~(2) IF AN AUTOMOBILE LIABILITY INSURANCE POLICY CONTAINS AN EXCLUSION FOR TRANSPORTATION NETWORK SERVICES, THE INSURER OR ITS AGENT SHALL DISCLOSE IN WRITING THE EXACT LANGUAGE OF THE EXCLUSION TO THE APPLICANT DURING THE APPLICATION PROCESS.~~

~~(H) (1) IF AN ACCIDENT OCCURS THAT INVOLVES A MOTOR VEHICLE THAT IS BEING USED FOR TRANSPORTATION NETWORK SERVICES, THE TRANSPORTATION NETWORK OPERATOR SHALL PROVIDE PROOF OF:~~

~~(I) THE TRANSPORTATION NETWORK OPERATOR'S PERSONAL INSURANCE; AND~~

~~(II) LIABILITY COVERAGE REQUIRED UNDER SUBSECTION (A) OF THIS SECTION.~~

1           ~~(2) A TRANSPORTATION NETWORK OPERATOR WHO IS INVOLVED IN~~  
2 ~~AN ACCIDENT WHILE PROVIDING TRANSPORTATION NETWORK SERVICES SHALL~~  
3 ~~COOPERATE TO FACILITATE THE EXCHANGE OF INFORMATION, INCLUDING A~~  
4 ~~DESCRIPTION OF THE COVERAGE, EXCLUSIONS, AND LIMITS PROVIDED UNDER AN~~  
5 ~~INSURANCE POLICY EACH PARTY HAS BEEN ISSUED OR MAINTAINED.~~

6 ~~10.5-109.~~

7           ~~(A) A MOTOR VEHICLE USED TO PROVIDE TRANSPORTATION NETWORK~~  
8 ~~SERVICES SHALL:~~

9           ~~(1) HAVE A MANUFACTURER'S RATED SEATING CAPACITY OF EIGHT~~  
10 ~~OR FEWER PERSONS, INCLUDING THE TRANSPORTATION NETWORK OPERATOR;~~

11           ~~(2) HAVE AT LEAST FOUR DOORS AND MEET APPLICABLE FEDERAL~~  
12 ~~MOTOR VEHICLE SAFETY STANDARDS FOR VEHICLES OF ITS SIZE, TYPE, AND~~  
13 ~~PROPOSED USE; AND~~

14           ~~(3) BE NO MORE THAN 10 MODEL YEARS OF AGE AT ENTRY INTO~~  
15 ~~SERVICE AND NO MORE THAN 12 MODEL YEARS OF AGE WHILE BEING USED TO~~  
16 ~~PROVIDE TRANSPORTATION NETWORK SERVICES.~~

17           ~~(B) (1) A MOTOR VEHICLE THAT IS USED TO PROVIDE TRANSPORTATION~~  
18 ~~NETWORK SERVICES SHALL DISPLAY A CONSISTENT AND DISTINCTIVE TRADE DRESS~~  
19 ~~CONSISTING OF A LOGO, AN INSIGNIA, OR AN EMBLEM AT ALL TIMES THAT THE~~  
20 ~~TRANSPORTATION NETWORK OPERATOR IS PROVIDING TRANSPORTATION~~  
21 ~~NETWORK SERVICES.~~

22           ~~(2) THE TRADE DRESS REQUIRED UNDER THIS SUBSECTION SHALL~~  
23 ~~BE:~~

24           ~~(I) SUFFICIENTLY LARGE AND COLOR CONTRASTED SO AS TO~~  
25 ~~BE READABLE DURING DAYLIGHT HOURS AT A DISTANCE OF AT LEAST 50 FEET; AND~~

26           ~~(II) REFLECTIVE, ILLUMINATED, OR OTHERWISE PLAINLY~~  
27 ~~VISIBLE IN DARKNESS.~~

28 ~~10.5-110.~~

29           ~~(A) ON OR BEFORE JANUARY 1, 2016, EACH TRANSPORTATION NETWORK~~  
30 ~~COMPANY SHALL:~~

1 ~~(1) ENSURE THAT THE COMPANY'S WEB SITE IS ACCESSIBLE TO THE~~  
2 ~~BLIND AND VISUALLY IMPAIRED AND THE DEAF AND HARD OF HEARING; AND~~

3 ~~(2) PROVIDE A REPORT TO THE COMMISSION ON HOW THE COMPANY~~  
4 ~~INTENDS TO INCREASE ACCESS TO WHEELCHAIR ACCESSIBLE TRANSPORTATION~~  
5 ~~NETWORK SERVICES TO INDIVIDUALS WITH DISABILITIES.~~

6 ~~(B) A TRANSPORTATION NETWORK COMPANY MAY NOT:~~

7 ~~(1) IMPOSE ADDITIONAL OR SPECIAL CHARGES ON AN INDIVIDUAL~~  
8 ~~WITH A DISABILITY FOR PROVIDING SERVICES TO ACCOMMODATE THE INDIVIDUAL;~~  
9 ~~OR~~

10 ~~(2) REQUIRE THAT AN INDIVIDUAL WITH A DISABILITY BE~~  
11 ~~ACCOMPANIED BY AN ATTENDANT.~~

12 ~~(C) IF A TRANSPORTATION NETWORK OPERATOR ACCEPTS A RIDE REQUEST~~  
13 ~~THROUGH A TRANSPORTATION NETWORK COMPANY FROM A PASSENGER WITH A~~  
14 ~~DISABILITY WHO USES A MOBILITY DEVICE:~~

15 ~~(1) IF THE VEHICLE IS CAPABLE OF STOWING THE MOBILITY DEVICE,~~  
16 ~~THE OPERATOR SHALL STOW THE MOBILITY DEVICE IN THE VEHICLE; AND~~

17 ~~(2) IF THE PASSENGER OR OPERATOR DETERMINES THAT THE~~  
18 ~~VEHICLE IS NOT CAPABLE OF STOWING THE DEVICE, THE TRANSPORTATION~~  
19 ~~NETWORK COMPANY:~~

20 ~~(I) MAY NOT CHARGE A TRIP CANCELLATION FEE; OR~~

21 ~~(II) IF A FEE IS CHARGED, SHALL PROVIDE THE PASSENGER~~  
22 ~~WITH A REFUND IN A TIMELY MANNER.~~

23 ~~(D) A TRANSPORTATION NETWORK OPERATOR SHALL:~~

24 ~~(1) TREAT AN INDIVIDUAL WITH DISABILITIES IN A RESPECTFUL AND~~  
25 ~~COURTEOUS MANNER; AND~~

26 ~~(2) PROPERLY AND SAFELY HANDLE MOBILITY DEVICES AND~~  
27 ~~ASSOCIATED EQUIPMENT.~~

28 ~~10.5-111.~~

29 ~~(A) IF THE COMMISSION HAS A REASONABLE BASIS TO SUSPECT THAT A~~  
30 ~~TRANSPORTATION NETWORK COMPANY IS NOT IN COMPLIANCE WITH THIS TITLE,~~

~~THE COMMISSION MAY INSPECT THE RECORDS OF A TRANSPORTATION NETWORK COMPANY AT THE COMPANY'S PLACE OF BUSINESS OR AN AGREED-ON THIRD PARTY LOCATION TO THE EXTENT NECESSARY TO DETERMINE WHETHER THE TRANSPORTATION NETWORK COMPANY IS IN COMPLIANCE.~~

~~(B) (1) RECORDS DISCLOSED TO THE COMMISSION BY A TRANSPORTATION NETWORK COMPANY, INCLUDING NAMES AND ADDRESSES OF TRANSPORTATION NETWORK OPERATORS ARE NOT SUBJECT TO DISCLOSURE UNDER THE MARYLAND PUBLIC INFORMATION ACT.~~

~~(2) (i) THE COMMISSION OR ANY OTHER PUBLIC ENTITY MAY NOT DISCLOSE RECORDS OR INFORMATION DISCLOSED TO THE COMMISSION UNDER PARAGRAPH (1) OF THIS SUBSECTION TO ANY PERSON UNLESS THE DISCLOSURE IS REQUIRED BY A SUBPOENA OR COURT ORDER.~~

~~(ii) IF A SUBPOENA OR COURT ORDER REQUIRES THE COMMISSION OR OTHER PUBLIC ENTITY TO DISCLOSE INFORMATION DISCLOSED TO THE COMMISSION UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE COMMISSION OR PUBLIC ENTITY SHALL PROMPTLY NOTIFY THE TRANSPORTATION NETWORK COMPANY BEFORE DISCLOSING THE INFORMATION.~~

~~10.5-112.~~

~~(A) NOTWITHSTANDING ANY OTHER LAW, TRANSPORTATION NETWORK COMPANIES AND TRANSPORTATION NETWORK OPERATORS ARE GOVERNED EXCLUSIVELY BY THIS TITLE AND ANY REGULATIONS ADOPTED BY THE COMMISSION IN ACCORDANCE WITH THIS TITLE.~~

~~(B) A COUNTY OR MUNICIPAL CORPORATION MAY NOT:~~

~~(1) IMPOSE A TAX ON OR REQUIRE A TRANSPORTATION NETWORK COMPANY OR TRANSPORTATION NETWORK OPERATOR TO OBTAIN A LICENSE IF THE TAX OR LICENSE RELATES TO PROVIDING TRANSPORTATION NETWORK SERVICES; OR~~

~~(2) SUBJECT A TRANSPORTATION NETWORK COMPANY TO A LOCAL PERMITTING PROCESS, RATE LIMITATION, OR ANY OTHER LOCAL REQUIREMENT.~~

10-101.

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

(d) "For-hire driver's license" includes:

(1) a passenger-for-hire license; and



1           (2)    a taxicab driver’s license.

2           (e)    (1)    “Limousine service” means operating a motor vehicle for hire using a  
3 motor vehicle classified as a Class Q (limousine) vehicle under § 13–939 of the  
4 Transportation Article.

5           (2)    “Limousine service” does not include providing taxicab services [or],  
6 sedan services, OR TRANSPORTATION NETWORK SERVICES.

7           (f)    (1)    “Operate a motor vehicle for hire” means to transport or offer to  
8 transport a person in a motor vehicle in exchange for remuneration.

9           (2)    “Operate a motor vehicle for hire” includes:

10                   (i)    providing passenger–for–hire services; and

11                   (ii)   providing taxicab services.

12           (g)    “Provide passenger–for–hire services” includes:

13                   (1)    providing limousine services; [and]

14                   (2)    providing sedan services; AND

15                   (3)    PROVIDING TRANSPORTATION NETWORK SERVICES.

16           (j)    (1)    “Sedan service” means operating a motor vehicle for hire using a motor  
17 vehicle designed to carry 15 or fewer individuals, including the driver.

18           (2)    “Sedan service” does not include providing taxicab services [or],  
19 limousine services, OR TRANSPORTATION NETWORK SERVICES.

20           (L)    “TRANSPORTATION NETWORK COMPANY” MEANS A COMPANY THAT HAS  
21 BEEN ISSUED A PERMIT BY THE COMMISSION AND OPERATES IN THE STATE USING  
22 A DIGITAL NETWORK TO CONNECT PASSENGERS TO TRANSPORTATION NETWORK  
23 OPERATORS OR TRANSPORTATION NETWORK PARTNERS FOR TRANSPORTATION  
24 NETWORK SERVICES.

25           (M)   “TRANSPORTATION NETWORK OPERATOR”, “TRANSPORTATION  
26 NETWORK PARTNER”, OR “TRANSPORTATION NETWORK DRIVER” MEANS AN  
27 INDIVIDUAL WHO:

1           **(1) HAS BEEN ISSUED A TRANSPORTATION NETWORK OPERATOR'S**  
2 **LICENSE, OR IS OTHERWISE AUTHORIZED, BY THE COMMISSION TO PROVIDE**  
3 **TRANSPORTATION NETWORK SERVICES;**

4           **(2) RECEIVES, THROUGH A TRANSPORTATION NETWORK COMPANY'S**  
5 **DIGITAL NETWORK APPLICATION, A CONNECTION TO A POTENTIAL PASSENGER TO**  
6 **TRANSPORT THE PASSENGER BETWEEN POINTS CHOSEN BY THE PASSENGER IN**  
7 **EXCHANGE FOR THE PAYMENT OF A FEE TO THE TRANSPORTATION NETWORK**  
8 **COMPANY; AND**

9           **(3) USES A MOTOR VEHICLE THAT IS OWNED, LEASED, OR OTHERWISE**  
10 **AUTHORIZED FOR USE BY THE INDIVIDUAL AND IS APPROVED FOR USE IN**  
11 **PROVIDING TRANSPORTATION NETWORK SERVICES BY THE COMMISSION.**

12           **(N) (1) "TRANSPORTATION NETWORK SERVICES" MEANS THE ACTIVITIES**  
13 **OF AN OPERATOR DURING:**

14                   **(I) TRANSPORTATION NETWORK COVERAGE PERIOD ONE,**  
15 **DURING WHICH THE OPERATOR IS LOGGED ONTO AND READY TO ACCEPT A**  
16 **PREARRANGED RIDE REQUEST MADE THROUGH A TRANSPORTATION NETWORK**  
17 **COMPANY'S DIGITAL NETWORK APPLICATION;**

18                   **(II) TRANSPORTATION NETWORK COVERAGE PERIOD TWO,**  
19 **DURING WHICH THE OPERATOR ACCEPTS A RIDE REQUEST FROM A PASSENGER**  
20 **THAT IS PREARRANGED THROUGH A TRANSPORTATION NETWORK COMPANY'S**  
21 **DIGITAL NETWORK APPLICATION, AND IS TRAVELING TO A PREDETERMINED**  
22 **LOCATION TO PICK UP THE PASSENGER; AND**

23                   **(III) TRANSPORTATION NETWORK COVERAGE PERIOD THREE,**  
24 **DURING WHICH THE OPERATOR TRANSPORTS THE PASSENGER AND CONTINUING**  
25 **UNTIL THE PASSENGER DEPARTS THE MOTOR VEHICLE.**

26           **(2) "TRANSPORTATION NETWORK SERVICES" DOES NOT INCLUDE**  
27 **PROVIDING TAXICAB SERVICES, SEDAN SERVICES, OR LIMOUSINE SERVICES.**

28 10-103.

29           **(a) Except as provided in [subsection] SUBSECTIONS (b) AND (C) of this section,**  
30 **a person may not operate a motor vehicle for hire in the State under a permit or**  
31 **authorization to transport passengers issued by the Commission or the appropriate local**  
32 **authority unless the person holds a for-hire driver's license OR A TRANSPORTATION**  
33 **NETWORK OPERATOR'S LICENSE issued by the Commission.**

1           **(b) (1)** A county or municipal corporation may license taxicab drivers who  
2 drive taxicabs that are based in that county or municipal corporation if, at a minimum, the  
3 county or municipal corporation conducts a criminal record check and driving record check  
4 of each applicant for a license.

5           **(2)** A taxicab driver licensed by a county or municipal corporation is not  
6 required to be licensed by the Commission.

7           **(c) (1) (i)** IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE  
8 MEANINGS INDICATED.

9                           **(ii)** “WASHINGTON METROPOLITAN AREA TRANSIT DISTRICT”  
10 MEANS THE TRANSIT DISTRICT CREATED UNDER § 10-204 OF THE  
11 TRANSPORTATION ARTICLE AND INCLUDES, FOR THE STATE, MONTGOMERY AND  
12 PRINCE GEORGE’S COUNTIES AND THE POLITICAL SUBDIVISIONS LOCATED WITHIN  
13 THOSE COUNTIES.

14                           **(iii)** “WMATC” MEANS THE WASHINGTON METROPOLITAN  
15 AREA TRANSIT COMMISSION CREATED UNDER § 10-204 OF THE TRANSPORTATION  
16 ARTICLE.

17           **(2)** A PERSON PROVIDING TRANSPORTATION NETWORK SERVICES IN  
18 THE PORTION OF THE WASHINGTON METROPOLITAN AREA TRANSIT DISTRICT  
19 LOCATED WITHIN THE STATE MUST HOLD A TRANSPORTATION NETWORK  
20 OPERATOR’S LICENSE ISSUED BY THE COMMISSION UNLESS THE PERSON IS  
21 PROVIDING A TRIP FOR WHICH WMATC REQUIRES A CERTIFICATE OF AUTHORITY.

22 10-104.1.

23           **(A)** AN APPLICANT FOR A FOR-HIRE DRIVER’S LICENSE MAY NOT PROVIDE  
24 SEDAN SERVICES, LIMOUSINE SERVICES, OR TAXICAB SERVICES UNLESS THE  
25 COMMISSION HAS AUTHORIZED THE APPLICANT TO OPERATE ON A PROVISIONAL  
26 BASIS OR HAS ISSUED A VALID TEMPORARY OR PERMANENT DRIVER’S LICENSE TO  
27 PROVIDE SEDAN SERVICES, LIMOUSINE SERVICES, OR TAXICAB SERVICES.

28           **(B)** THE COMMISSION MAY APPROVE AN APPLICANT AND ISSUE A  
29 TEMPORARY DRIVER’S LICENSE TO THE APPLICANT IF:

30                           **(1)** THE APPLICANT PROVIDES ALL INFORMATION THAT THE  
31 COMMISSION REQUIRES FOR THE APPLICATION, INCLUDING THE INFORMATION  
32 SPECIFIED IN ITEM (2) OF THIS SUBSECTION; AND

33                           **(2)** THE COMMISSION IS SATISFIED WITH THE SUCCESSFUL  
34 SUBMISSION OF THE APPLICANT’S:

1                   **(I) NATIONAL CRIMINAL HISTORY RECORDS CHECK:**

2                   **1. CONDUCTED BY THE NATIONAL ASSOCIATION OF**  
3 **PROFESSIONAL BACKGROUND SCREENERS OR A COMPARABLE ENTITY APPROVED**  
4 **BY THE COMMISSION; AND**

5                   **2. THAT INCLUDES:**

6                   **A. A MULTI-STATE MULTI-JURISDICTION CRIMINAL**  
7 **RECORDS DATABASE SEARCH OR A SEARCH OF A SIMILAR NATIONWIDE DATABASE**  
8 **WITH VALIDATION;**

9                   **B. A SEARCH OF THE SEX OFFENDER AND CRIMES**  
10 **AGAINST MINORS REGISTRY; AND**

11                   **C. A SEARCH OF THE U.S. DEPARTMENT OF JUSTICE'S**  
12 **NATIONAL SEX OFFENDER PUBLIC WEB SITE; AND**

13                   **(II) DRIVING RECORD CHECK THAT INCLUDES A DRIVING**  
14 **HISTORY RESEARCH REPORT.**

15                   **(C) (1) SUBJECT TO SUBSECTION (D) OF THIS SECTION, THE COMMISSION**  
16 **MAY ISSUE A PERMANENT FOR-HIRE DRIVER'S LICENSE TO AN APPLICANT ON THE**  
17 **SUBMISSION OF A SATISFACTORY SUPPLEMENTAL CRIMINAL BACKGROUND CHECK**  
18 **AS SET FORTH UNDER § 10-104(B) OF THIS SUBTITLE.**

19                   **(2) FOR TAXICAB SERVICES, THE APPLICANT MUST SUBMIT, WITHIN**  
20 **30 DAYS OF THE ISSUANCE OF A TEMPORARY LICENSE, A SATISFACTORY**  
21 **SUPPLEMENTAL CRIMINAL BACKGROUND CHECK AS SET FORTH UNDER § 10-104(B)**  
22 **OF THIS SUBTITLE.**

23                   **(D) BEFORE APRIL 1, 2016, THE COMMISSION MAY NOT REQUIRE AN**  
24 **APPLICANT FOR A FOR-HIRE DRIVER'S LICENSE TO COMPLY WITH SUBSECTION (C)**  
25 **OF THIS SECTION IF A SEDAN COMPANY OR LIMOUSINE COMPANY FOR WHICH THE**  
26 **APPLICANT WILL PROVIDE SERVICES, AT THE TIME IT APPLIES FOR A PERMIT,**  
27 **PROVIDES TO THE COMMISSION DETAILS OF THE PROCESS THE SEDAN COMPANY OR**  
28 **LIMOUSINE COMPANY USES TO COLLECT, REVIEW, AND SUBMIT THE INFORMATION**  
29 **SPECIFIED IN SUBSECTION (B)(2) OF THIS SECTION.**

30                   **(E) (1) A SEDAN COMPANY OR LIMOUSINE COMPANY MAY REQUEST THAT**  
31 **THE COMMISSION WAIVE THE REQUIREMENT TO COMPLY WITH SUBSECTION (C) OF**  
32 **THIS SECTION AND INSTEAD COMPLY WITH SUBSECTION (B)(2) OF THIS SECTION**  
33 **FOR APPLICANTS AND DRIVERS OF THE SEDAN COMPANY OR LIMOUSINE COMPANY.**

1           **(2) ON RECEIPT OF A REQUEST UNDER PARAGRAPH (1) OF THIS**  
2 **SUBSECTION, THE COMMISSION SHALL:**

3           **(I) DETERMINE WHETHER THE SEDAN COMPANY'S OR**  
4 **LIMOUSINE COMPANY'S PROCESS FOR COMPLYING WITH SUBSECTION (B)(2) OF THIS**  
5 **SECTION CAN BE SHOWN TO BE AS COMPREHENSIVE AND ACCURATE AS COMPLYING**  
6 **WITH THE SUPPLEMENTAL CRIMINAL BACKGROUND CHECK AS SET FORTH UNDER §**  
7 **10-104(B) OF THIS SUBTITLE; AND**

8           **(II) WITHIN 3 MONTHS OF RECEIVING THE REQUEST,**  
9 **DETERMINE WHETHER TO:**

10                   **1. GRANT THE WAIVER;**

11                   **2. DENY THE WAIVER; OR**

12                   **3. APPROVE AN ALTERNATIVE PROCESS.**

13           **(F) A SEDAN COMPANY, LIMOUSINE COMPANY, OR TAXICAB COMPANY MAY**  
14 **SUBMIT THE INFORMATION UNDER SUBSECTION (B) OF THIS SECTION ON BEHALF**  
15 **OF AN APPLICANT.**

16           **(G) THE COMMISSION SHALL ADOPT REGULATIONS THAT PROVIDE A**  
17 **PROCESS THAT IS AS EXPEDITIOUS AS POSSIBLE AND USES ELECTRONIC MEANS FOR:**

18                   **(1) THE SUBMISSION OF THE INFORMATION UNDER SUBSECTION (B)**  
19 **OF THIS SECTION;**

20                   **(2) THE ISSUANCE OF A TEMPORARY OR PERMANENT DRIVER'S**  
21 **LICENSE AND ALTERNATIVE AUTHORITY TO OPERATE ON A PROVISIONAL BASIS; AND**

22                   **(3) THE RENEWAL OF A DRIVER'S LICENSE.**

23           **(H) (1) RECORDS PROVIDED TO THE COMMISSION BY A SEDAN COMPANY,**  
24 **LIMOUSINE COMPANY, OR TAXICAB COMPANY UNDER THIS SECTION ARE NOT**  
25 **SUBJECT TO RELEASE UNDER THE MARYLAND PUBLIC INFORMATION ACT OR ANY**  
26 **OTHER LAW.**

27                   **(2) THE COMMISSION MAY NOT DISCLOSE RECORDS OR**  
28 **INFORMATION PROVIDED TO THE COMMISSION UNDER THIS SECTION TO ANY**  
29 **PERSON UNLESS THE DISCLOSURE IS REQUIRED BY SUBPOENA OR COURT ORDER.**

30                   **(3) IF A SUBPOENA OR COURT ORDER REQUIRES THE COMMISSION TO**  
31 **DISCLOSE INFORMATION PROVIDED TO THE COMMISSION UNDER THIS SECTION,**

1 THE COMMISSION SHALL PROMPTLY NOTIFY THE SEDAN COMPANY, LIMOUSINE  
2 COMPANY, OR TAXICAB COMPANY BEFORE DISCLOSING THE INFORMATION.

3 SUBTITLE 4. TRANSPORTATION NETWORK COMPANY SERVICES.

4 10-401.

5 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
6 INDICATED.

7 (B) "INSURANCE COMMISSIONER" MEANS THE INSURANCE COMMISSIONER  
8 OF THE MARYLAND INSURANCE ADMINISTRATION.

9 (C) "OPERATOR" MEANS A TRANSPORTATION NETWORK OPERATOR,  
10 TRANSPORTATION NETWORK PARTNER, OR TRANSPORTATION NETWORK DRIVER.

11 10-402.

12 (A) THIS SUBTITLE APPLIES TO TRANSPORTATION NETWORK COMPANIES,  
13 OPERATORS, AND TRANSPORTATION NETWORK SERVICES.

14 (B) TO THE EXTENT NOT OTHERWISE COVERED IN THIS SUBTITLE,  
15 TRANSPORTATION NETWORK COMPANIES, OPERATORS, AND TRANSPORTATION  
16 NETWORK SERVICES SHALL BE SUBJECT TO:

17 (1) ANY APPLICABLE PROVISIONS OF TITLES 9 AND 10 OF THIS  
18 ARTICLE; AND

19 (2) REGULATIONS ADOPTED BY THE COMMISSION FOR THE  
20 REGULATION OF TRANSPORTATION NETWORK SERVICES.

21 10-403.

22 (A) THE COMMISSION SHALL ADOPT REGULATIONS TO ENSURE THAT  
23 TRANSPORTATION NETWORK COMPANIES AND OPERATORS ARE MAKING  
24 REASONABLE EFFORTS TO MAKE TRANSPORTATION NETWORK SERVICES  
25 ACCESSIBLE TO ALL PEOPLE, INCLUDING INDIVIDUALS WITH DISABILITIES.

26 (B) THE REGULATIONS ADOPTED BY THE COMMISSION UNDER SUBSECTION  
27 (A) OF THIS SECTION SHALL PROVIDE FOR:

28 (1) THE TRANSPORTATION OF PASSENGERS WITH SERVICE ANIMALS;

1           **(2) THE ACCESSIBILITY OF WEB SITES AND MOBILE APPLICATIONS**  
2 **USED TO PROVIDE TRANSPORTATION NETWORK SERVICES;**

3           **(3) THE REASONABLE ACCOMMODATIONS NECESSARY TO SERVE**  
4 **INDIVIDUALS WITH DISABILITIES; AND**

5           **(4) THE PROVISION OF INFORMATION TO AN OPERATOR BY A**  
6 **TRANSPORTATION NETWORK COMPANY RELATED TO THE REQUIREMENTS OF**  
7 **FEDERAL AND STATE LAWS RELATED TO ANTIDISCRIMINATION.**

8 **10-404.**

9           **(A) AN OPERATOR MAY NOT PROVIDE TRANSPORTATION NETWORK**  
10 **SERVICES UNLESS THE COMMISSION HAS AUTHORIZED THE OPERATOR TO OPERATE**  
11 **ON A PROVISIONAL BASIS OR HAS ISSUED A VALID TEMPORARY OR PERMANENT**  
12 **TRANSPORTATION NETWORK OPERATOR'S LICENSE TO PROVIDE TRANSPORTATION**  
13 **NETWORK SERVICES.**

14           **(B) THE COMMISSION MAY APPROVE AN APPLICANT TO BE AN OPERATOR**  
15 **AND ISSUE A TEMPORARY TRANSPORTATION NETWORK OPERATOR'S LICENSE TO**  
16 **THE APPLICANT IF:**

17           **(1) THE APPLICANT PROVIDES ALL INFORMATION THAT THE**  
18 **COMMISSION REQUIRES FOR THE APPLICATION, INCLUDING THE INFORMATION**  
19 **SPECIFIED IN ITEM (2) OF THIS SUBSECTION; AND**

20           **(2) THE COMMISSION IS SATISFIED WITH THE SUCCESSFUL**  
21 **SUBMISSION OF THE APPLICANT'S:**

22                   **(i) NATIONAL CRIMINAL HISTORY RECORDS CHECK:**

23                           **1. CONDUCTED BY THE NATIONAL ASSOCIATION OF**  
24 **PROFESSIONAL BACKGROUND SCREENERS OR A COMPARABLE ENTITY APPROVED**  
25 **BY THE COMMISSION; AND**

26                                   **2. THAT INCLUDES:**

27   **A. A MULTI-STATE MULTI-JURISDICTION CRIMINAL**  
28 **RECORDS DATABASE SEARCH OR A SEARCH OF A SIMILAR NATIONWIDE DATABASE**  
29 **WITH VALIDATION;**

30   **B. A SEARCH OF THE SEX OFFENDER AND CRIMES**  
31 **AGAINST MINORS REGISTRY; AND**

1 C. A SEARCH OF THE U.S. DEPARTMENT OF JUSTICE'S  
2 NATIONAL SEX OFFENDER PUBLIC WEB SITE; AND

3 (II) DRIVING RECORD CHECK THAT INCLUDES A DRIVING  
4 HISTORY RESEARCH REPORT.

5 (C) SUBJECT TO SUBSECTION (D) OF THIS SECTION, THE COMMISSION MAY  
6 ISSUE A PERMANENT TRANSPORTATION NETWORK OPERATOR'S LICENSE TO AN  
7 APPLICANT UPON THE SUBMISSION OF A SATISFACTORY SUPPLEMENTAL CRIMINAL  
8 BACKGROUND CHECK AS SET FORTH UNDER § 10-104(B) OF THIS TITLE.

9 (D) BEFORE APRIL 1, 2016, THE COMMISSION MAY NOT REQUIRE AN  
10 APPLICANT FOR A PERMANENT TRANSPORTATION NETWORK OPERATOR'S LICENSE  
11 TO COMPLY WITH SUBSECTION (C) OF THIS SECTION IF A TRANSPORTATION  
12 NETWORK COMPANY FOR WHICH THE APPLICANT WILL PROVIDE SERVICES, AT THE  
13 TIME IT APPLIES FOR A PERMIT, PROVIDES TO THE COMMISSION DETAILS OF THE  
14 PROCESS THE TRANSPORTATION NETWORK COMPANY USES TO COLLECT, REVIEW,  
15 AND SUBMIT THE INFORMATION SPECIFIED IN SUBSECTION (B)(2) OF THIS SECTION.

16 (E) (1) A TRANSPORTATION NETWORK COMPANY MAY REQUEST THAT  
17 THE COMMISSION WAIVE THE REQUIREMENT TO COMPLY WITH SUBSECTION (C) OF  
18 THIS SECTION AND INSTEAD REQUIRE COMPLIANCE WITH SUBSECTION (B)(2) OF  
19 THIS SECTION FOR APPLICANTS AND OPERATORS OF THE TRANSPORTATION  
20 NETWORK COMPANY.

21 (2) ON RECEIPT OF A REQUEST UNDER PARAGRAPH (1) OF THIS  
22 SUBSECTION, THE COMMISSION SHALL:

23 (I) DETERMINE WHETHER THE TRANSPORTATION NETWORK  
24 COMPANY'S PROCESS FOR COMPLYING WITH SUBSECTION (B)(2) OF THIS SECTION  
25 CAN BE SHOWN TO BE AS COMPREHENSIVE AND ACCURATE AS COMPLYING WITH THE  
26 SUPPLEMENTAL CRIMINAL BACKGROUND CHECK AS SET FORTH UNDER § 10-104(B)  
27 OF THIS TITLE; AND

28 (II) WITHIN 3 MONTHS OF RECEIVING THE REQUEST,  
29 DETERMINE WHETHER TO:

30 1. GRANT THE WAIVER;

31 2. DENY THE WAIVER; OR

32 3. APPROVE AN ALTERNATIVE PROCESS.



1           (F) A TRANSPORTATION NETWORK COMPANY MAY SUBMIT THE  
2 INFORMATION UNDER SUBSECTION (B) OF THIS SECTION ON BEHALF OF AN  
3 OPERATOR.

4           (G) THE COMMISSION SHALL ADOPT REGULATIONS THAT PROVIDE A  
5 PROCESS THAT IS AS EXPEDITIOUS AS POSSIBLE AND USES ELECTRONIC MEANS FOR:

6                   (1) THE SUBMISSION OF THE INFORMATION UNDER SUBSECTION (B)  
7 OF THIS SECTION;

8                   (2) THE ISSUANCE OF A TEMPORARY OR PERMANENT  
9 TRANSPORTATION NETWORK OPERATOR'S LICENSE AND ALTERNATIVE AUTHORITY  
10 TO OPERATE ON A PROVISIONAL BASIS; AND

11                   (3) THE RENEWAL OF A TRANSPORTATION NETWORK OPERATOR'S  
12 LICENSE.

13           (H) (1) RECORDS PROVIDED TO THE COMMISSION BY A  
14 TRANSPORTATION NETWORK COMPANY UNDER THIS SECTION ARE NOT SUBJECT TO  
15 RELEASE UNDER THE MARYLAND PUBLIC INFORMATION ACT OR ANY OTHER LAW.

16                   (2) THE COMMISSION MAY NOT DISCLOSE RECORDS OR  
17 INFORMATION PROVIDED TO THE COMMISSION UNDER THIS SECTION TO ANY  
18 PERSON UNLESS THE DISCLOSURE IS REQUIRED BY SUBPOENA OR COURT ORDER.

19                   (3) IF A SUBPOENA OR COURT ORDER REQUIRES THE COMMISSION TO  
20 DISCLOSE INFORMATION PROVIDED TO THE COMMISSION UNDER THIS SECTION,  
21 THE COMMISSION SHALL PROMPTLY NOTIFY THE TRANSPORTATION NETWORK  
22 COMPANY BEFORE DISCLOSING THE INFORMATION.

23 10-405.

24           (A) (1) AN OPERATOR, A TRANSPORTATION NETWORK COMPANY ON  
25 BEHALF OF THE OPERATOR, OR A COMBINATION OF BOTH SHALL MAINTAIN  
26 PRIMARY MOTOR VEHICLE INSURANCE THAT:

27                   (I) RECOGNIZES THAT THE OPERATOR IS A TRANSPORTATION  
28 NETWORK OPERATOR OR OTHERWISE USES A MOTOR VEHICLE TO TRANSPORT  
29 PASSENGERS FOR HIRE; AND

30                   (II) COVERS THE OPERATOR WHILE THE OPERATOR IS  
31 PROVIDING TRANSPORTATION NETWORK SERVICES.

1           **(2) (I) THE FOLLOWING MOTOR VEHICLE INSURANCE**  
2 **REQUIREMENTS SHALL APPLY WHILE AN OPERATOR IS PROVIDING**  
3 **TRANSPORTATION NETWORK SERVICES:**

4                   **1. SECURITY OF AT LEAST:**

5                   **A. FOR THE PAYMENT OF CLAIMS FOR BODILY INJURY**  
6 **OR DEATH ARISING FROM AN ACCIDENT, UP TO \$50,000 FOR ANY ONE PERSON AND**  
7 **UP TO \$100,000 FOR ANY TWO OR MORE PERSONS, IN ADDITION TO INTEREST AND**  
8 **COSTS; AND**

9                   **B. FOR THE PAYMENT OF CLAIMS FOR PROPERTY OF**  
10 **OTHERS DAMAGED OR DESTROYED IN AN ACCIDENT, UP TO \$25,000, IN ADDITION TO**  
11 **INTEREST AND COSTS;**

12                   **2. UNINSURED MOTORIST INSURANCE COVERAGE**  
13 **REQUIRED UNDER § 19-509 OF THE INSURANCE ARTICLE; AND**

14                   **3. PERSONAL INJURY PROTECTION COVERAGE**  
15 **REQUIRED UNDER § 19-505 OF THE INSURANCE ARTICLE; AND**

16                   **(II) THE COVERAGE REQUIREMENTS UNDER THIS PARAGRAPH**  
17 **MAY BE SATISFIED BY MOTOR VEHICLE INSURANCE MAINTAINED BY:**

18                   **1. AN OPERATOR;**

19                   **2. A TRANSPORTATION NETWORK COMPANY; OR**

20                   **3. BOTH AN OPERATOR AND A TRANSPORTATION**  
21 **NETWORK COMPANY.**

22                   **(B) IF INSURANCE IS PROVIDED BY BOTH THE TRANSPORTATION NETWORK**  
23 **COMPANY AND THE OPERATOR UNDER SUBSECTION (A) OF THIS SECTION, THE**  
24 **INSURANCE MAINTAINED BY THE TRANSPORTATION NETWORK OPERATOR IS**  
25 **PRIMARY.**

26                   **(C) THE INSURANCE MAINTAINED BY A TRANSPORTATION NETWORK**  
27 **COMPANY SHALL PROVIDE THE COVERAGE REQUIRED UNDER SUBSECTION (A) OF**  
28 **THIS SECTION FROM THE FIRST DOLLAR OF A CLAIM AND PROVIDE FOR THE DUTY**  
29 **TO DEFEND THE CLAIM IN THE EVENT THE INSURANCE MAINTAINED BY AN**  
30 **OPERATOR UNDER SUBSECTION (A) OF THIS SECTION HAS COVERAGE THAT HAS**  
31 **BEEN CANCELED OR HAS LAPSED OR IS OTHERWISE NOT IN FORCE.**

32                   **(D) (1) A TRANSPORTATION NETWORK COMPANY SHALL:**

1           (I) VERIFY THAT THE COVERAGE REQUIRED UNDER  
2 SUBSECTION (A) OF THIS SECTION IS MAINTAINED AT ALL TIMES; AND

3           (II) PROVIDE TO THE COMMISSION AND THE INSURANCE  
4 COMMISSIONER, ANNUALLY UPON EACH RENEWAL:

5           1. A VALID CERTIFICATE OF INSURANCE COVERAGE  
6 THAT MEETS THE REQUIREMENTS OF SUBSECTION (A) OF THIS SECTION AND THAT:

7           A. IS PREPARED BY THE INSURER;

8           B. IS SIGNED BY AN OFFICER OF THE INSURER;

9           C. IS IN A FORM ACCEPTABLE TO THE COMMISSION;

10           D. STATES THE NAME AND HOME OFFICE ADDRESS OF  
11 THE INSURER PROVIDING COVERAGE TO THE TRANSPORTATION NETWORK  
12 COMPANY;

13           E. STATES THE EFFECTIVE DATES OF THE COVERAGE;

14           F. STATES A GENERAL DESCRIPTION OF THE COVERAGE;

15 AND

16           G. INCLUDES A CERTIFICATION OF A POLICY PROVISION  
17 THAT WILL NOTIFY THE COMMISSION AND THE INSURANCE COMMISSIONER OF ANY  
18 TERMINATION OF COVERAGE AT LEAST 60 DAYS IN ADVANCE OF THE EFFECTIVE  
19 DATE OF THE TERMINATION; AND

20           2. THE UNDERLYING POLICY FOR THE COVERAGE  
21 REQUIRED UNDER SUBSECTION (A) OF THIS SECTION.

22           (2) (I) THE COMMISSION MAY CONSULT WITH THE INSURANCE  
23 COMMISSIONER CONCERNING THE PROVISIONS OF THE UNDERLYING POLICY  
24 PROVIDED TO THE COMMISSION AND THE INSURANCE COMMISSIONER UNDER  
25 PARAGRAPH (1)(II)2 OF THIS SUBSECTION.

26           (II) 1. RECORDS PROVIDED TO THE COMMISSION BY A  
27 TRANSPORTATION NETWORK COMPANY UNDER THIS SECTION ARE NOT SUBJECT TO  
28 RELEASE UNDER THE MARYLAND PUBLIC INFORMATION ACT OR ANY OTHER LAW.

29           2. THE COMMISSION AND THE INSURANCE  
30 COMMISSIONER MAY NOT DISCLOSE RECORDS OR INFORMATION PROVIDED TO THE

1 COMMISSION AND THE INSURANCE COMMISSIONER UNDER THIS SECTION TO ANY  
2 PERSON UNLESS THE DISCLOSURE IS REQUIRED BY SUBPOENA OR COURT ORDER.

3 3. IF A SUBPOENA OR COURT ORDER REQUIRES THE  
4 COMMISSION OR THE INSURANCE COMMISSIONER TO DISCLOSE INFORMATION  
5 PROVIDED TO THE COMMISSION OR THE INSURANCE COMMISSIONER UNDER THIS  
6 SECTION, THE COMMISSION OR THE INSURANCE COMMISSIONER, AS APPROPRIATE,  
7 PROMPTLY SHALL NOTIFY THE TRANSPORTATION NETWORK COMPANY BEFORE  
8 DISCLOSING THE INFORMATION.

9 (E) INSURANCE REQUIRED UNDER SUBSECTION (A) OF THIS SECTION SHALL  
10 BE ISSUED BY:

11 (1) AN INSURER AUTHORIZED TO DO BUSINESS IN THE STATE; OR

12 (2) SOLELY WITH RESPECT TO INSURANCE MAINTAINED BY A  
13 TRANSPORTATION NETWORK COMPANY, AN ELIGIBLE SURPLUS LINES INSURER:

14 (I) IN ACCORDANCE WITH THE REQUIREMENTS OF TITLE 3,  
15 SUBTITLE 3 OF THE INSURANCE ARTICLE; AND

16 (II) HAVING AN A.M. BEST FINANCIAL STRENGTH RATING OF  
17 A- OR BETTER.

18 (F) BEFORE AN OPERATOR MAY ACCEPT A REQUEST FOR A RIDE MADE  
19 THROUGH THE TRANSPORTATION NETWORK COMPANY'S DIGITAL NETWORK, THE  
20 TRANSPORTATION NETWORK COMPANY SHALL DISCLOSE TO THE OPERATOR, IN  
21 WRITING, THE FOLLOWING:

22 (1) THE INSURANCE COVERAGE, INCLUDING THE TYPES OF  
23 COVERAGE AND THE LIMITS FOR EACH COVERAGE, THAT THE TRANSPORTATION  
24 NETWORK COMPANY PROVIDES WHILE THE OPERATOR IS PROVIDING  
25 TRANSPORTATION NETWORK SERVICES;

26 (2) THAT THE OPERATOR SHOULD CONTACT THE OPERATOR'S  
27 PERSONAL MOTOR VEHICLE INSURER OR AGENT TO:

28 (I) ADVISE THE INSURER OR AGENT THAT THE OPERATOR WILL  
29 BE PROVIDING TRANSPORTATION NETWORK SERVICES; AND

30 (II) TO DETERMINE THE COVERAGE, IF ANY, THAT MAY BE  
31 AVAILABLE FROM THE OPERATOR'S PERSONAL MOTOR VEHICLE POLICY; AND

1           **(3) THAT, IF THE MOTOR VEHICLE THAT THE OPERATOR USES TO**  
2 **PROVIDE TRANSPORTATION NETWORK SERVICES HAS A LIEN AGAINST IT, USING THE**  
3 **MOTOR VEHICLE FOR TRANSPORTATION NETWORK SERVICES WITHOUT PHYSICAL**  
4 **DAMAGE COVERAGE MAY VIOLATE THE TERMS OF THE CONTRACT WITH THE**  
5 **LIENHOLDER.**

6           **(G) (1) IF AN ACCIDENT OCCURS THAT INVOLVES A MOTOR VEHICLE THAT**  
7 **IS BEING USED TO PROVIDE TRANSPORTATION NETWORK SERVICES, THE**  
8 **OPERATOR, ON REQUEST OF DIRECTLY INTERESTED PARTIES, INCLUDING A MOTOR**  
9 **VEHICLE INSURER OR AN INVESTIGATIVE LAW ENFORCEMENT OFFICER, SHALL:**

10                   **(I) PROVIDE PROOF OF INSURANCE SATISFYING THE**  
11 **REQUIREMENTS OF THIS SECTION; AND**

12                   **(II) DISCLOSE WHETHER THE ACCIDENT OCCURRED WHILE THE**  
13 **OPERATOR WAS PROVIDING TRANSPORTATION NETWORK SERVICES.**

14           **(2) IN A CLAIM COVERAGE INVESTIGATION FOLLOWING A VEHICULAR**  
15 **ACCIDENT, A TRANSPORTATION NETWORK COMPANY AND ANY INSURER**  
16 **POTENTIALLY PROVIDING COVERAGE UNDER THIS SECTION SHALL COOPERATE TO**  
17 **FACILITATE THE EXCHANGE OF INFORMATION WITH DIRECTLY INVOLVED PARTIES**  
18 **AND ANY INSURER OF AN OPERATOR, IF APPLICABLE, INCLUDING:**

19                   **(I) THE PRECISE TIMES THAT AN OPERATOR WAS LOGGED**  
20 **ONTO THE TRANSPORTATION NETWORK COMPANY'S DIGITAL NETWORK:**

21                           **1. IN THE 12-HOUR PERIOD IMMEDIATELY PRECEDING**  
22 **THE ACCIDENT; AND**

23                           **2. IN THE 12-HOUR PERIOD IMMEDIATELY FOLLOWING**  
24 **THE ACCIDENT; AND**

25                   **(II) A CLEAR DESCRIPTION OF THE COVERAGE, EXCLUSIONS,**  
26 **AND LIMITS PROVIDED UNDER ANY MOTOR VEHICLE INSURANCE MAINTAINED**  
27 **UNDER THIS SECTION.**

28 **10-406.**

29           **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANING**  
30 **INDICATED.**

31                   **(2) "ASSESSMENT" MEANS A CHARGE IMPOSED BY A LOCAL**  
32 **JURISDICTION ON EACH TRANSPORTATION NETWORK SERVICE THAT INCLUDES A**

1 PASSENGER TRIP DURING TRANSPORTATION NETWORK COVERAGE PERIOD THREE  
2 AS DESCRIBED IN § 10-101(N)(1)(III) OF THIS TITLE.

3 (3) "EXEMPT JURISDICTION" MEANS A COUNTY OR MUNICIPALITY  
4 THAT IMPOSED A TAX, FEE, OR CHARGE ON FOR-HIRE TRANSPORTATION SERVICES  
5 PROVIDED ON A PER RIDE OR PER PASSENGER BASIS IN THAT COUNTY OR  
6 MUNICIPALITY ON OR BEFORE JANUARY 1, 2015.

7 (B) THIS SECTION DOES NOT LIMIT THE AUTHORITY OF AN EXEMPT  
8 JURISDICTION TO IMPOSE AN ASSESSMENT, A TAX, A FEE, OR A CHARGE ON  
9 FOR-HIRE TRANSPORTATION SERVICES, INCLUDING TRANSPORTATION NETWORK  
10 SERVICES.

11 (C) (1) IN ACCORDANCE WITH SUBSECTIONS (D) AND (E) OF THIS  
12 SECTION, A COUNTY OR MUNICIPALITY MAY IMPOSE AN ASSESSMENT UNDER THIS  
13 SECTION.

14 (2) EXCEPT IN AN EXEMPT JURISDICTION, AN ASSESSMENT  
15 AUTHORIZED BY THIS SECTION MAY NOT EXCEED 25 CENTS PER TRIP.

16 (3) EXCEPT AS PROVIDED IN SUBSECTION (E)(2) OF THIS SECTION  
17 AND SUBJECT TO THE LIMITATION IN PARAGRAPH (2) OF THIS SUBSECTION, AN  
18 ASSESSMENT MAY NOT BE IMPOSED ON A TRANSPORTATION NETWORK SERVICE BY  
19 BOTH A COUNTY AND A MUNICIPALITY.

20 (4) THE REVENUE GENERATED FROM AN ASSESSMENT AUTHORIZED  
21 UNDER THIS SECTION SHALL BE USED FOR TRANSPORTATION PURPOSES.

22 (D) A COUNTY OR MUNICIPALITY THAT LICENSED OR REGULATED TAXICAB  
23 SERVICES ON OR BEFORE JANUARY 1, 2015, EITHER DIRECTLY OR THROUGH THE  
24 COMMISSION AS PROVIDED IN § 10-202 OF THIS TITLE, MAY IMPOSE AN  
25 ASSESSMENT ON TRIPS THAT ORIGINATE WITHIN THE COUNTY OR MUNICIPALITY.

26 (E) (1) THIS SUBSECTION APPLIES TO A COUNTY THAT:

27 (I) IS NOT AUTHORIZED TO IMPOSE AN ASSESSMENT UNDER  
28 SUBSECTION (D) OF THIS SECTION; AND

29 (II) HAS NOT IMPOSED AN ASSESSMENT BY JULY 1, 2016.

30 (2) BEFORE THE COUNTY MAY IMPOSE AN ASSESSMENT IN A  
31 MUNICIPALITY, THE COUNTY SHALL:

1                   (I) NOTIFY THE MUNICIPALITY OF THE COUNTY'S INTENT TO  
2 IMPOSE AN ASSESSMENT ON TRANSPORTATION NETWORK SERVICES THAT  
3 ORIGINATE IN THE MUNICIPALITY; AND

4                   (II) PROVIDE THE MUNICIPALITY REASONABLE TIME TO PASS  
5 AN ORDINANCE AUTHORIZING THE IMPOSITION OF AN ASSESSMENT.

6                   (3) BEFORE A MUNICIPALITY MAY IMPOSE AN ASSESSMENT, THE  
7 MUNICIPALITY SHALL:

8                   (I) NOTIFY THE COUNTY OF THE MUNICIPALITY'S INTENT TO  
9 IMPOSE AN ASSESSMENT; AND

10                   (II) IF THE COUNTY IMPOSES AN ASSESSMENT, PROVIDE THE  
11 COUNTY REASONABLE TIME TO NOTIFY THE COMPTROLLER BEFORE THE  
12 MUNICIPALITY'S ASSESSMENT BECOMES EFFECTIVE.

13                   (4) NOTWITHSTANDING PARAGRAPHS (2) AND (3) OF THIS  
14 SUBSECTION, A COUNTY AND MUNICIPALITY MAY ENTER INTO AN AGREEMENT TO  
15 SHARE REVENUES AND ALLOCATE THEM IN ANY MANNER.

16                   (F) A COUNTY OR MUNICIPALITY THAT IMPOSES AN ASSESSMENT SHALL  
17 NOTIFY THE COMPTROLLER OF:

18                   (1) THE AMOUNT OF THE ASSESSMENT; AND

19                   (2) ANY CHANGE IN THE ASSESSMENT AMOUNT AT LEAST 120 DAYS  
20 BEFORE THE NEW AMOUNT TAKES EFFECT.

21                   (G) (1) THIS SUBSECTION GOVERNS THE COLLECTION, REMITTANCE,  
22 ACCOUNTING, AND USE OF REVENUES FROM ASSESSMENTS IMPOSED BY A COUNTY  
23 OR MUNICIPALITY UNDER THIS SECTION.

24                   (2) A TRANSPORTATION NETWORK COMPANY SHALL:

25                   (I) COLLECT ASSESSMENTS ON BEHALF OF AN OPERATOR WHO  
26 ACCEPTS A REQUEST FOR A RIDE MADE THROUGH THE TRANSPORTATION NETWORK  
27 COMPANY'S DIGITAL NETWORK;

28                   (II) COLLECT ANY ASSESSMENT, FEE, CHARGE, OR TAX IMPOSED  
29 BY AN EXEMPT JURISDICTION ON A TRANSPORTATION NETWORK SERVICE; AND

1                    (III) SUBMIT TO THE COMPTROLLER NO LATER THAN 30 DAYS  
2 AFTER THE END OF A CALENDAR QUARTER, OR AS OTHERWISE SPECIFIED BY THE  
3 COMPTROLLER IN REGULATIONS:

4                    1. THE ASSESSMENTS AND OTHER REVENUES  
5 COLLECTED BY THE TRANSPORTATION NETWORK COMPANY ON BEHALF OF THE  
6 TRANSPORTATION NETWORK OPERATORS;

7                    2. THE ALLOCATION OF THE ASSESSMENTS AND OTHER  
8 REVENUES ATTRIBUTABLE TO EACH COUNTY OR MUNICIPALITY THAT HAS IMPOSED  
9 AN ASSESSMENT BASED ON WHERE THE TRIP ORIGINATED; AND

10                    3. UNDER OATH, A CERTIFICATION THAT IT HAS  
11 SUBMITTED THE CORRECT AMOUNT OF ASSESSMENTS AND REVENUES.

12                    (3) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH,  
13 FROM THE ASSESSMENTS AND REVENUES IMPOSED BY COUNTIES AND  
14 MUNICIPALITIES, THE COMPTROLLER SHALL DISTRIBUTE EACH QUARTER THE  
15 AMOUNT NECESSARY TO ADMINISTER THE ASSESSMENTS TO AN ADMINISTRATIVE  
16 COST ACCOUNT.

17                    (II) THE AMOUNT DISTRIBUTED TO THE ADMINISTRATIVE COST  
18 ACCOUNT MAY NOT EXCEED 5% OF THE REVENUE FROM THE ASSESSMENTS AND  
19 OTHER REVENUE.

20                    (4) AFTER MAKING THE DISTRIBUTION REQUIRED BY PARAGRAPH (2)  
21 OF THIS SUBSECTION, WITHIN 45 DAYS OF THE END OF EACH CALENDAR QUARTER,  
22 THE COMPTROLLER SHALL DISTRIBUTE THE REMAINING REVENUE TO THE COUNTY  
23 OR MUNICIPALITY THAT IS THE SOURCE OF THE REVENUE.

24                    (5) (I) THE COMPTROLLER MAY INSPECT, AT A TRANSPORTATION  
25 NETWORK COMPANY'S PLACE OF BUSINESS OR A MUTUALLY AGREED LOCATION, NO  
26 MORE THAN ANNUALLY, RECORDS NECESSARY TO ENSURE THAT THE  
27 TRANSPORTATION NETWORK COMPANY HAS REMITTED TO THE COMPTROLLER THE  
28 CORRECT REVENUES AND ALLOCATIONS.

29                    (II) RECORDS PROVIDED TO THE COMPTROLLER BY A  
30 TRANSPORTATION NETWORK COMPANY UNDER THIS SUBSECTION ARE NOT SUBJECT  
31 TO RELEASE UNDER THE MARYLAND PUBLIC INFORMATION ACT OR ANY OTHER  
32 LAW.

33                    (III) SUBJECT TO SUBPARAGRAPH (IV) OF THIS PARAGRAPH,  
34 THE COMPTROLLER MAY NOT DISCLOSE RECORDS OR INFORMATION PROVIDED BY



1 A TRANSPORTATION NETWORK COMPANY UNLESS THE DISCLOSURE IS REQUIRED BY  
2 A SUBPOENA OR COURT ORDER.

3 (IV) IF A SUBPOENA OR COURT ORDER REQUIRES THE  
4 COMPROLLER TO DISCLOSE INFORMATION PROVIDED BY A TRANSPORTATION  
5 NETWORK COMPANY, THE COMPROLLER SHALL PROMPTLY NOTIFY THE  
6 TRANSPORTATION NETWORK COMPANY BEFORE DISCLOSING THE INFORMATION.

7 (6) THE COMPROLLER MAY ADOPT REGULATIONS OR OTHER  
8 REQUIREMENTS OR PROCEDURES TO CARRY OUT THE PROVISIONS OF THIS  
9 SECTION, INCLUDING REQUIREMENTS AND PROCEDURES REGARDING THE  
10 ADMINISTRATION, COLLECTION, AND ENFORCEMENT OF THE ASSESSMENT.

11 10-407.

12 (A) THERE IS A TRANSPORTATION NETWORK ASSESSMENT FUND.

13 (B) THE FUND CONSISTS OF ASSESSMENT REVENUES SUBMITTED TO THE  
14 COMPROLLER FROM TRANSPORTATION NETWORK COMPANIES UNDER § 10-406(G)  
15 OF THIS SUBTITLE.

16 (C) THE PURPOSE OF THE FUND IS TO:

17 (1) RECEIVE ASSESSMENT REVENUES SUBMITTED FROM  
18 TRANSPORTATION NETWORK COMPANIES; AND

19 (2) DISBURSE ASSESSMENT REVENUES TO THE APPROPRIATE  
20 COUNTIES AND MUNICIPALITIES IN ACCORDANCE WITH THIS SUBSECTION.

21 (D) (1) THE COMPROLLER SHALL:

22 (I) DEPOSIT IN THE FUND ASSESSMENT REVENUES RECEIVED  
23 FROM TRANSPORTATION NETWORK COMPANIES; AND

24 (II) DISBURSE TRIP ASSESSMENT REVENUES TO THE  
25 APPROPRIATE COUNTIES AND MUNICIPALITIES.

26 (2) THE TREASURER IS THE CUSTODIAN OF THE FUND.

27 (E) (1) THE FUND IS A CONTINUING, NONLAPSING FUND THAT IS NOT  
28 SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE, AND  
29 MAY NOT BE DEEMED A PART OF THE GENERAL FUND OF THE STATE.

30 (2) NO PART OF THE FUND MAY REVERT OR BE CREDITED TO:

1                   **(I) THE GENERAL FUND OF THE STATE; OR**

2                   **(II) A SPECIAL FUND OF THE STATE.**

3                   Subtitle [4.] 5. Prohibitions; Penalties.

4                   **[10-401.] 10-501.**

5                   (a) A person may not transport, solicit for transport, or agree to transport any  
6 person or baggage in a motor vehicle for hire unless the operator of the motor vehicle is  
7 licensed by the Commission.

8                   (b) A person who owns or is in charge of a motor vehicle may not allow the motor  
9 vehicle to be used in violation of this section, § 10-109, or § 10-209 of this title.

10                   **[10-402.] 10-502.**

11                   (a) A person may not operate a vehicle that provides passenger-for-hire services  
12 in the State:

13                   (1) unless the person is licensed as a passenger-for-hire driver by the  
14 Commission; or

15                   (2) in violation of this title or Title 9, Subtitle 2 of this article.

16                   (b) A person may not operate a vehicle that provides taxicab services in the State:

17                   (1) unless the person is licensed as a taxicab driver by the Commission or  
18 a county or municipal corporation; or

19                   (2) that is under the jurisdiction of the Commission, in violation of this  
20 title.

21                   (c) Subject to the hearing provisions of § 3-102(c) of this article, the Commission  
22 may impose on a person who violates this section a civil penalty not exceeding \$500 for each  
23 violation.

24                   SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General  
25 Assembly that:

26                   (1) the insurance coverages for transportation network companies and  
27 transportation network operators required under this Act be provided, to the extent  
28 available, by insurance carriers admitted in the State; and

1           (2) the Maryland Insurance Administration expedite review of applications  
2 by authorized insurers for approval of insurance products for transportation network  
3 services, and that these products become available for purchase by July 1, 2016.

4           SECTION 3. AND BE IT FURTHER ENACTED, That the Maryland Insurance  
5 Administration:

6           (1) shall conduct a study on:

7                   (i) the availability of coverages required under § 10-405 of the  
8 Public Utilities Article, as enacted by this Act, for the transportation network industry  
9 offered by insurers admitted in the State;

10                   (ii) the methods to increase the availability of required coverages by  
11 admitted carriers; and

12                   (iii) the affordability of required coverages;

13           (2) in conducting the study required under item (1) of this section, may  
14 consult with:

15                   (i) the Public Service Commission;

16                   (ii) representatives of insurance carriers in the State;

17                   (iii) representatives of the surplus lines carrier industry;

18                   (iv) representatives of the transportation network services industry;

19                   (v) national insurance regulatory organizations; and

20                   (vi) other interested parties, as determined by the Administration;

21 and

22           (3) on or before November 1, 2016, report its findings and  
23 recommendations, including legislative and regulatory actions, to the Senate Finance  
24 Committee and the House Economic Matters Committee, in accordance with § 2-1246 of  
25 the State Government Article.

26           SECTION 4. AND BE IT FURTHER ENACTED, That the Public Service  
27 Commission shall:

28           (1) study the laws and regulations that apply to sedan services, limousine  
29 services, and taxicab services for purposes of modernizing and streamlining application  
30 processes and other requirements and allowing these services to better compete in the  
31 marketplace; and

1           (2) on or before December 1, 2015, submit an interim report and, on or  
2 before July 1, 2016, submit a final report with any findings and recommendations,  
3 including legislative and regulatory actions, to the Senate Finance Committee and the  
4 House Economic Matters Committee, in accordance with § 2-1246 of the State Government  
5 Article.

6           SECTION 5. AND BE IT FURTHER ENACTED, That this Act may not be construed  
7 to authorize a transportation network company to be out of compliance with applicable  
8 regulations adopted by the Public Service Commission in accordance with the Public  
9 Utilities Article, as amended by this Act.

10           SECTION ~~2~~ 6. AND BE IT FURTHER ENACTED, That this Act shall take effect  
11 July 1, 2015.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.