

HOUSE BILL 1231

C5

5lr2271
CF SB 868

By: **Delegates Waldstreicher, Adams, Afzali, Arentz, Aumann, B. Barnes, D. Barnes, Branch, Clippinger, Fennell, Frick, Glenn, Hayes, Kaiser, Kipke, Lierman, Lisanti, Mautz, McCray, McIntosh, Morales, S. Robinson, Smith, Szeliga, and A. Washington**

Introduced and read first time: March 2, 2015

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Public Utilities – Transportation Network Services**

3 FOR the purpose of authorizing the establishment of transportation network services in
4 the State; authorizing an individual to submit an application for registration as a
5 transportation network operator; requiring a transportation network company to
6 conduct, or have a third party conduct, a certain criminal history records check using
7 a certain database and obtain and review a driving record check for each applicant
8 before approving an application for the applicant; prohibiting a transportation
9 network company from approving an application for an applicant who has been
10 convicted of certain crimes; requiring a transportation network operator to meet
11 certain qualifications; requiring a transportation network company to register with
12 the Public Service Commission and create an application process for individuals to
13 apply for registration as a transportation network operator; requiring a
14 transportation network company to maintain certain records and a certain registry
15 of transportation network operators; requiring a transportation network company to
16 submit certain information to the Commission; requiring a transportation network
17 company to conduct, or have a third party conduct, a safety inspection of a motor
18 vehicle that will be used to provide transportation network services before the motor
19 vehicle is used to provide transportation network services; requiring the safety
20 inspection to be consistent with certain standards; requiring a transportation
21 network company to provide certain information on the transportation network
22 company's Web site; authorizing a transportation network company or a
23 transportation network operator to provide transportation network services at no
24 cost, for a suggested donation, or for a certain fare; requiring a transportation
25 network company or a transportation network operator to disclose certain fare
26 information to a passenger before the passenger arranges a trip with a
27 transportation network company or a transportation network operator; requiring a
28 transportation network company to transmit a certain electronic receipt to a

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 passenger on completion of providing transportation network services; requiring a
2 transportation network company to implement a certain policy on the use of drugs
3 or alcohol while an individual is arranging or providing transportation network
4 services; requiring a transportation network company to adopt a certain policy
5 prohibiting discriminatory conduct; requiring a transportation network operator to
6 comply with a certain policy and applicable laws regarding discriminatory conduct;
7 requiring a transportation network company and a transportation network operator
8 to maintain certain insurance coverage; authorizing certain insurance requirements
9 to be satisfied in a certain manner; specifying the types of insurer that may issue
10 certain required insurance; providing that certain required insurance shall be
11 deemed to satisfy a certain financial responsibility requirement; authorizing certain
12 insurers to exclude certain coverage and duty to defend if the exclusion is expressly
13 set forth in a certain policy under certain circumstances; setting forth the types of
14 coverage that the right to exclude coverage and duty to indemnify and defend may
15 apply to under certain circumstances; requiring a certain insurer to notify a certain
16 insured party that the insurer has no duty to defend or indemnify certain persons
17 for liability for a loss under certain circumstances; requiring certain insurers to make
18 certain disclosures in a certain manner; requiring a transportation network operator
19 to provide certain insurance information if a certain accident occurs; requiring a
20 transportation network operator to cooperate to facilitate the exchange of certain
21 information under certain circumstances; requiring a motor vehicle used to provide
22 transportation network services to meet certain criteria and display a certain trade
23 dress under certain circumstances; requiring a transportation network company to
24 ensure that the company's Web site is accessible to the blind and visually impaired
25 and to the deaf and hard-of-hearing and report to the Commission on increasing
26 access to wheelchair-accessible transportation network services on or before a
27 certain date; prohibiting a transportation network company from imposing certain
28 additional or special charges on an individual with a disability for providing certain
29 services or requiring that an individual with a disability be accompanied by an
30 attendant; requiring that if a transportation network operator accepts a certain ride
31 request from a passenger with a disability who uses a mobility device the operator
32 shall stow the device in the vehicle under certain circumstances; prohibiting a
33 transportation network company from charging a trip cancellation fee and requiring
34 a transportation network company to issue a certain refund in a timely manner
35 under certain circumstances; requiring a transportation network operator to treat
36 an individual with disabilities in a certain manner and properly and safely handle
37 certain equipment; authorizing the Commission to inspect certain records of a
38 transportation network company under certain circumstances; providing that
39 certain records are not subject to disclosure under the Maryland Public Information
40 Act; prohibiting the Commission or other public entity to disclose certain records or
41 information unless the disclosure is required by a subpoena or court order; requiring
42 the Commission or other public entity to promptly inform a transportation network
43 company before disclosing certain records or information as required by a subpoena
44 or court order; providing that transportation network companies and transportation
45 network operators are governed exclusively by certain provisions and regulations;
46 prohibiting a county or municipal corporation from imposing certain taxes or license
47 requirements on a transportation application company or transportation network

1 operator under certain circumstances or subjecting a transportation network
2 company to a local permitting process, rate limitation, or other local requirement;
3 specifying that a transportation network company and a transportation network
4 operator are not common carriers; exempting a motor vehicle used to provide
5 transportation network services from certain provisions of law relating to for-hire
6 driving services; specifying that certain provisions of law relating to for-hire driving
7 services do not apply to a transportation network company or a transportation
8 network operator; providing for the application of certain provisions; defining certain
9 terms; and generally relating to transportation network services.

10 BY repealing and reenacting, without amendments,

11 Article – Public Utilities

12 Section 1–101(a)

13 Annotated Code of Maryland

14 (2010 Replacement Volume and 2014 Supplement)

15 BY repealing and reenacting, with amendments,

16 Article – Public Utilities

17 Section 1–101(e), (pp), (qq), and (rr) and 10–102(b)

18 Annotated Code of Maryland

19 (2010 Replacement Volume and 2014 Supplement)

20 BY adding to

21 Article – Public Utilities

22 Section 1–101(pp), (qq), and (rr); 4–101.1; and 10.5–101 through 10.5–112 to be
23 under the new title “Title 10.5. Transportation Network Services”

24 Annotated Code of Maryland

25 (2010 Replacement Volume and 2014 Supplement)

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

27 That the Laws of Maryland read as follows:

28 **Article – Public Utilities**

29 1–101.

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

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

34 (2) “Common carrier” includes:

35 (i) an airline company;

1 (ii) a car company, motor vehicle company, automobile company, or
2 motor bus company;

3 (iii) a power boat company, vessel-boat company, steamboat
4 company, or ferry company;

5 (iv) a railroad company, street railroad company, or sleeping car
6 company;

7 (v) a taxicab company;

8 (vi) a toll bridge company; and

9 (vii) a transit company.

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

11 (i) a county revenue authority;

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

14 (iii) a vanpool or launch service; [or]

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

17 (V) A TRANSPORTATION NETWORK COMPANY; OR

18 (VI) A TRANSPORTATION NETWORK OPERATOR.

19 (PP) "TRANSPORTATION NETWORK COMPANY" HAS THE MEANING STATED IN
20 § 10.5-101 OF THIS ARTICLE.

21 (QQ) "TRANSPORTATION NETWORK OPERATOR" HAS THE MEANING STATED
22 IN § 10.5-101 OF THIS ARTICLE.

23 (RR) "TRANSPORTATION NETWORK SERVICES" HAS THE MEANING STATED IN
24 § 10.5-101 OF THIS ARTICLE.

25 [(pp)] (SS) (1) "Transportation of persons for hire" means the transportation of
26 persons by:

27 (i) regularly scheduled operations;

28 (ii) charter or contract operations; or

1 (iii) tour or sightseeing operations.

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

5 [(qq)] (TT) "Water company" means a public service company that owns a water
6 plant and sells or distributes water for gain.

7 [(rr)] (UU) "Water plant" means the material, equipment, and property owned by
8 a water company and used or to be used for or in connection with water service.

9 **4-101.1.**

10 **THIS TITLE DOES NOT APPLY TO:**

11 **(1) TRANSPORTATION NETWORK SERVICES;**

12 **(2) A TRANSPORTATION NETWORK COMPANY; OR**

13 **(3) A TRANSPORTATION NETWORK OPERATOR.**

14 10-102.

15 (b) **(1)** This title applies to any motor vehicle used in the transportation of
16 persons in exchange for remuneration except:

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

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

22 [(i)] **1.** aging support;

23 [(ii)] **2.** developmental and other disabilities;

24 [(iii)] **3.** kidney dialysis;

25 [(iv)] **4.** Medical Assistance Program;

26 [(v)] **5.** Head Start;

1 [(vi)] 6. Welfare-to-Work;

2 [(vii)] 7. mental health; and

3 [(viii)] 8. job training; AND

4 (III) A MOTOR VEHICLE THAT IS USED BY A TRANSPORTATION
5 NETWORK OPERATOR TO PROVIDE TRANSPORTATION NETWORK SERVICES UNDER
6 TITLE 10.5 OF THIS ARTICLE.

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

9 TITLE 10.5. TRANSPORTATION NETWORK SERVICES.

10 10.5-101.

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

13 (B) “TRANSPORTATION NETWORK COMPANY” MEANS A PERSON THAT USES
14 A DIGITAL NETWORK OR SOFTWARE APPLICATION TO CONNECT A PASSENGER TO
15 TRANSPORTATION NETWORK SERVICES.

16 (C) “TRANSPORTATION NETWORK OPERATOR” MEANS AN INDIVIDUAL WHO
17 OWNS OR OPERATES A MOTOR VEHICLE THAT IS:

18 (1) THE INDIVIDUAL’S PERSONAL MOTOR VEHICLE OR A MOTOR
19 VEHICLE THAT IS OTHERWISE AUTHORIZED FOR USE BY THE INDIVIDUAL;

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

22 (3) USED TO PROVIDE TRANSPORTATION NETWORK SERVICES.

23 (D) (1) “TRANSPORTATION NETWORK SERVICES” MEANS
24 TRANSPORTATION OF A PASSENGER:

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

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

28 (2) “TRANSPORTATION NETWORK SERVICES” DOES NOT INCLUDE:

- 1 **(I) TAXICAB SERVICE;**
2 **(II) FOR-HIRE SERVICES UNDER TITLE 10 OF THIS ARTICLE; OR**
3 **(III) PASSENGER SERVICES ENGAGED BY A PASSENGER HAILING**
4 **A VEHICLE FROM THE STREET.**

5 **10.5-102.**

6 **FOR PURPOSES OF THIS TITLE, TRANSPORTATION NETWORK SERVICES ARE**
7 **CONSIDERED TO:**

8 **(1) BEGIN WHEN A TRANSPORTATION NETWORK OPERATOR ACCEPTS**
9 **A REQUEST FOR TRANSPORTATION RECEIVED THROUGH THE TRANSPORTATION**
10 **NETWORK COMPANY'S DIGITAL NETWORK OR SOFTWARE APPLICATION;**

11 **(2) CONTINUE WHILE THE TRANSPORTATION NETWORK OPERATOR**
12 **TRANSPORTS THE PASSENGER IN THE TRANSPORTATION NETWORK OPERATOR'S**
13 **MOTOR VEHICLE; AND**

14 **(3) END WHEN THE PASSENGER EXITS THE TRANSPORTATION**
15 **NETWORK OPERATOR'S MOTOR VEHICLE.**

16 **10.5-103.**

17 **(A) AN INDIVIDUAL MAY SUBMIT AN APPLICATION TO A TRANSPORTATION**
18 **NETWORK COMPANY FOR REGISTRATION AS A TRANSPORTATION NETWORK**
19 **OPERATOR.**

20 **(B) BEFORE APPROVING AN APPLICATION SUBMITTED UNDER SUBSECTION**
21 **(A) OF THIS SECTION, A TRANSPORTATION NETWORK COMPANY SHALL:**

22 **(1) CONDUCT, OR HAVE A THIRD PARTY CONDUCT, A LOCAL AND**
23 **NATIONAL CRIMINAL HISTORY RECORDS CHECK FOR EACH APPLICANT USING THE**
24 **FOLLOWING DATABASES:**

25 **(I) A MULTISTATE OR MULTIJURISDICTIONAL CRIMINAL**
26 **RECORDS LOCATOR OR OTHER SIMILAR COMMERCIAL NATIONWIDE DATABASE WITH**
27 **VALIDATION THAT USES A PRIMARY SOURCE SEARCH; AND**

28 **(II) A NATIONAL SEX OFFENDER PUBLIC REGISTRY DATABASE;**
29 **AND**

1 **(2) OBTAIN AND REVIEW A DRIVING RECORD CHECK FOR EACH**
2 **APPLICANT.**

3 **(C) A TRANSPORTATION NETWORK COMPANY MAY NOT APPROVE AN**
4 **APPLICATION SUBMITTED UNDER SUBSECTION (A) OF THIS SECTION FOR AN**
5 **APPLICANT WHO:**

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

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

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

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

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

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

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

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

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

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

29 **(I) DRIVING WITH A SUSPENDED OR REVOKED LICENSE UNDER**
30 **§ 16-303 OF THE TRANSPORTATION ARTICLE; OR**

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

3 10.5-104.

4 A TRANSPORTATION NETWORK OPERATOR SHALL:

5 (1) POSSESS:

6 (I) A VALID DRIVER'S LICENSE;

7 (II) PROOF OF REGISTRATION FOR THE MOTOR VEHICLE THAT
8 IS USED FOR TRANSPORTATION NETWORK SERVICES; AND

9 (III) PROOF OF INSURANCE FOR THE MOTOR VEHICLE THAT IS
10 USED FOR TRANSPORTATION NETWORK SERVICES; AND

11 (2) BE AT LEAST 21 YEARS OLD.

12 10.5-105.

13 (A) A TRANSPORTATION NETWORK COMPANY SHALL:

14 (1) REGISTER WITH THE COMMISSION;

15 (2) CREATE AN APPLICATION PROCESS FOR INDIVIDUALS TO APPLY
16 FOR REGISTRATION AS A TRANSPORTATION NETWORK OPERATOR UNDER § 10.5-103
17 OF THIS TITLE;

18 (3) MAINTAIN A CURRENT REGISTRY OF THE TRANSPORTATION
19 NETWORK COMPANY'S TRANSPORTATION NETWORK OPERATORS;

20 (4) SUBMIT PROOF TO THE COMMISSION THAT THE COMPANY:

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

22 (II) MAINTAINS A WEB SITE THAT PROVIDES THE
23 TRANSPORTATION NETWORK COMPANY'S CUSTOMER SERVICE TELEPHONE NUMBER
24 OR ELECTRONIC MAIL ADDRESS;

25 (5) IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION,
26 CONDUCT, OR HAVE A THIRD PARTY CONDUCT, A SAFETY INSPECTION OF THE

1 MOTOR VEHICLE THAT A TRANSPORTATION NETWORK OPERATOR WILL USE BEFORE
2 THE MOTOR VEHICLE MAY BE USED TO PROVIDE TRANSPORTATION NETWORK
3 SERVICES;

4 (6) PROVIDE THE FOLLOWING INFORMATION ON THE
5 TRANSPORTATION NETWORK COMPANY'S WEB SITE:

6 (I) THE TRANSPORTATION NETWORK COMPANY'S CUSTOMER
7 SERVICE TELEPHONE NUMBER OR ELECTRONIC MAIL ADDRESS;

8 (II) THE TRANSPORTATION NETWORK COMPANY'S
9 ZERO-TOLERANCE POLICY ESTABLISHED UNDER § 10.5-107 OF THIS TITLE;

10 (III) THE PROCEDURE FOR REPORTING A COMPLAINT ABOUT AN
11 INDIVIDUAL WHO A PASSENGER REASONABLY SUSPECTS VIOLATED THE
12 TRANSPORTATION NETWORK COMPANY'S ZERO-TOLERANCE POLICY; AND

13 (IV) A COMPLAINT TELEPHONE NUMBER AND ELECTRONIC MAIL
14 ADDRESS FOR THE COMMISSION; AND

15 (7) MAINTAIN RECORDS FOR:

16 (I) EACH APPLICATION SUBMITTED UNDER § 10.5-103 OF THIS
17 TITLE;

18 (II) INFORMATION COLLECTED THROUGH A CRIMINAL HISTORY
19 RECORDS CHECK AND A REVIEW OF EACH APPLICANT'S DRIVING HISTORY UNDER §
20 10.5-103(C) OF THIS TITLE;

21 (III) THE INFORMATION REQUIRED FOR EACH TRANSPORTATION
22 NETWORK OPERATOR UNDER § 10.5-104 OF THIS TITLE;

23 (IV) THE REGISTRY REQUIRED UNDER ITEM (3) OF THIS
24 SUBSECTION;

25 (V) THE SAFETY INSPECTION REQUIRED UNDER ITEM (5) OF
26 THIS SUBSECTION;

27 (VI) FOR AT LEAST 1 YEAR, EACH TRANSPORTATION NETWORK
28 SERVICE ARRANGED BY THE TRANSPORTATION NETWORK COMPANY, INCLUDING
29 COPIES OF RECEIPTS THAT ARE TRANSMITTED TO A PASSENGER UNDER §
30 10.5-106(B) OF THIS TITLE;

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

4 (VIII) FOR AT LEAST 1 YEAR, EACH INVESTIGATION BEGUN UNDER
5 § 10.5-107(B)(3) OF THIS TITLE;

6 (IX) THE TRANSPORTATION NETWORK COMPANY'S INSURANCE
7 POLICY REQUIRED UNDER § 10.5-108(A) OF THIS TITLE; AND

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

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

17 10.5-106.

18 (A) (1) A TRANSPORTATION NETWORK COMPANY OR A TRANSPORTATION
19 NETWORK OPERATOR MAY:

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

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

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

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

30 (I) THE METHOD FOR CALCULATING THE FARE;

31 (II) THE APPLICABLE RATE BEING CHARGED; AND

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

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

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

9 (2) THE TOTAL TIME AND DISTANCE OF THE TRIP; AND

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

11 10.5–107.

12 (A) (1) IN THIS SECTION, “DISCRIMINATORY CONDUCT” INCLUDES:

13 (I) REFUSING SERVICE ON THE BASIS OF A PASSENGER'S RACE,
14 SEX, CREED, COLOR, NATIONAL ORIGIN, MARITAL STATUS, SEXUAL ORIENTATION,
15 AGE, GENDER IDENTITY, OR DISABILITY, INCLUDING REFUSAL OF SERVICE TO A
16 PASSENGER WITH A SERVICE ANIMAL UNLESS THE TRANSPORTATION NETWORK
17 OPERATOR HAS A DOCUMENTED SERIOUS MEDICAL ALLERGY TO ANIMALS ON FILE
18 WITH THE TRANSPORTATION NETWORK COMPANY;

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

22 (III) REFUSING SERVICE BASED ON THE PICK-UP OR DROP-OFF
23 LOCATION OF THE PASSENGER; OR

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

27 (2) “DISCRIMINATORY CONDUCT” DOES NOT INCLUDE REFUSING
28 SERVICE TO AN INDIVIDUAL WITH A DISABILITY DUE TO VIOLENT, SERIOUSLY
29 DISRUPTIVE, OR ILLEGAL CONDUCT BY THE INDIVIDUAL.

30 (B) A TRANSPORTATION NETWORK COMPANY SHALL:

1 (1) IMPLEMENT A ZERO-TOLERANCE POLICY ON THE USE OF DRUGS
2 OR ALCOHOL WHILE AN INDIVIDUAL IS ARRANGING OR PROVIDING
3 TRANSPORTATION NETWORK SERVICES;

4 (2) IMMEDIATELY SUSPEND AN INDIVIDUAL WHO IS ARRANGING OR
5 PROVIDING TRANSPORTATION NETWORK SERVICES ON RECEIPT OF A PASSENGER
6 COMPLAINT CONTAINING A REASONABLE ALLEGATION THAT THE INDIVIDUAL
7 VIOLATED THE ZERO-TOLERANCE POLICY; AND

8 (3) CONDUCT AN INVESTIGATION INTO THE ALLEGED VIOLATION OF
9 THE ZERO-TOLERANCE POLICY.

10 (C) A SUSPENSION ISSUED UNDER SUBSECTION (B) OF THIS SECTION SHALL
11 LAST FOR THE DURATION OF THE INVESTIGATION.

12 (D) (1) A TRANSPORTATION NETWORK COMPANY SHALL:

13 (I) ADOPT A POLICY PROHIBITING DISCRIMINATORY CONDUCT;
14 AND

15 (II) NOTIFY PEER-TO-PEER TRANSPORTATION NETWORK
16 OPERATORS OF THE POLICY.

17 (2) A TRANSPORTATION NETWORK OPERATOR SHALL COMPLY:

18 (I) WITH THE POLICY ADOPTED IN ACCORDANCE WITH THIS
19 SUBSECTION; AND

20 (II) WITH ALL APPLICABLE LAWS REGARDING DISCRIMINATORY
21 CONDUCT.

22 **10.5-108.**

23 (A) FOR ACCIDENTS INVOLVING A TRANSPORTATION NETWORK OPERATOR
24 DURING THE PERIOD OF TIME IN WHICH A TRANSPORTATION NETWORK OPERATOR
25 IS PROVIDING TRANSPORTATION NETWORK SERVICES, THE FOLLOWING IS
26 REQUIRED:

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

1 **(2) UNINSURED MOTORIST INSURANCE COVERAGE REQUIRED UNDER**
2 **§ 19-509 OF THE INSURANCE ARTICLE.**

3 **(B) (1) FOR ACCIDENTS INVOLVING A TRANSPORTATION NETWORK**
4 **OPERATOR DURING THE PERIOD OF TIME IN WHICH A TRANSPORTATION NETWORK**
5 **OPERATOR IS LOGGED INTO THE TRANSPORTATION NETWORK COMPANY'S DIGITAL**
6 **NETWORK AND AVAILABLE TO PROVIDE TRANSPORTATION NETWORK SERVICES BUT**
7 **IS NOT PROVIDING TRANSPORTATION NETWORK SERVICES, THE FOLLOWING IS**
8 **REQUIRED:**

9 **(I) AUTOMOBILE LIABILITY INSURANCE FOR BODILY INJURY**
10 **AND PROPERTY DAMAGE THAT MEETS OR EXCEEDS THE MINIMUM COVERAGE**
11 **REQUIREMENTS UNDER § 17-103(B) OF THE TRANSPORTATION ARTICLE; AND**

12 **(II) AUTOMOBILE LIABILITY INSURANCE THAT MEETS OR**
13 **EXCEEDS THE MINIMUM COVERAGE REQUIREMENTS UNDER § 19-509 OF THE**
14 **INSURANCE ARTICLE.**

15 **(2) A TRANSPORTATION NETWORK COMPANY SHALL MAINTAIN**
16 **AUTOMOBILE LIABILITY INSURANCE IN THE AMOUNTS REQUIRED UNDER**
17 **PARAGRAPH (1) OF THIS SUBSECTION TO PROVIDE COVERAGE IN THE EVENT A**
18 **PARTICIPATING TRANSPORTATION NETWORK OPERATOR'S OWN AUTOMOBILE**
19 **LIABILITY INSURANCE POLICY EXCLUDES COVERAGE ACCORDING TO ITS POLICY**
20 **TERMS OR DOES NOT PROVIDE THE MINIMAL COVERAGE REQUIRED UNDER**
21 **PARAGRAPH (1) OF THIS SUBSECTION.**

22 **(C) THE INSURANCE REQUIREMENTS LISTED IN SUBSECTIONS (A) AND (B)**
23 **OF THIS SECTION MAY BE SATISFIED BY AN AUTOMOBILE LIABILITY POLICY**
24 **MAINTAINED BY:**

25 **(1) THE TRANSPORTATION NETWORK OPERATOR;**

26 **(2) THE TRANSPORTATION NETWORK COMPANY; OR**

27 **(3) BOTH.**

28 **(D) INSURANCE REQUIRED UNDER THIS SECTION MAY BE ISSUED BY:**

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

30 **(2) A SURPLUS LINES INSURER UNDER TITLE 3, SUBTITLE 3 OF THE**
31 **INSURANCE ARTICLE.**

1 **(E) INSURANCE REQUIRED BY THIS SECTION SHALL BE DEEMED TO SATISFY**
2 **THE FINANCIAL RESPONSIBILITY REQUIREMENT FOR A MOTOR VEHICLE UNDER §**
3 **19-509 OF THE INSURANCE ARTICLE AND TITLE 17, SUBTITLE 1 OF THE**
4 **TRANSPORTATION ARTICLE.**

5 **(F) (1) FOR THE PURPOSES OF THIS TITLE, INSURERS THAT WRITE**
6 **AUTOMOBILE LIABILITY INSURANCE IN THE STATE MAY EXCLUDE ANY AND ALL**
7 **COVERAGE AND THE DUTY TO DEFEND AFFORDED UNDER THE OWNER'S INSURANCE**
8 **POLICY FOR ANY LOSS OR INJURY THAT OCCURS WHILE AN INSURED VEHICLE**
9 **PROVIDES OR IS AVAILABLE TO PROVIDE TRANSPORTATION NETWORK SERVICES IF**
10 **THE EXCLUSION IS EXPRESSLY SET FORTH IN THE POLICY AND APPROVED FOR SALE**
11 **IN MARYLAND.**

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

16 **(I) LIABILITY COVERAGE FOR BODILY INJURY AND PROPERTY**
17 **DAMAGE;**

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

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

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

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

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

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

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

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

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

8 **(I) THE TRANSPORTATION NETWORK OPERATOR’S PERSONAL**
9 **INSURANCE; AND**

10 **(II) LIABILITY COVERAGE REQUIRED UNDER SUBSECTION (A)**
11 **OF THIS SECTION.**

12 **(2) A TRANSPORTATION NETWORK OPERATOR WHO IS INVOLVED IN**
13 **AN ACCIDENT WHILE PROVIDING TRANSPORTATION NETWORK SERVICES SHALL**
14 **COOPERATE TO FACILITATE THE EXCHANGE OF INFORMATION, INCLUDING A**
15 **DESCRIPTION OF THE COVERAGE, EXCLUSIONS, AND LIMITS PROVIDED UNDER AN**
16 **INSURANCE POLICY EACH PARTY HAS BEEN ISSUED OR MAINTAINED.**

17 **10.5–109.**

18 **(A) A MOTOR VEHICLE USED TO PROVIDE TRANSPORTATION NETWORK**
19 **SERVICES SHALL:**

20 **(1) HAVE A MANUFACTURER’S RATED SEATING CAPACITY OF EIGHT**
21 **OR FEWER PERSONS, INCLUDING THE TRANSPORTATION NETWORK OPERATOR;**

22 **(2) HAVE AT LEAST FOUR DOORS AND MEET APPLICABLE FEDERAL**
23 **MOTOR VEHICLE SAFETY STANDARDS FOR VEHICLES OF ITS SIZE, TYPE, AND**
24 **PROPOSED USE; AND**

25 **(3) BE NO MORE THAN 10 MODEL YEARS OF AGE AT ENTRY INTO**
26 **SERVICE AND NO MORE THAN 12 MODEL YEARS OF AGE WHILE BEING USED TO**
27 **PROVIDE TRANSPORTATION NETWORK SERVICES.**

28 **(B) (1) A MOTOR VEHICLE THAT IS USED TO PROVIDE TRANSPORTATION**
29 **NETWORK SERVICES SHALL DISPLAY A CONSISTENT AND DISTINCTIVE TRADE DRESS**
30 **CONSISTING OF A LOGO, AN INSIGNIA, OR AN EMBLEM AT ALL TIMES THAT THE**
31 **TRANSPORTATION NETWORK OPERATOR IS PROVIDING TRANSPORTATION**
32 **NETWORK SERVICES.**

1 **(2) THE TRADE DRESS REQUIRED UNDER THIS SUBSECTION SHALL**
2 **BE:**

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

5 **(II) REFLECTIVE, ILLUMINATED, OR OTHERWISE PLAINLY**
6 **VISIBLE IN DARKNESS.**

7 **10.5–110.**

8 **(A) ON OR BEFORE JANUARY 1, 2016, EACH TRANSPORTATION NETWORK**
9 **COMPANY SHALL:**

10 **(1) ENSURE THAT THE COMPANY’S WEB SITE IS ACCESSIBLE TO THE**
11 **BLIND AND VISUALLY IMPAIRED AND THE DEAF AND HARD-OF-HEARING; AND**

12 **(2) PROVIDE A REPORT TO THE COMMISSION ON HOW THE COMPANY**
13 **INTENDS TO INCREASE ACCESS TO WHEELCHAIR-ACCESSIBLE TRANSPORTATION**
14 **NETWORK SERVICES TO INDIVIDUALS WITH DISABILITIES.**

15 **(B) A TRANSPORTATION NETWORK COMPANY MAY NOT:**

16 **(1) IMPOSE ADDITIONAL OR SPECIAL CHARGES ON AN INDIVIDUAL**
17 **WITH A DISABILITY FOR PROVIDING SERVICES TO ACCOMMODATE THE INDIVIDUAL;**
18 **OR**

19 **(2) REQUIRE THAT AN INDIVIDUAL WITH A DISABILITY BE**
20 **ACCOMPANIED BY AN ATTENDANT.**

21 **(C) IF A TRANSPORTATION NETWORK OPERATOR ACCEPTS A RIDE REQUEST**
22 **THROUGH A TRANSPORTATION NETWORK COMPANY FROM A PASSENGER WITH A**
23 **DISABILITY WHO USES A MOBILITY DEVICE:**

24 **(1) IF THE VEHICLE IS CAPABLE OF STOWING THE MOBILITY DEVICE,**
25 **THE OPERATOR SHALL STOW THE MOBILITY DEVICE IN THE VEHICLE; AND**

26 **(2) IF THE PASSENGER OR OPERATOR DETERMINES THAT THE**
27 **VEHICLE IS NOT CAPABLE OF STOWING THE DEVICE, THE TRANSPORTATION**
28 **NETWORK COMPANY:**

29 **(I) MAY NOT CHARGE A TRIP CANCELLATION FEE; OR**

1 **(II) IF A FEE IS CHARGED, SHALL PROVIDE THE PASSENGER**
2 **WITH A REFUND IN A TIMELY MANNER.**

3 **(D) A TRANSPORTATION NETWORK OPERATOR SHALL:**

4 **(1) TREAT AN INDIVIDUAL WITH DISABILITIES IN A RESPECTFUL AND**
5 **COURTEOUS MANNER; AND**

6 **(2) PROPERLY AND SAFELY HANDLE MOBILITY DEVICES AND**
7 **ASSOCIATED EQUIPMENT.**

8 **10.5–111.**

9 **(A) IF THE COMMISSION HAS A REASONABLE BASIS TO SUSPECT THAT A**
10 **TRANSPORTATION NETWORK COMPANY IS NOT IN COMPLIANCE WITH THIS TITLE,**
11 **THE COMMISSION MAY INSPECT THE RECORDS OF A TRANSPORTATION NETWORK**
12 **COMPANY AT THE COMPANY’S PLACE OF BUSINESS OR AN AGREED–ON THIRD–PARTY**
13 **LOCATION TO THE EXTENT NECESSARY TO DETERMINE WHETHER THE**
14 **TRANSPORTATION NETWORK COMPANY IS IN COMPLIANCE.**

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

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

23 **(II) IF A SUBPOENA OR COURT ORDER REQUIRES THE**
24 **COMMISSION OR OTHER PUBLIC ENTITY TO DISCLOSE INFORMATION DISCLOSED TO**
25 **THE COMMISSION UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE COMMISSION**
26 **OR PUBLIC ENTITY SHALL PROMPTLY NOTIFY THE TRANSPORTATION NETWORK**
27 **COMPANY BEFORE DISCLOSING THE INFORMATION.**

28 **10.5–112.**

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

1 **(B) A COUNTY OR MUNICIPAL CORPORATION MAY NOT:**

2 **(1) IMPOSE A TAX ON OR REQUIRE A TRANSPORTATION NETWORK**
3 **COMPANY OR TRANSPORTATION NETWORK OPERATOR TO OBTAIN A LICENSE IF THE**
4 **TAX OR LICENSE RELATES TO PROVIDING TRANSPORTATION NETWORK SERVICES;**
5 **OR**

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

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
9 1, 2015.