

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2015 Legislative Session

Bill No. CB-10-2015

Chapter No. _____

Proposed and Presented by Council Members Franklin, Davis, Glaros, Harrison, Turner

Introduced by _____

Co-Sponsors _____

Date of Introduction _____

BILL

1 AN ACT concerning

2 Transportation Network Company Services

3 For the purpose of ensuring the safety, reliability and cost-effectiveness of Transportation
4 Network Company (TNC) Services within the County and to regulate access to these
5 transportation options for residents and visitors to the County.

6 BY adding:

7 SUBTITLE 20A. TRANSPORTATION

8 Sections 20A-212, 20A-212, 20A-213, 20A-214, 20A-
9 215, 20A-216, 20A-217, 20A-218, 20A-219, 20A-
10 220, 20A-221, 20A-222, 20A-223, 20A-224, 20A-
11 225, 20A-226, and 20A-227,

12 The Prince George's County Code
13 (2011 Edition; 2013 Supplement).

14 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
15 Maryland, that Sections 20A-212, 20A-213, 20A-214, 20A-215, 20A-216, 20A-217, 20A-218,
16 20A-219, 20A-220, 20A-221, 20A-222, 20A-223, 20A-224, 20A-225, 20A-226, and 20A-227 of
17 the Prince George's County Code be and the same are hereby added:

18 **SUBTITLE 20A. TRANSPORTATION.**

19 **DIVISION 3. TRANSPORTATION NETWORK COMPANIES.**

20 **Sec. 20A-212. Definitions.**

21 (a) In this Division, the following words have the meanings indicated:

1 (1) **Transportation Network Company** or **TNC** means an entity licensed pursuant to
 2 this Division and operating in Prince George’s County that uses a digital network or software
 3 application service to connect passengers to Transportation Network Company Services provided
 4 by Transportation Network Company Drivers. A TNC is not deemed to own, control, operate or
 5 manage the vehicles used by TNC Drivers, and is not a taxicab association or a for-hire vehicle
 6 owner.

7 (2) **Transportation Network Company (TNC) Driver** means an individual who
 8 operates a motor vehicle that is:

9 (A) Owned, leased or otherwise authorized for use by the individual;

10 (B) Not a taxicab; and

11 (C) Used to provide Transportation Network Company Services.

12 (3) **Transportation Network Company (TNC) Services** means transportation of a
 13 passenger between points chosen by the passenger and prearranged with a TNC Driver through
 14 the use of a TNC digital network or software application. TNC Services shall begin when a TNC
 15 Driver accepts a request for transportation received through the TNC’s digital network or
 16 software application service, continue while the TNC Driver transports the passenger in the TNC
 17 Driver’s vehicle, and end when the passenger exits the TNC Driver’s vehicle. TNC Service is
 18 not taxicab, for-hire vehicle or street hail service.

19 **Sec. 20A-213. TNC License Required.**

20 (a) A person shall not operate a TNC in Prince George’s County without first having
 21 obtained a license from the Department of Public Works and Transportation.

22 (b) The Department of Public Works and Transportation shall issue a license to each
 23 applicant that meets the requirements for a TNC set forth in this Division, and pays an annual
 24 permit fee of \$5,000 to the Department of Public Works and Transportation.

25 **Sec. 20A-214. Agent.**

26 The TNC must maintain and advise the Department of Public Works and Transportation of
 27 its agent for service of process in the State of Maryland.

28 **Sec. 20A-215. Fare Charged for Services.**

29 A TNC may charge a fare for the services provided to passengers; provided that, if a fare is
 30 charged, the TNC shall disclose to passengers the fare calculation method on its website or
 31 within the software application service. The TNC shall also provide passengers with the

1 applicable rates being charged and the option to receive an estimated fare before the passenger
 2 enters the TNC Driver's vehicle.

3 **Sec. 20A-216. Identification of TNC Vehicles And Drivers.**

4 The TNC's software application or website shall display a picture of the TNC Driver, and the
 5 license plate number of the motor vehicle utilized for providing the TNC Service before the
 6 passenger enters the TNC Driver's vehicle.

7 **Sec. 20A-217. Electronic Receipt.**

8 Following the completion of a trip, a TNC shall transmit an electronic receipt to the
 9 passenger that lists:

- 10 (a) The origin and destination of the trip;
 11 (b) The total time and distance of the trip; and
 12 (c) An itemization of the total fare paid, if any.

13 **Sec. 20A-218. TNC and TNC Driver Insurance Requirements.**

14 (a) On or before ninety days after the effective date of this Act and thereafter, TNCs and
 15 TNC Drivers shall comply with the automobile liability insurance requirements of this Section.

16 (b) The following automobile liability insurance requirements shall be required for a TNC
 17 Driver for the time the TNC Driver is logged into the TNC's digital network and available to
 18 receive requests for transportation but is not providing TNC Services:

19 (1) The TNC Driver shall have automobile liability insurance that meets at least the
 20 minimum coverage requirements under Md. Code Ann., Ins. § 17-103 and personal injury
 21 protection as required by Md. Code Ann., Ins. § 19-505.

22 (2) The TNC shall maintain automobile liability insurance in the amounts required in
 23 paragraph (1) of this subsection and provide coverage in the event a participating TNC Driver's
 24 own automobile liability policy excludes coverage according to its policy terms or does not
 25 provide coverage of at least the limits required in paragraph (1) of this subsection

26 (c) The following automobile liability insurance requirements shall apply while a TNC
 27 Driver is providing TNC Services:

28 (1) Provides primary automobile liability insurance that recognizes the TNC Driver's
 29 provision of TNC Services;

30 (2) Provides automobile liability insurance of at least \$1,000,000 for death, personal
 31 injury and property damage;

1 (3) Provides personal injury protection as required by Md. Code Ann., Ins. § 19-505.

2 (4) The coverage requirements of this subsection (c) may be satisfied by any of the
 3 following:

4 (A) Automobile liability insurance maintained by the TNC Driver; or

5 (B) Automobile liability insurance maintained by the TNC; or

6 (C) Any combination of subparagraphs (A) and (B), above.

7 (d) In every instance where insurance maintained by a TNC Driver to fulfill the insurance
 8 requirements of this Section has lapsed, failed to provide the required coverage, denied a claim
 9 for the required coverage or otherwise ceased to exist, insurance maintained by a TNC shall
 10 provide the coverage required by this section beginning with the first dollar of a claim.

11 (e) Insurance required by this Section may be placed with an insurer authorized to do
 12 business in the state or with a surplus lines insurer eligible under Subtitle 3 of Title 3 of the
 13 Insurance Code of Maryland (Md. Code Ann., Ins. § 3-301 et seq.).

14 (f) Insurance required by this Section shall be deemed to satisfy the financial responsibility
 15 requirement for a motor vehicle under Subtitle 1 of Title 17 of the Transportation Code of
 16 Maryland (Md. Code Ann., Ins. § 17-101 et seq.).

17 (g) In a claims coverage investigation, TNCs and any insurer providing coverage required
 18 under this Section shall cooperate to facilitate the exchange of information, including the precise
 19 times that a TNC Driver logged on and off of the TNC's digital network in the twenty-four hour
 20 period immediately preceding the accident and disclose to one another a clear description of the
 21 coverage, exclusions and limits provided under any insurance policy each party issued or
 22 maintained.

23 **Sec. 20A-219. Zero Tolerance for Drug or Alcohol Use.**

24 (a) The TNC shall implement a zero tolerance policy on the use of drugs or alcohol while a
 25 TNC Driver is providing TNC Services or is logged into the TNC's digital network but is not
 26 providing TNC Services, and shall provide notice of this policy on its website, as well as
 27 procedures to report a complaint about a driver with whom a passenger was matched and whom
 28 the passenger reasonably suspects was under the influence of drugs or alcohol during the course
 29 of the trip.

30 (b) Upon receipt of such passenger complaint alleging a violation of the zero tolerance
 31 policy, the TNC shall immediately suspend such TNC Driver's access to the TNC's digital
 32 platform, and shall conduct an investigation into the reported incident. The suspension shall last

1 the duration of the investigation.

2 (c) The TNC shall maintain records relevant to the enforcement of this requirement for a
3 period of at least two (2) years from the date that a passenger complaint is received by the TNC.

4 **Sec. 20A-220. TNC Driver Requirements.**

5 (a) Prior to permitting an individual to act as a TNC Driver on its digital platform, the TNC
6 shall:

7 (1) Require the individual to submit an application to the TNC, which includes
8 information regarding his or her address, age, driver's license, driving history, motor vehicle
9 registration, automobile liability insurance, and other information required by the TNC;

10 (2) Conduct, or have a third party conduct, a local and national criminal background
11 check for each applicant that shall include:

12 (A) Multi-State/Multi-Jurisdictional Criminal Records Locator or other similar
13 commercial nationwide database with validation (primary source search); and

14 (B) National Sex Offender Registry database;

15 (3) Obtain and review a driving history research report for such individual.

16 (b) The TNC shall not permit an individual to act as a TNC Driver on its digital platform
17 who:

18 (1) Has had more than three moving violations in the prior three-year period, or one
19 major violation in the prior three-year period (including, but not limited to, attempting to evade
20 the police, reckless driving, or driving on a suspended or revoked license);

21 (2) Has been convicted, within the past seven years, of driving under the influence of
22 drugs or alcohol, or who has been convicted at any time of fraud, sexual offenses, use of a motor
23 vehicle to commit a felony, a crime involving property damage, and/or theft, acts of violence, or
24 acts of terror;

25 (3) Is a match in the National Sex Offender Registry database;

26 (4) Does not possess a valid driver's license;

27 (5) Does not possess proof of registration for the motor vehicle(s) used to provide TNC

28 Services;

29 (6) Does not possess proof of automobile liability insurance for the motor vehicle(s) used
30 to provide TNC Services; or

31 (7) Is not at least 19 years of age.

1 **Sec. 20A-221. Vehicle Safety and Emissions.**

2 A TNC shall require that any motor vehicle(s) that a TNC Driver will use to provide TNC
 3 Services meets Maryland's safety and emissions requirements for a private motor vehicle.

4 **Sec. 20A-222. No Street Hails.**

5 A TNC Driver shall exclusively accept rides booked through a TNC's digital network or
 6 software application service and shall not solicit or accept street hails.

7 **Sec. 20A-223. No Cash Trips.**

8 The TNC shall adopt a policy prohibiting solicitation or acceptance of cash payments from
 9 passengers and notify TNC Drivers of such policy. TNC Drivers shall not solicit or accept cash
 10 payments from passengers. Any payment for TNC Services shall be made only electronically
 11 using the TNC's digital network or software application.

12 **Sec. 20A-224. No Discrimination; Accessibility.**

13 (a) The TNC shall adopt a policy of non-discrimination on the basis of destination, race,
 14 color, national origin, religious belief or affiliation, sex, disability, age, sexual orientation, or
 15 gender identity with respect to passengers and potential passengers and notify TNC Drivers of
 16 such policy.

17 (b) TNC Drivers shall comply with all applicable laws regarding non-discrimination against
 18 passengers or potential passengers on the basis of destination, race, color, national origin,
 19 religious belief or affiliation, sex, disability, age, sexual orientation, or gender identity.

20 (c) TNC Drivers shall comply with all applicable laws relating to accommodation of service
 21 animals.

22 (d) A TNC shall not impose additional charges for providing services to persons with
 23 physical disabilities because of those disabilities.

24 (e) A TNC shall provide passengers an opportunity to indicate whether they require a
 25 wheelchair-accessible vehicle. If a TNC cannot arrange wheelchair-accessible TNC Service in
 26 any instance, it shall direct the passenger to an alternate provider of wheelchair-accessible
 27 service, if available.

28 **Sec. 20A-225. Records.**

29 (a) A TNC shall maintain individual trip records for at least one (1) year from the date each
 30 trip was provided; and

31 (b) A TNC shall maintain TNC Driver records at least until the one year after the date on

1 which a TNC Driver's activation on the TNC digital network has ended.

2 **Sec. 20A-226. Personally Identifiable Information.**

3 A TNC shall not disclose a passenger's personally identifiable information to a third party
4 unless: the passenger consents, disclosure is required by a legal obligation, or disclosure is
5 required to protect or defend the terms of use of the service or to investigate violations of those
6 terms. In addition to the foregoing, a TNC shall be permitted to share a passenger's name and/or
7 telephone number with the TNC Driver providing TNC Services to such passenger in order to
8 facilitate correct identification of the passenger by the TNC Driver, or to facilitate
9 communication between the passenger and the TNC Driver.

10 **Sec. 20A-227 Regulations.**

11 The County Executive or the County Executive's designee may adopt regulations
12 implementing or enforcing the provisions of this Division, subject to the approval of such
13 regulations by resolution of the County Council.

14 SECTION 2. BE IT FURTHER ENACTED that the provisions of this Act are hereby
15 declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph,
16 sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of
17 competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining
18 words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this
19 Act, since the same would have been enacted without the incorporation in this Act of any such
20 invalid or unconstitutional word, phrase, clause, sentence, subparagraph, subsection, or section.

21 SECTION 3. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)
22 calendar days after it becomes law.

Adopted this ____ day of _____, 2015.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Mel Franklin
Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Rushern L. Baker, III
County Executive

KEY:
Underscoring indicates language added to existing law.
[Brackets] indicate language deleted from existing law.
Asterisks *** indicate intervening existing Code provisions that remain unchanged.