

Chapter 51

**(Senate Bill 97)**

AN ACT concerning

**Public Utilities – Transportation Network Services – Disclosure of Records**

FOR the purpose of altering the authority by which the Public Service Commission may disclose certain records or information provided by a transportation network company; authorizing the Commission to disclose certain records or information ~~required by statute~~ if the disclosure is made in accordance with a certain provision of law that requires certain licensing authorities to provide certain information to the Child Support Administration in the Department of Human Services; *providing that certain disclosed information is not subject to release under the Maryland Public Information Act*; and generally relating to transportation network services.

BY repealing and reenacting, with amendments,  
Article – Public Utilities  
Section 10–404  
Annotated Code of Maryland  
(2010 Replacement Volume and 2017 Supplement)

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

**Article – Public Utilities**

10–404.

(a) An operator may not provide transportation network services unless the Commission has authorized the operator to operate on a provisional basis or has issued a valid temporary or permanent transportation network operator’s license to provide transportation network services.

(b) The Commission may approve an applicant to be an operator and issue a temporary transportation network operator’s license to the applicant if:

(1) the applicant provides all information that the Commission requires for the application, including the information specified in item (2) of this subsection; and

(2) the Commission is satisfied with the successful submission of the applicant’s:

(i) national criminal history records check:

1. conducted by a consumer reporting agency as defined under § 14–1201 of the Commercial Law Article or a comparable entity approved by the Commission; and

2. that includes:

A. a Multi–State Multi–Jurisdiction Criminal Records Database Search or a search of a similar nationwide database with validation;

B. a search of the Sex Offender Registry; and

C. a search of the U.S. Department of Justice’s National Sex Offender Public Web site; and

(ii) driving record check that includes a driving history research report.

(c) Subject to subsection (d) of this section, the Commission may issue a permanent transportation network operator’s license to an applicant upon the submission of a satisfactory supplemental criminal background check as set forth under § 10–104(b) of this title.

(d) Before December 15, 2016, the Commission may not require an applicant for a permanent transportation network operator’s license to comply with subsection (c) of this section if a transportation network company for which the applicant will provide services, at the time it applies for a permit, provides to the Commission details of the process the transportation network company uses to collect, review, and submit the information specified in subsection (b)(2) of this section.

(e) (1) A transportation network company may request that the Commission waive the requirement to comply with subsection (c) of this section and instead require compliance with subsection (b)(2) of this section for applicants and operators of the transportation network company.

(2) On receipt of a request under paragraph (1) of this subsection, the Commission shall:

(i) determine whether the transportation network company’s process for complying with subsection (b)(2) of this section can be shown to be as comprehensive and accurate as complying with the supplemental criminal background check as set forth under § 10–104(b) of this title; and

(ii) within 3 months after receiving the request, determine whether to:

1. grant the waiver;

2. deny the waiver; or
3. approve an alternative process.

(f) A transportation network company may submit the information under subsection (b) of this section on behalf of an operator.

(g) The Commission shall adopt regulations that provide a process that is as expeditious as possible and uses electronic means for:

- (1) the submission of the information under subsection (b) of this section;
- (2) the issuance of a temporary or permanent transportation network operator's license and alternative authority to operate on a provisional basis; and
- (3) the renewal of a transportation network operator's license.

(h) (1) Records or information provided to the Commission by a transportation network company under this section **OR DISCLOSED BY THE COMMISSION UNDER PARAGRAPH (2) OF THIS SUBSECTION** are not subject to release under the Maryland Public Information Act.

(2) The Commission may not disclose records or information provided to the Commission under this section to any person unless:

(i) the disclosure is required by ~~STATUTE~~, court order, or order of the Maryland Tax Court; ~~or~~

(ii) **THE DISCLOSURE IS MADE IN ACCORDANCE WITH § 10-119.3 OF THE FAMILY LAW ARTICLE; OR**

**(III)** the disclosure is to the Comptroller under § 10-406(g)(5) of this subtitle.

(3) On notice that a person is seeking records or information under paragraph (2)(i) of this subsection, the Commission shall promptly notify the transportation network company before disclosing the records or information.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

**Approved by the Governor, April 10, 2018.**