

SENATE BILL 705

R2

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CF HB 1304

By: **Senators Beidle, Feldman, and Hershey**

Introduced and read first time: February 3, 2021

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 28, 2021

CHAPTER _____

1 AN ACT concerning

2 **State Airports – Commercial Activity – Rental Vehicles and Peer-to-Peer Car**
3 **Sharing**

4 FOR the purpose of establishing certain standards and requirements governing the
5 provision of services and the granting of privileges by the Maryland Aviation
6 Administration with respect to commercial activity undertaken by rental vehicle
7 companies and peer-to-peer car sharing programs at State airports; altering the
8 defined term “commercial activity” as it relates to State airports to include certain
9 activities performed by rental vehicle companies and peer-to-peer car sharing
10 programs; establishing that the Administration’s authority over commercial activity
11 at a certain airport extends to a commercial zone within a certain radius of the main
12 terminal; requiring the Administration to establish the rules and requirements for
13 the conduct of airport-related commercial activity within a certain commercial zone;
14 making a certain stylistic change; and generally relating to commercial activity by
15 rental vehicle companies and peer-to-peer car sharing programs at State airports.

16 BY repealing and reenacting, without amendments,
17 Article – Insurance
18 Section 19–520(a)(1), (8), and (9)
19 Annotated Code of Maryland
20 (2017 Replacement Volume and 2020 Supplement)

21 BY repealing and reenacting, with amendments,
22 Article – Transportation
23 Section 5–408

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.



Annotated Code of Maryland
(2020 Replacement Volume)

BY repealing and reenacting, without amendments,
Article – Transportation
Section 18–108(a) and 18.5–106
Annotated Code of Maryland
(2020 Replacement Volume)

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

Article – Insurance

19–520.

(a) (1) In this section the following words have the meanings indicated.

(8) “Peer-to-peer car sharing” means the authorized use of a motor vehicle
by an individual other than the vehicle’s owner through a peer-to-peer car sharing
program.

(9) “Peer-to-peer car sharing program” means a platform that is in the
business of connecting vehicle owners with drivers to enable the sharing of motor vehicles
for financial consideration.

Article – Transportation

5–408.

(a) In its operation of an airport, airport facility, or air navigation facility owned
or controlled by this State, the Administration, with the approval of the Secretary and
subject to the direction of the Commission, may contract, lease, or otherwise arrange with
any person to:

(1) Provide the person with services furnished by the Administration or its
agents at the airport or facility; or

(2) Grant to the person the privilege of:

(i) Using or improving for commercial purposes any part of the
airport or facility; or

(ii) Supplying services, facilities, goods, commodities, or other things
at the airport or facility.

(b) (1) For the privileges granted, the Administration may establish any terms and conditions and fix any charges, rentals, or fees that:

(i) Are reasonable and uniform for the same class of privilege or service;

(ii) Are established with due regard to the property and improvements used and the expenses of operation to this State; and

(iii) Do not deprive the public of its rightful, equal, and uniform use of any part of the airport or facility.

(2) The Administration shall monitor the charges, fees, or prices of any goods or services offered to the public by persons granted the privilege under this section. Every contract, lease, or other arrangement shall provide that charges, fees, or prices:

(i) May not be increased without the prior approval of the Administration; and

(ii) Are to be reasonable. In determining reasonableness the Administration shall consider the charges, fees, or prices for the same goods or services at comparable airports.

(3) The Administration shall:

(i) Monitor the employment practices under Title 20, Subtitle 6 of the State Government Article of persons granted privileges under this section; and

(ii) Refer for investigation all alleged violations of § 20–606 of the State Government Article to the Commission on Civil Rights, the Equal Employment Opportunity Commission, or any appropriate State or federal administrative body.

(4) IN CARRYING OUT ITS POWERS AND DUTIES UNDER THIS SUBSECTION WITH RESPECT TO THE OFFER FOR RENTAL OR USE OF A MOTOR VEHICLE BY A RENTAL VEHICLE COMPANY, AS DEFINED IN § 18–108 OF THIS ARTICLE, OR A PEER–TO–PEER CAR SHARING PROGRAM, AS DEFINED IN § 19–520 OF THE INSURANCE ARTICLE, THE ADMINISTRATION SHALL:

(I) TREAT ~~THE~~ LIKE SERVICES AS BEING OF THE SAME CLASS;

(II) PROVIDE SERVICES AND GRANT PRIVILEGES IN A CONSISTENT MANNER;

(III) ENSURE THAT THE TERMS AND CONDITIONS OF AGREEMENTS, INCLUDING ALL ACCESS AND FEE REQUIREMENTS, ARE REASONABLE AND UNIFORM WHEN COMPARING:

1 **1. ON-AIRPORT RENTAL VEHICLE COMPANIES AND**
2 **ON-AIRPORT PEER-TO-PEER CAR SHARING PROGRAMS; AND**

3 **2. OFF-AIRPORT RENTAL VEHICLE COMPANIES AND**
4 **OFF-AIRPORT PEER-TO-PEER CAR SHARING PROGRAMS; AND**

5 **(IV) TAKE INTO CONSIDERATION THE ADMINISTRATION'S**
6 **LONG-TERM INVESTMENT IN THE CONSOLIDATED RENTAL VEHICLE FACILITY AND**
7 **ASSOCIATED STRUCTURES AND IMPROVEMENTS.**

8 (c) (1) **(I)** In this subsection, "commercial activity" means the sale,
9 merchandising, marketing, or promotion of any goods or services.

10 **(II) "COMMERCIAL ACTIVITY" INCLUDES THE OFFER OR**
11 **ARRANGEMENT BY A RENTAL VEHICLE COMPANY OR A PEER-TO-PEER CAR SHARING**
12 **PROGRAM OF THE RENTAL OR USE OF A MOTOR VEHICLE BY:**

13 **1. LISTING, PUBLISHING, OR ADVERTISING THE RENTAL**
14 **OR USE OF A MOTOR VEHICLE BY MENTIONING THE FORMAL OR INFORMAL NAME OF**
15 **AN AIRPORT OPERATED BY THE ADMINISTRATION, INCLUDING THE USE OF "BWI",**
16 **"BWI MARSHALL", OR ANY SIMILAR DERIVATIVE;**

17 **2. LISTING, PUBLISHING, OR ADVERTISING THE RENTAL**
18 **OR USE OF A MOTOR VEHICLE PARKED ON OR LOCATED AT AIRPORT PROPERTY OR**
19 **FACILITIES;**

20 **3. FACILITATING THE USE OF MOTOR VEHICLES TO**
21 **TRANSPORT AIRPORT CUSTOMERS TO OR FROM AIRPORT PROPERTY OR FACILITIES,**
22 **REGARDLESS OF WHETHER:**

23 **A. USE IS INITIATED ON OR OFF AIRPORT PROPERTY OR**
24 **FACILITIES;**

25 **B. THE RENTAL START TIME OCCURS ON OR OFF**
26 **AIRPORT PROPERTY OR FACILITIES; OR**

27 **C. THE CAR SHARING START TIME OCCURS ON OR OFF**
28 **AIRPORT PROPERTY OR FACILITIES; OR**

29 **4. PROMOTING OR MARKETING MOTOR VEHICLES TO**
30 **TRANSPORT AIRPORT CUSTOMERS TO OR FROM AIRPORT PROPERTY OR FACILITIES,**
31 **REGARDLESS OF WHETHER:**

1 A. THE TRANSPORTATION IS INITIATED ON OR OFF
2 AIRPORT PROPERTY OR FACILITIES;

3 B. THE RENTAL START TIME OCCURS ON OR OFF
4 AIRPORT PROPERTY OR AIRPORT FACILITIES; OR

5 C. THE CAR SHARING START TIME OCCURS ON OR OFF
6 AIRPORT PROPERTY OR AIRPORT FACILITIES.

7 (2) Commercial activity is [permitted] **ALLOWED** at an airport operated by
8 the Administration only when expressly authorized by and in a manner prescribed by the
9 Administration.

10 **(3) (I) THIS PARAGRAPH APPLIES TO COMMERCIAL ACTIVITY**
11 **DESCRIBED IN SUBSECTION (C)(1)(II) OF THIS SECTION.**

12 **(II) THE ADMINISTRATION'S AUTHORITY OVER COMMERCIAL**
13 **ACTIVITY AT BALTIMORE-WASHINGTON INTERNATIONAL THURGOOD MARSHALL**
14 **AIRPORT SHALL EXTEND TO A COMMERCIAL ZONE THAT IS WITHIN A 7-MILE RADIUS**
15 **OF THE MAIN TERMINAL.**

16 **(III) THE ADMINISTRATION SHALL ESTABLISH RULES AND**
17 **REQUIREMENTS FOR THE CONDUCT OF AIRPORT-RELATED COMMERCIAL ACTIVITY**
18 **WITHIN THE COMMERCIAL ZONE DESCRIBED IN SUBPARAGRAPH (II) OF THIS**
19 **PARAGRAPH.**

20 18-108.

21 (a) (1) In this section, "rental vehicle company" means a person that rents a
22 motor vehicle to a consumer.

23 (2) "Rental vehicle company" does not include a peer-to-peer car sharing
24 program, as defined under § 19-520 of the Insurance Article, and that is subject to Title
25 18.5 of this article.

26 18.5-106.

27 In accordance with § 5-408 of this article, a peer-to-peer car sharing program must
28 have a concession fee agreement with the Maryland Aviation Administration to operate at
29 an airport in the State.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 ~~October~~ July 1, 2021.