

SENATE BILL 705

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CF 1lr2504

By: **Senators Beidle, Feldman, and Hershey**
Introduced and read first time: February 3, 2021
Assigned to: Finance

A BILL ENTITLED

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; making a certain stylistic change; and generally relating to commercial
11 activity by rental vehicle companies and peer-to-peer car sharing programs at State
12 airports.

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

18 BY repealing and reenacting, with amendments,
19 Article – Transportation
20 Section 5–408
21 Annotated Code of Maryland
22 (2020 Replacement Volume)

23 BY repealing and reenacting, without amendments,
24 Article – Transportation
25 Section 18–108(a) and 18.5–106
26 Annotated Code of Maryland
27 (2020 Replacement Volume)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



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

3 **Article – Insurance**

4 19–520.

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

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

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

12 **Article – Transportation**

13 5–408.

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

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

20 (2) Grant to the person the privilege of:

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

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

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

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

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

31 (iii) Do not deprive the public of its rightful, equal, and uniform use

1 of any part of the airport or facility.

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

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

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

10 (3) The Administration shall:

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

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

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

21 (I) **TREAT THE SERVICES AS BEING OF THE SAME CLASS;**

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

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

27 1. **ON–AIRPORT RENTAL VEHICLE COMPANIES AND**
28 **ON–AIRPORT PEER–TO–PEER CAR SHARING PROGRAMS; AND**

29 2. **OFF–AIRPORT RENTAL VEHICLE COMPANIES AND**
30 **OFF–AIRPORT PEER–TO–PEER CAR SHARING PROGRAMS; AND**

31 (IV) **TAKE INTO CONSIDERATION THE ADMINISTRATION’S**
32 **LONG–TERM INVESTMENT IN THE CONSOLIDATED RENTAL VEHICLE FACILITY AND**

1 **ASSOCIATED STRUCTURES AND IMPROVEMENTS.**

2 (c) (1) **(I)** In this subsection, “commercial activity” means the sale,
3 merchandising, marketing, or promotion of any goods or services.

4 **(II) “COMMERCIAL ACTIVITY” INCLUDES THE OFFER OR**
5 **ARRANGEMENT BY A RENTAL VEHICLE COMPANY OR A PEER-TO-PEER CAR SHARING**
6 **PROGRAM OF THE RENTAL OR USE OF A MOTOR VEHICLE BY:**

7 **1. LISTING, PUBLISHING, OR ADVERTISING THE RENTAL**
8 **OR USE OF A MOTOR VEHICLE BY MENTIONING THE FORMAL OR INFORMAL NAME OF**
9 **AN AIRPORT OPERATED BY THE ADMINISTRATION, INCLUDING THE USE OF “BWI”,**
10 **“BWI MARSHALL”, OR ANY SIMILAR DERIVATIVE;**

11 **2. LISTING, PUBLISHING, OR ADVERTISING THE RENTAL**
12 **OR USE OF A MOTOR VEHICLE PARKED ON OR LOCATED AT AIRPORT PROPERTY OR**
13 **FACILITIES;**

14 **3. FACILITATING THE USE OF MOTOR VEHICLES TO**
15 **TRANSPORT AIRPORT CUSTOMERS TO OR FROM AIRPORT PROPERTY OR FACILITIES,**
16 **REGARDLESS OF WHETHER:**

17 **A. USE IS INITIATED ON OR OFF AIRPORT PROPERTY OR**
18 **FACILITIES;**

19 **B. THE RENTAL START TIME OCCURS ON OR OFF**
20 **AIRPORT PROPERTY OR FACILITIES; OR**

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

23 **4. PROMOTING OR MARKETING MOTOR VEHICLES TO**
24 **TRANSPORT AIRPORT CUSTOMERS TO OR FROM AIRPORT PROPERTY OR FACILITIES,**
25 **REGARDLESS OF WHETHER:**

26 **A. THE TRANSPORTATION IS INITIATED ON OR OFF**
27 **AIRPORT PROPERTY OR FACILITIES;**

28 **B. THE RENTAL START TIME OCCURS ON OR OFF**
29 **AIRPORT PROPERTY OR AIRPORT FACILITIES; OR**

30 **C. THE CAR SHARING START TIME OCCURS ON OR OFF**
31 **AIRPORT PROPERTY OR AIRPORT FACILITIES.**

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

4 18–108.

5 (a) (1) In this section, “rental vehicle company” means a person that rents a
6 motor vehicle to a consumer.

7 (2) “Rental vehicle company” does not include a peer-to-peer car sharing
8 program, as defined under § 19–520 of the Insurance Article, and that is subject to Title
9 18.5 of this article.

10 18.5–106.

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

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2021.