

R-4-15
Staff Report

A Request to the Maryland General Assembly Concerning the Annotated Code of Maryland Public Utilities Article Definitions of Taxicab and Provision of Taxicab Services

The City of Annapolis seeks to have the Maryland General Assembly amend the definitions of ‘taxicab’ and ‘provision of taxicab services’ in Sections 1-101 and 10-101 of the Public Utilities Article of the Annotated Code of Maryland to incorporate provisions applicable to the utilization of new technologies consistent with the provision of services to passengers seeking transportation between points on public streets.

Ridesharing models utilizing digital applications and telecommunication-able devices are currently operating in Maryland without regulatory supervision. As the Public Service Commission has expressed a potential interest in asserting authority over the use of such digital applications as public utilities, the City of Annapolis seeks clarification of its authority to regulate individuals providing ride sharing services associated with digital applications provided by entities like Uber and Lyft.

At present, the City of Annapolis believes that the Public Utilities Article provisions preempt the City from taking independent action through City Code amendment without a change in the definition as requested.¹

Prepared by Michael G. Leahy, City Attorney, Office of Law.

¹ .See *Ad + Soil, Inc. v. County Comm'rs*, 307 Md 307 at 324, 513 A.2d 893 (1986) at 902 wherein the Court stated “the doctrine of preemption is grounded upon the authority of the General Assembly to reserve for itself exclusive dominion over an entire field of legislative concern. When properly invoked, the doctrine precludes local legislative bodies from enacting any legislation whatsoever in the preempted field.