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11
12 **UNITED STATES DISTRICT COURT**
13 **NORTHERN DISTRICT OF CALIFORNIA**
14 **SAN FRANCISCO DIVISION**

15
16 TED MAACK,

17 Plaintiff,

18 v.

19 ALICE BUSCHING REYNOLDS,
20 President of the California Public
Utilities Commission,

21 Defendant.
22

No. 3:25-cv-06860

**COMPLAINT FOR
DECLARATORY AND
INJUNCTIVE RELIEF**

INTRODUCTION

1
2 1. Ted Maack was born and raised in the North Bay and called California
3 his home for over 50 years. In 2022, he moved to Wyoming, but Mr. Maack regularly
4 returns to California to visit family—particularly his aging mother—and to monitor
5 the property he owns in the North Bay.

6 2. For Mr. Maack, driving is his way of life. When in California, he wants
7 to be able to drive for rideshare companies like Uber and Lyft to supplement his
8 income. And as a commercial driver for over 25 years with an immaculate driving
9 record, he is qualified to do so.

10 3. However, California law bars Mr. Maack from working as a rideshare
11 driver based solely on his residency.

12 4. Under California’s Public Utilities Code § 5445.3(a)(1), rideshare drivers
13 are required to have a California-issued driver’s license. Since California requires
14 residency to be eligible for a California driver’s license, this restriction discriminates
15 against out-of-state individuals who enter the state temporarily and seek to drive for
16 rideshare companies.

17 5. Mr. Maack therefore brings this constitutional lawsuit as recourse
18 against California’s discriminatory law.

JURISDICTION AND VENUE

19
20 6. Plaintiff brings this civil rights lawsuit pursuant to 42 U.S.C. § 1983 to
21 vindicate his constitutional rights under the Interstate Commerce, Privileges and
22 Immunities, and Equal Protection Clauses.

23 7. This Court has jurisdiction over these claims for declaratory and
24 injunctive relief under 28 U.S.C. § 1331 (federal question), § 1343(a) (redress for
25 deprivation of civil rights), and §§ 2201–2202 (the Declaratory Judgment Act).

26 8. Venue is proper in this Court under 28 U.S.C. § 1391(b), because
27 Defendant resides in this district and a substantial part of the acts giving rise to
28 Plaintiff’s claims have occurred and will continue to occur in the Northern District of

1 California.

2 **PARTIES**

3 9. Plaintiff Ted Maack is a resident of Cody, Wyoming. He has a Wyoming
4 commercial driver's license. Mr. Maack regularly visits California to visit property
5 that he owns and visit family members.

6 10. Defendant Alice Busching Reynolds is the President of the California
7 Public Utilities Commission and holds supervisory authority over it. Cal. Pub. Util.
8 Code § 305. The California Public Utilities Commission is charged with establishing
9 rules for the transportation of passengers and is responsible for the enforcement of
10 those rules and regulations. Cal. Const. art. XII § 4. Defendant Reynolds is sued in
11 her official capacity.

12 **FACTUAL ALLEGATIONS**

13 **The Challenged Law**

14 11. California regulates transportation network companies (i.e. rideshare
15 companies) as charter-party carriers of passengers. Cal. Pub. Util. Code § 5431(c).

16 12. In 2018, California passed S.B. 1080, which required rideshare drivers
17 to possess a valid California driver's license. Cal. Pub. Util. Code § 5445.3(a)(1).

18 13. This law codified a 2013 California Public Utilities Commission
19 regulation that imposed a similar requirement. Cal. Pub. Util. Decision 13-09-045.

20 14. To get a California driver's license, a person must establish California
21 residency. Cal. Vehicle Code § 12801.5(a). California residency requires that the
22 person "manifest[] an intent to live or be located in [California] on no more than a
23 temporary or transient basis." Cal. Vehicle Code § 516. It is unlawful in California to
24 possess more than one driver's license. Cal. Vehicle Code § 12511.

25 15. Thus, non-California residents with an out-of-state driver's license may
26 not pick up rides in California, whether visiting or completing cross-border trips, even
27 if licensed in their home state.

28 16. Nonresident rideshare drivers may begin trips in other states and cross

1 the border to drop off passengers in California, but they cannot pick up a passenger
2 within California and take them back across state lines on their return trip.

3 17. Active-duty military and their families are exempted from the California
4 driver's license requirement. Cal. Pub. Util. Code § 5445.3(a)(2). For those exempted
5 individuals, California simply requires that rideshare companies perform a
6 background check, obtain and review their out-of-state driving history report, and
7 ensure that they satisfy other requirements applicable to participating drivers,
8 including the Vehicle Code.

9 18. With this exemption, the government sought to eliminate the "costly
10 delays and onerous fees" inherent in applying for a California driver's licenses. Cal.
11 Senate Comm. on Energy, Utilities, and Commc'ns, Bill Analysis of S.B. 1080, at *5
12 (Apr. 25, 2018).

13 19. The government created this exemption to allow active-duty military and
14 their families "the same access to employment opportunities as every other California
15 resident." *Id.*

16 20. Unlike rideshare drivers, limousine and taxi drivers are not required to
17 hold a California-issued driver's license.

18 21. California's driver's license requirement acts as a complete bar to
19 Mr. Maack and residents of other states who wish to drive for rideshare companies
20 while in California and who do not qualify for the military-family exemption.

21 **Plaintiff Ted Maack**

22 22. Mr. Ted Maack was born and raised in the San Francisco North Bay. He
23 still has family that resides there.

24 23. Prior to moving to Wyoming in 2022, Mr. Maack lived in California for
25 56 years. He owned and ran a trucking business called Red Hill Transportation,
26 USDOT Number 2645265. Mr. Maack has never had a traffic ticket. Neither has he
27 been involved in an accident in over 25 years.

28 24. Once in 1999, Mr. Maack was involved in a collision where the other

1 party was found 100% at fault and a police officer credited Mr. Maack's driving skills
2 with preventing fatalities.

3 25. He moved to Wyoming in 2022 where he owns and operates Red Hill
4 Transportation. He possesses a Wyoming commercial driver's license, a far more
5 demanding and difficult license to maintain than a standard driver's license. Wyo.
6 Stat. 31-7-304.

7 26. Mr. Maack still owns property in California and travels to the state to
8 visit family—including his aging mother—several times a year.

9 27. Mr. Maack began driving for rideshare and delivery apps after moving
10 to Wyoming. He is self-employed as the owner/operator of Red Hill Transportation
11 and uses the money he earns from rideshare trips to support himself, especially when
12 he takes time off from running his business to take care of his mother.

13 28. Mr. Maack attempted to drive for the rideshare companies Uber and Lyft
14 when visiting the North Bay but was barred because he did not have a California
15 driver's license, as required by law. For example, on the evening of November 17, 2024,
16 Mr. Maack attempted to drive for both Lyft and Uber near San Francisco to cover the
17 loss of his income while caring for his mother and handling his California property
18 but was informed he needed a California driver's license.

19 29. When he attempts to drive in California, the rideshare companies' apps
20 state that he is prohibited because he does not have a California driver's license.

21 30. Mr. Maack faces no such difficulty when driving in Wyoming.

22 31. Mr. Maack is able to drive for certain delivery apps such as Roadie and
23 the Walmart delivery app when in California. He is even qualified and able to deliver
24 lawn tractors, which require a utility trailer, through the Roadie delivery app in
25 California. But not to drive as a rideshare driver.

26 32. But for California's driver's license requirement, Mr. Maack would be
27 eligible under California laws to drive for rideshare companies.

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CLAIMS FOR RELIEF

FIRST CAUSE OF ACTION

Interstate Commerce Clause

U.S. Const. art. I, § 8 and 42 U.S.C. § 1983

33. The Interstate Commerce Clause grants Congress the exclusive power “[t]o regulate Commerce . . . among the several States[.]” U.S. Const. art. I, § 8, cl. 3.

34. The negative aspect of this positive grant of power, generally known as the dormant Commerce Clause, prohibits states from discriminating against out-of-state goods or nonresident economic actors without narrowly tailoring the discrimination to a legitimate local purpose.

35. California Public Utilities Code § 5445.3(a)(1) bars nonresident economic actors from being employed by or contracting with rideshare companies.

36. California Public Utilities Code § 5445.3(a)(1) discriminates against interstate commerce on its face, in its purpose, and in its effect.

37. The discrimination inherent in California Public Utilities Code § 5445.3(a)(1) lacks a legitimate local purpose and instead serves only as irrational favoritism for California drivers.

38. Even if Defendant can demonstrate a legitimate local purpose, California Public Utilities Code § 5445.3(a)(1) is not narrowly tailored to serve that purpose and that purpose could be served by nondiscriminatory alternatives, as evidenced by the military exemption.

39. By prohibiting all drivers without a California driver’s license from working as rideshare drivers in California, California’s law, on its face, in its purpose, and in its effect, unduly burdens interstate commerce.

40. On its face and as applied to Plaintiff, California’s driver’s license requirement violates the Interstate Commerce Clause.

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SECOND CAUSE OF ACTION

Privileges and Immunities Clause

U.S. Const. art. IV, § 2 and 42 U.S.C. § 1983

41. Article IV, § 2 of the Constitution guarantees that the “Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.”

42. The Privileges and Immunities Clause guarantees the right of citizens of other states to do business in California on substantially equal terms as those granted to citizens of California.

43. The Clause also protects the common law right to travel, including the right to be treated as a welcome visitor when temporarily present in another state, unless there is sufficient reason for the discrimination. The discrimination must bear a substantial relationship to the government objective.

44. California Public Utility Code § 5445.3(a)(1) denies citizens of other states the right to earn a living as a rideshare driver, while allowing California residents and military personnel and their families to do the same.

45. California Public Utility Code § 5445.3(a)(1) lacks sufficient reason for discriminating against nonresident drivers.

46. There are less restrictive means of achieving any interest the state may have than categorically excluding nonresident drivers. The military exemption undermines any purported relationship to whatever interest the government may have in its discrimination.

47. California Public Utility Code § 5445.3(a)(1), on its face, in its purpose, and in its effect, denies nonresidents the ability to practice their occupation on substantially equal terms as residents and unduly burdens the right to travel and violates the Privileges and Immunities Clause.

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THIRD CAUSE OF ACTION

Fourteenth Amendment's Equal Protection Clause

U.S. Const. 14th Amend. and 42 U.S.C. § 1983

48. Plaintiff has a right to practice his occupation free from irrational legislative classifications which disadvantage him in relation to similarly situated parties.

49. The Fourteenth Amendment to the United States Constitution provides: “No State shall make or enforce any law which shall . . . deny to any person within its jurisdiction the equal protection of the laws.” U.S. Const. amend. XIV, § 1.

50. Legislative classifications that discriminate based on a non-suspect characteristic must be rationally related to a legitimate state interest.

51. California Public Utilities Code § 5445.3(a)(1) requires nonresident rideshare drivers to have a California driver's license to drive passengers unless exempted.

52. Taxi drivers, limousine drivers, and exempted military members and their families are not required by state law to have a California driver's license to drive passengers.

53. This unequal treatment is not rationally related to any legitimate state interest and does not further any legitimate health or safety rationale.

54. Thus, on its face and as applied to Plaintiff, California's driver's license requirement violates the Equal Protection Clause of the Fourteenth Amendment.

REQUEST FOR RELIEF

Plaintiff seeks the following relief:

A. A declaratory judgment that California Public Utilities Code § 5445.3(a)(1), on its face and as applied to Plaintiff, violates the Interstate Commerce Clause of the Constitution;

B. A declaratory judgment that California Public Utilities Code § 5445.3(a)(1), on its face and as applied to Plaintiff, violates the

Privileges and Immunities Clause of the Constitution;

C. A declaratory judgment that California Public Utilities Code § 5445.3(a)(1), on its face and as applied to Plaintiff, violates the Equal Protection Clause of the Fourteenth Amendment to the Constitution;

D. A permanent injunction against Defendant, their officers, their employees, agents, assigns, and all persons acting in concert with them, directing them to stop enforcing or attempting to enforce California Public Utilities Code § 5445.3(a)(1);

E. Attorney fees and costs pursuant to 42 U.S.C. § 1988; and

F. Any further legal or equitable relief that this Court may deem just and proper.

DATED: August 13, 2025.

Respectfully submitted,

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By /s/ Samantha Romero-Drew
SAMANTHA ROMERO-DREW

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