
By: Chairman, Judicial Proceedings Committee (Departmental - State Police, Dept. of)

Requested: October 17, 1995

Introduced and read first time: January 10, 1996

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Inspection Station Personnel - Criminal Background Investigations**

3 FOR the purpose of specifying that certain inspection station personnel are subject to
4 certain criminal background investigations; requiring the payment of a certain fee to
5 conduct criminal background investigations of inspection station personnel;
6 requiring the Automotive Safety Enforcement Division to issue and renew a certain
7 license under certain circumstances; requiring the Division to register certain
8 mechanics to conduct vehicle inspections under certain circumstances; requiring
9 inspection station licensees to designate an inspection supervisor and inspection
10 certificate controller; authorizing the Division to refuse, suspend, or revoke certain
11 designations made by licensees under certain circumstances; authorizing the
12 Division to require a licensee to designate a certain supervisor or controller under
13 certain circumstances; making certain provisions of this act retroactive; and
14 generally relating to the administration of the State's vehicle inspection program.

15 BY repealing and reenacting, with amendments,
16 Article - Transportation
17 Section 23-103 and 23-103.1
18 Annotated Code of Maryland
19 (1992 Replacement Volume and 1995 Supplement)

20 BY adding to
21 Article - Transportation
22 Section 23-103.2
23 Annotated Code of Maryland
24 (1992 Replacement Volume and 1995 Supplement)

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

27 **Article - Transportation**

28 23-103.

29 [(a) (1) On receipt of an application and a nonrefundable fee established by the
30 Administration from a facility for an inspection station license, the Division shall:

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1 (i) Inspect the facility as to its ability to inspect and correct
2 equipment; and

3 (ii) If the facility is qualified, issue to it a license as an inspection
4 station.

5 (2) On receipt of a renewal application and the annual license fee
6 established by the Administration for an inspection station, the Division shall issue the
7 renewal license if the facility is qualified.]

8 (A) (1) AN APPLICANT FOR AN INSPECTION STATION LICENSE SHALL
9 SUBMIT TO THE DIVISION:

10 (I) AN APPLICATION ON FORMS SPECIFIED BY THE DIVISION;

11 (II) A COMPLETE SET OF THE APPLICANT'S LEGIBLE FINGERPRINTS
12 TAKEN ON STANDARD FINGERPRINT CARDS; AND

13 (III) PAYMENT OF A NONREFUNDABLE FEE ESTABLISHED BY THE
14 ADMINISTRATION NOT TO EXCEED THE ADMINISTRATIVE COSTS OF THE DIVISION
15 UNDER THIS PROGRAM INCLUDING THE COST OF THE FINGERPRINT CARD RECORD
16 CHECKS.

17 (2) ON RECEIPT OF A COMPLETE APPLICATION THE DIVISION SHALL:

18 (I) INSPECT THE LICENSEE'S FACILITY FOR SUITABILITY TO
19 INSPECT AND CORRECT VEHICLE EQUIPMENT;

20 (II) CONDUCT A BACKGROUND CHECK OF THE APPLICANT; AND

21 (III) IF THE APPLICANT AND FACILITY ARE QUALIFIED, ISSUE AN
22 INSPECTION STATION LICENSE.

23 (3) ON RECEIPT OF AN ANNUAL RENEWAL APPLICATION AND FEE AS
24 ESTABLISHED BY THE ADMINISTRATION FOR AN INSPECTION STATION LICENSE, THE
25 DIVISION SHALL ISSUE A RENEWAL LICENSE IF THE LICENSEE AND FACILITY
26 REMAIN QUALIFIED.

27 (b) [The] EXCEPT FOR WINDOW TINT, THE license authorizes the facility to:

28 (1) Inspect a used vehicle on request of its transferor or transferee and
29 attach an inspection certificate to the vehicle;

30 (2) Inspect the equipment of a vehicle for which a safety equipment repair
31 order has been issued and issue a repair order certification for the vehicle; and

32 (3) Inspect an ambulance on the request of its owner that is required to be
33 inspected under § 13-1D-15 of the Education Article.

34 (c) The Division may:

35 (1) For cause, suspend or revoke an inspection station license;and

36 (2) On suspension or revocation of the license, require the surrender of the
37 license and all related material issued by the Division.

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1 (d) The Division may establish standards by rule or regulation for the licensing
2 and operation of inspection stations.

3 [(e) The Administration may not set a fee under this section which exceeds the
4 administrative cost of the Division under this program.]

5 23-103.1.

6 [(a) On receipt of an application and a \$15 nonrefundable fee to take the
7 inspection mechanic exam, the Division shall:

8 (1) Administer an exam to each mechanic applicant; and

9 (2) If the applicant is determined to be qualified, register the mechanic to
10 conduct vehicle inspections.]

11 (A) (1) AN APPLICANT FOR EXAMINATION AND REGISTRATION AS AN
12 INSPECTION STATION MECHANIC SHALL SUBMIT TO THE DIVISION:

13 (I) AN APPLICATION ON FORMS SPECIFIED BY THE DIVISION;

14 (II) A COMPLETE SET OF THE APPLICANT'S LEGIBLE FINGERPRINTS
15 TAKEN ON STANDARD FINGERPRINT CARDS; AND

16 (III) PAYMENT OF A NONREFUNDABLE FEE ESTABLISHED BY THE
17 ADMINISTRATION NOT TO EXCEED THE ADMINISTRATIVE COSTS OF THE
18 EXAMINATION AND FINGERPRINT CARD RECORD CHECKS.

19 (2) ON RECEIPT OF A COMPLETE APPLICATION THE DIVISION SHALL:

20 (I) ADMINISTER AN EXAM TO EACH MECHANIC APPLICANT;

21 (II) CONDUCT A BACKGROUND CHECK OF THE APPLICANT; AND

22 (III) IF THE APPLICANT IS DETERMINED TO BE QUALIFIED,
23 REGISTER THE MECHANIC TO CONDUCT VEHICLE INSPECTIONS.

24 (b) The Division may establish standards by rule or regulation for the testing,
25 qualifying, and registering of inspection station mechanics.

26 (c) The Division may:

27 (1) For cause, suspend or revoke the mechanic's registration; and

28 (2) On suspension or revocation of the mechanic's registration, rescind the
29 authorization to conduct vehicle inspections in accordance with this title.

30 23-103.2.

31 (A) (1) EACH INSPECTION STATION LICENSEE SHALL DESIGNATE A
32 SUPERVISOR OF INSPECTIONS WITHIN THE LICENSEE'S INSPECTION FACILITY WHO
33 SHALL BE RESPONSIBLE FOR SUPERVISING THE FACILITY'S INSPECTION PROGRAM.

34 (2) UPON DESIGNATION OF A SUPERVISOR THE INSPECTION STATION
35 LICENSEE SHALL SUBMIT TO THE DIVISION:

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1 (I) A COMPLETE SET OF THE SUPERVISOR'S LEGIBLE
2 FINGERPRINTS TAKEN ON STANDARD FINGERPRINT CARDS; AND

3 (II) PAYMENT FOR THE COST OF THE FINGERPRINT CARD RECORD
4 CHECKS.

5 (B) (1) EACH INSPECTION STATION LICENSEE SHALL DESIGNATE A
6 CONTROLLER OF INSPECTION CERTIFICATES WITHIN THE LICENSEE'S INSPECTION
7 FACILITY WHO SHALL BE RESPONSIBLE FOR:

8 (I) RECEIVING INSPECTION CERTIFICATES FROM THE DIVISION
9 BY SIGNED RECEIPT;

10 (II) ISSUING IN STRICT NUMERICAL SEQUENCE ALL INSPECTION
11 CERTIFICATES TO REGISTERED INSPECTION MECHANICS UPON SATISFACTORY
12 COMPLETION OF AN INSPECTION; AND

13 (III) MAINTAINING STRICT SECURITY OF ALL UNUSED INSPECTION
14 CERTIFICATES ISSUED TO THAT FACILITY.

15 (2) UPON DESIGNATION OF A CONTROLLER THE INSPECTION STATION
16 LICENSEE SHALL SUBMIT TO THE DIVISION:

17 (I) A COMPLETE SET OF THE CONTROLLER'S LEGIBLE
18 FINGERPRINTS TAKEN ON STANDARD FINGERPRINT CARDS; AND

19 (II) PAYMENT FOR THE COST OF THE FINGERPRINT CARD RECORD
20 CHECKS.

21 (C) THE DIVISION MAY:

22 (1) FOR CAUSE, REFUSE, SUSPEND, OR REVOKE THE DESIGNATION OF
23 ANY INSPECTION FACILITY CONTROLLER OR SUPERVISOR; AND

24 (2) REQUIRE THE INSPECTION STATION LICENSEE TO DESIGNATE
25 ANOTHER CONTROLLER OR SUPERVISOR.

26 SECTION 2. AND BE IT FURTHER ENACTED, That the fingerprint card
27 records check provisions of Section 23-103.2 of this Act shall be applied retroactively and
28 that all current inspection station licensees, inspection mechanics, supervisors of
29 inspections, and controllers of inspection certificates who have not previously submitted
30 to a fingerprint card records check shall submit to the Division a set of their fingerprints
31 and the appropriate fees as specified in Section 1 of this Act, and that the provisions of
32 this section shall be complied with on or before December 31, 1996.

33 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
34 July 1, 1996.