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By: **Delegate Rzepkowski**

Introduced and read first time: February 4, 1999

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2                                   **Passenger-for-Hire Drivers - Criminal Background Record Checks -**  
3                                   **Employer Access**

4 FOR the purpose of authorizing certain employers to obtain a copy of the results of  
5 certain criminal background record checks and certain other information from  
6 the Criminal Justice Information System Central Repository in the Department  
7 of Public Safety and Correctional Services; establishing a certain procedure for  
8 requesting a copy of the results of a criminal background record check and  
9 certain other information; requiring payment of certain fees to obtain a copy of  
10 the requested information; defining certain terms; providing for the application  
11 of this Act; and generally relating to criminal background investigations.

12 BY adding to  
13 Article 27 - Crimes and Punishments  
14 Section 754D  
15 Annotated Code of Maryland  
16 (1996 Replacement Volume and 1998 Supplement)

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

19                                   **Article 27 - Crimes and Punishments**

20 754D.

21 (A) IN THIS SECTION, "EMPLOYER" MEANS THE OWNER OR MANAGER OF A  
22 BUSINESS THAT PROVIDES PASSENGER-FOR-HIRE SERVICES.

23 (B) SUBJECT TO THE PROVISIONS OF §§ 742 THROUGH 755 OF THIS ARTICLE,  
24 AN EMPLOYER WHO SUBMITS A REQUEST AS PROVIDED UNDER SUBSECTION (C) OF  
25 THIS SECTION MAY OBTAIN FROM THE CENTRAL REPOSITORY:

26 (1) A COPY OF THE RESULTS OF A CRIMINAL BACKGROUND RECORD  
27 CHECK PERFORMED ON ANY PROSPECTIVE OR CURRENT EMPLOYEE WHO IS

1 LICENSED TO PROVIDE PASSENGER-FOR-HIRE SERVICES UNDER TITLE 10 OF THE  
2 PUBLIC UTILITY COMPANIES ARTICLE; AND

3           (2)        INFORMATION RELATING TO THE EXISTENCE OF ANY CONVICTIONS  
4 OR CRIMINAL CHARGES OCCURRING AFTER THE DATE OF THE INITIAL CRIMINAL  
5 BACKGROUND RECORD CHECK.

6       (C)        TO OBTAIN THE INFORMATION DESCRIBED IN SUBSECTION (B) OF THIS  
7 SECTION, AN EMPLOYER SHALL SUBMIT A WRITTEN REQUEST THAT INCLUDES A  
8 SIGNED STATEMENT BY THE PROSPECTIVE OR CURRENT EMPLOYEE INDICATING  
9 THAT THE INDIVIDUAL CONSENTS TO THE RELEASE OF THE REQUESTED  
10 INFORMATION.

11       (D)        INFORMATION OBTAINED BY AN EMPLOYER FROM THE CENTRAL  
12 REPOSITORY UNDER THIS SECTION SHALL BE CONFIDENTIAL AND MAY BE  
13 DISSEMINATED ONLY TO THE PROSPECTIVE OR CURRENT EMPLOYEE WHO IS THE  
14 SUBJECT OF THE CRIMINAL BACKGROUND RECORD CHECK.

15       (E)        IF AN EMPLOYER REQUESTS INFORMATION UNDER THIS SECTION, THE  
16 EMPLOYER SHALL PAY TO THE DEPARTMENT ANY REQUIRED PROCESSING FEE AND  
17 ADMINISTRATIVE COST.

18       SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be  
19 construed only prospectively and may not be applied or interpreted to have any effect  
20 on a person licensed as a passenger-for-hire driver before the effective date of this  
21 Act.

22       SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
23 October 1, 1999.