

HOUSE BILL 318

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C5

1999 Regular Session
(9lr1151)

ENROLLED BILL
-- Environmental Matters/Finance --

Introduced by **Delegates Love, Sophocleus, Baldwin, Nathan-Pulliam,
Rzepkowski, Owings, Hurson, Edwards, Hammen, Hubbard, and
Krysiak**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Support Services - For-Hire Driving**

3 FOR the purpose of exempting certain transportation services provided through
4 certain agencies for clients of certain services from certain requirements of
5 for-hire driving services; requiring criminal history records checks to be
6 ~~obtained~~ *requested* in a certain ~~manner~~ *manner* for certain purposes; *providing*
7 *certain procedures for applying for, issuing, and challenging a certain criminal*
8 *history records check; providing that this Act may not be construed to limit the*
9 *application of certain other provisions to certain persons who provide*
10 *transportation of persons for hire; defining certain terms;* providing for the
11 application of this Act; and generally relating to support services and for-hire
12 driving.

13 *BY renumbering*

14 *Article - Public Utility Companies*

1 Section 10-101(b) through (f), respectively
 2 to be Section 10-101(d) through (h), respectively
 3 Annotated Code of Maryland
 4 (1998 Volume)

5 BY adding to
 6 Article - Public Utility Companies
 7 Section 10-101(b) and (c)
 8 Annotated Code of Maryland
 9 (1998 Volume)

10 BY repealing and reenacting, with amendments,
 11 Article - Public Utility Companies
 12 Section 10-102
 13 Annotated Code of Maryland
 14 (1998 Volume)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 16 MARYLAND, That Section(s) 10-101(b) through (f), respectively, of Article - Public
 17 Utility Companies of the Annotated Code of Maryland be renumbered to be Section(s)
 18 10-101(d) through (h), respectively.

19 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
 20 read as follows:

21 **Article - Public Utility Companies**

22 10-101.

23 (B) "CENTRAL REPOSITORY" HAS THE MEANING STATED IN ARTICLE 27, § 743
 24 OF THE CODE.

25 (C) "CRIMINAL JUSTICE INFORMATION SYSTEM" HAS THE MEANING STATED
 26 IN ARTICLE 27, § 743 OF THE CODE.

27 10-102.

28 (a) This subtitle supplements other law relating to the operation and licensing
 29 of motor vehicles.

30 (b) [Except for motor vehicles designed to transport more than 15 persons,
 31 this] THIS title applies to any motor vehicle used in the transportation of persons in
 32 exchange for remuneration EXCEPT:

33 (1) MOTOR VEHICLES DESIGNED TO TRANSPORT MORE THAN 15
 34 PERSONS; AND

1 (2) TRANSPORTATION SOLELY PROVIDED BY OR ON BEHALF OF A UNIT
 2 OF FEDERAL, STATE, OR LOCAL GOVERNMENT, OR A NOT-FOR-PROFIT
 3 ORGANIZATION AS IDENTIFIED IN § 501(C)(3) AND (4) OF THE INTERNAL REVENUE
 4 CODE, THAT REQUIRES A CRIMINAL HISTORY RECORDS CHECK AND DRIVING
 5 RECORD CHECK FOR ITS DRIVERS, FOR CLIENTS OF SERVICES INCLUDING:

- 6 (I) AGING SUPPORT;
- 7 (II) DEVELOPMENTAL AND OTHER DISABILITIES;
- 8 (III) KIDNEY DIALYSIS;
- 9 (IV) MEDICAL ASSISTANCE PROGRAM;
- 10 (V) HEAD START;
- 11 (VI) WELFARE-TO-WORK;
- 12 (VII) MENTAL HEALTH; AND
- 13 (VIII) JOB TRAINING.

14 (C) SUBSECTION (B)(2) OF THIS SECTION MAY NOT BE CONSTRUED TO LIMIT
 15 THE APPLICATION OF THIS TITLE OR TITLE 9 OF THIS ARTICLE TO A FOR-HIRE
 16 DRIVER OR OTHER PERSON WHO OPERATES A MOTOR VEHICLE FOR HIRE OR
 17 PROVIDES TRANSPORTATION OF PERSONS FOR HIRE IN ADDITION TO PROVIDING
 18 TRANSPORTATION SERVICES TO CLIENTS OF SERVICES LISTED IN SUBSECTION (B)(2)
 19 OF THIS SECTION.

20 (D) NOTWITHSTANDING SUBSECTION (B)(2) OF THIS SECTION:

21 (1) A NOT-FOR-PROFIT ORGANIZATION THAT PROVIDES
 22 TRANSPORTATION FOR REMUNERATION TO CLIENTS OF SERVICES LISTED IN
 23 SUBSECTION (B)(2) OF THIS SECTION MAY BE REQUIRED TO OBTAIN A MOTOR
 24 CARRIER PERMIT UNDER TITLE 9 OF THIS ARTICLE; BUT

25 (2) A DRIVER EMPLOYED BY THE NOT-FOR-PROFIT ORGANIZATION MAY
 26 NOT BE REQUIRED TO OBTAIN A FOR-HIRE DRIVER'S LICENSE OR OTHER
 27 AUTHORIZATION FROM THE COMMISSION TO PERFORM TRANSPORTATION SERVICES
 28 SOLELY UNDER SUBSECTION (B)(2) OF THIS SECTION.

29 ~~(C)~~ (E) (1) A DRIVER EMPLOYED OR OFFERED EMPLOYMENT BY A
 30 GOVERNMENTAL UNIT OR NOT-FOR-PROFIT ORGANIZATION UNDER SUBSECTION
 31 (B)(2) OF THIS SECTION SHALL OBTAIN A CRIMINAL HISTORY RECORDS CHECK OF A
 32 DRIVER THROUGH APPLY TO THE CRIMINAL JUSTICE INFORMATION SYSTEM
 33 CENTRAL REPOSITORY OF THE DEPARTMENT OF PUBLIC SAFETY AND
 34 CORRECTIONAL SERVICES FOR A STATE CRIMINAL HISTORY RECORDS CHECK ON OR
 35 BEFORE THE FIRST DAY OF THE DRIVER'S ACTUAL EMPLOYMENT.

1 (2) AS PART OF THE APPLICATION FOR A STATE CRIMINAL HISTORY
2 RECORDS CHECK, THE DRIVER EMPLOYED OR OFFERED EMPLOYMENT BY THE
3 GOVERNMENTAL UNIT OR NOT-FOR-PROFIT ORGANIZATION SHALL SUBMIT TO THE
4 CENTRAL REPOSITORY.

5 (1) ONE COMPLETE SET OF THE DRIVER'S LEGIBLE FINGERPRINTS
6 TAKEN ON A FORM APPROVED BY THE SECRETARY OF PUBLIC SAFETY AND
7 CORRECTIONAL SERVICES; AND

8 (II) THE FEE AUTHORIZED UNDER ARTICLE 27, § 746(B)(8) OF THE
9 CODE FOR ACCESS TO STATE CRIMINAL HISTORY RECORDS.

10 (3) (1) IN ACCORDANCE WITH ARTICLE 27, §§ 742 THROUGH 755 OF THE
11 CODE, THE CENTRAL REPOSITORY SHALL PROVIDE A PRINTED STATEMENT LISTING
12 THE DRIVER'S CRIMINAL CONVICTIONS TO:

13 1. THE GOVERNMENTAL UNIT OR NOT-FOR-PROFIT
14 ORGANIZATION; AND

15 2. THE DRIVER.

16 (II) IF CRIMINAL HISTORY RECORD INFORMATION IS REPORTED TO
17 THE CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY AFTER THE
18 DATE OF THE INITIAL CRIMINAL HISTORY RECORDS CHECK, THE CRIMINAL JUSTICE
19 INFORMATION SYSTEM CENTRAL REPOSITORY SHALL PROVIDE A REVISED PRINTED
20 STATEMENT LISTING THE DRIVER'S CRIMINAL CONVICTIONS TO:

21 1. THE GOVERNMENTAL UNIT OR NOT-FOR-PROFIT
22 ORGANIZATION; AND

23 2. THE DRIVER.

24 (4) IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE
25 DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES, THE
26 GOVERNMENTAL UNIT OR NOT-FOR-PROFIT ORGANIZATION SHALL VERIFY
27 PERIODICALLY A LIST OF ITS DRIVERS.

28 (5) INFORMATION THE GOVERNMENTAL UNIT OR NOT-FOR-PROFIT
29 ORGANIZATION OBTAINS FROM THE CENTRAL REPOSITORY UNDER THIS
30 SUBSECTION SHALL BE:

31 (1) CONFIDENTIAL AND MAY NOT BE REDISSEMINATED; AND

32 (II) USED ONLY FOR THE EMPLOYMENT PURPOSE AUTHORIZED BY
33 THIS SECTION.

34 (6) IN ACCORDANCE WITH ARTICLE 27, § 752 OF THE CODE, A DRIVER
35 EMPLOYED BY A GOVERNMENTAL UNIT OR NOT-FOR-PROFIT ORGANIZATION MAY
36 CHALLENGE THE CONTENTS OF A PRINTED STATEMENT OR REVISED PRINTED
37 STATEMENT ISSUED BY THE CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL

1 ~~REPOSITORY, THE FEDERAL BUREAU OF INVESTIGATION, OR A PRIVATE~~
2 ~~INVESTIGATOR.~~

3 [(c)] ~~(D)~~ (F) This subtitle does not limit the power of a political subdivision
4 of the State to adopt reasonable traffic regulations such as:

5 (1) the designation of taxicab stands; and

6 (2) the restriction or prohibition of cruising along a public street when
7 the cruising would menace the public safety or unduly congest traffic.

8 SECTION ~~2. 3.~~ AND BE IT FURTHER ENACTED, That notwithstanding the
9 provisions of this Act, a driver for a provider of a transportation service listed in §
10 10-102(b)(2) of the Public Utility Companies Article, as enacted by this Act, may not
11 be required to ~~obtain~~ apply for a criminal history records check or driving record
12 check ~~of a driver who~~ if the driver is employed by the provider as of October 1, 1999,
13 solely for the purposes of providing one or more of those listed transportation services.

14 SECTION ~~3. 4.~~ AND BE IT FURTHER ENACTED, That this Act shall take
15 effect October 1, 1999.