

HOUSE BILL 318

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HB 1221/98 - ENV

1999 Regular Session
9r1151

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

Introduced and read first time: February 5, 1999

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 9, 1999

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 in a certain ~~matters~~ manner for certain purposes; providing that this
7 Act may not be construed to limit the application of certain other provisions to
8 certain persons who provide transportation of persons for hire; providing for the
9 application of this Act; and generally relating to support services and for-hire
10 driving.

11 BY repealing and reenacting, with amendments,
12 Article - Public Utility Companies
13 Section 10-102
14 Annotated Code of Maryland
15 (1998 Volume)

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

18 **Article - Public Utility Companies**

19 10-102.

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

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

4 (1) MOTOR VEHICLES DESIGNED TO TRANSPORT MORE THAN 15
5 PERSONS; AND

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

11 (I) AGING SUPPORT;

12 (II) DEVELOPMENTAL AND OTHER DISABILITIES;

13 (III) KIDNEY DIALYSIS;

14 (IV) MEDICAL ASSISTANCE PROGRAM;

15 (V) HEAD START;

16 (VI) WELFARE-TO-WORK;

17 (VII) MENTAL HEALTH; AND

18 (VIII) JOB TRAINING.

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

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

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

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

34 (E) (E) A GOVERNMENTAL UNIT OR NOT-FOR-PROFIT ORGANIZATION
35 UNDER SUBSECTION (B)(2) OF THIS SECTION SHALL OBTAIN A CRIMINAL HISTORY

1 RECORDS CHECK OF A DRIVER THROUGH THE CRIMINAL JUSTICE INFORMATION
2 SYSTEM, ~~THE FEDERAL BUREAU OF INVESTIGATION, OR A PRIVATE 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. AND BE IT FURTHER ENACTED, That notwithstanding the
9 provisions of this Act, a provider of a transportation service listed in § 10-102(b)(2) of
10 the Public Utility Companies Article, as enacted by this Act, may not be required to
11 obtain a criminal history records check or driving record check of a driver who is
12 employed by the provider as of October 1, 1999, solely for the purposes of providing
13 one or more of those listed transportation services.

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