

SENATE BILL 69

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C5

1999 Regular Session  
9lr0071

(PRE-FILED)

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By: **Chairman, Finance Committee (Departmental - Public Safety and  
Correctional Services)**

Requested: July 27, 1998

Introduced and read first time: January 13, 1999

Assigned to: Finance

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A BILL ENTITLED

1 AN ACT concerning

2 **Public Service Commission - For-Hire Drivers' Licenses - Criminal History**  
3 **Records Checks**

4 FOR the purpose of requiring a passenger-for-hire or taxicab driver's license  
5 applicant to follow certain procedures when submitting an application to the  
6 Criminal Justice Information System Central Repository of the Department of  
7 Public Safety and Correctional Services for a State criminal history records  
8 check; requiring the Criminal Justice Information System Central Repository to  
9 provide certain criminal history record information to the Public Service  
10 Commission and to the applicant; providing a process for certain individuals to  
11 contest criminal history record information; requiring the Public Service  
12 Commission to maintain confidentiality of all criminal records in its possession;  
13 clarifying language; and generally relating to State criminal history records  
14 checks for passenger-for-hire and taxicab driver's license applicants.

15 BY repealing and reenacting, with amendments,  
16 Article - Public Utility Companies  
17 Section 10-104  
18 Annotated Code of Maryland  
19 (1998 Volume)

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

22 **Article - Public Utility Companies**

23 10-104.

24 (a) (1) An applicant for a for-hire driver's license shall:

25 (i) submit to the Commission a completed application on the form  
26 that the Commission provides;

1 (ii) state on the form that the applicant is applying for a  
2 passenger-for-hire driver's license or a taxicab driver's license;

3 (iii) pay to the Commission an application fee set by the  
4 Commission;

5 (iv) file with the application two recent photographs, of a size that  
6 may be easily attached to the license; and

7 (v) [be fingerprinted] APPLY TO THE CRIMINAL JUSTICE  
8 INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT OF PUBLIC  
9 SAFETY AND CORRECTIONAL SERVICES FOR A STATE CRIMINAL HISTORY RECORDS  
10 CHECK AS PROVIDED IN SUBSECTION (B) OF THIS SECTION.

11 (2) The Commission shall:

12 (i) require [a criminal record check and] a driving record check of  
13 the applicant;

14 (ii) attach one of the photographs to the for-hire driver's license  
15 when issued; and

16 (iii) file the other photograph with the FOR-HIRE DRIVER'S LICENSE  
17 application in the Commission's office.

18 (B) (1) AS PART OF THE APPLICATION FOR A CRIMINAL HISTORY RECORDS  
19 CHECK, THE APPLICANT SHALL SUBMIT TO THE CRIMINAL JUSTICE INFORMATION  
20 SYSTEM CENTRAL REPOSITORY:

21 (I) ONE COMPLETE SET OF THE APPLICANT'S LEGIBLE  
22 FINGERPRINTS TAKEN ON FORMS APPROVED BY THE DIRECTOR OF THE CRIMINAL  
23 JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY; AND

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

26 (2) THE CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL  
27 REPOSITORY SHALL PROVIDE TO THE COMMISSION AND THE APPLICANT:

28 (I) A PRINTED STATEMENT OF THE APPLICANT'S STATE CRIMINAL  
29 RECORD; AND

30 (II) A REVISED PRINTED STATEMENT IF CRIMINAL HISTORY  
31 RECORD INFORMATION IS REPORTED TO THE CRIMINAL JUSTICE INFORMATION  
32 SYSTEM CENTRAL REPOSITORY AFTER THE DATE OF THE INITIAL CRIMINAL  
33 HISTORY RECORDS CHECK.

34 (3) IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE  
35 DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES, THE COMMISSION  
36 SHALL VERIFY PERIODICALLY A LIST OF LICENSED FOR-HIRE DRIVERS.

1 (4) INFORMATION THE PUBLIC SERVICE COMMISSION OBTAINS FROM  
2 THE CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY UNDER THIS  
3 SUBSECTION SHALL BE:

4 (I) CONFIDENTIAL AND MAY NOT BE REDISSEMINATED; AND

5 (II) USED ONLY FOR THE LICENSING PURPOSES DESCRIBED IN  
6 THIS TITLE.

7 (5) (I) AS PROVIDED BY THIS PARAGRAPH, AN APPLICANT FOR A  
8 FOR-HIRE DRIVER'S LICENSE OR A LICENSEE MAY CONTEST THE CONTENTS OF A  
9 PRINTED STATEMENT OR A REVISED PRINTED STATEMENT ISSUED BY THE CRIMINAL  
10 JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY.

11 (II) TO CONTEST THE CONTENTS OF A PRINTED STATEMENT OR A  
12 REVISED PRINTED STATEMENT, AN APPLICANT OR A LICENSEE SHALL CONTACT THE  
13 OFFICE OF THE SECRETARY OF PUBLIC SAFETY AND CORRECTIONAL SERVICES, OR  
14 THE SECRETARY'S DESIGNEE.

15 (III) THE SECRETARY OF PUBLIC SAFETY AND CORRECTIONAL  
16 SERVICES, OR THE SECRETARY'S DESIGNEE, SHALL:

17 1. CONVENE A HEARING WITHIN 20 WORKDAYS, UNLESS  
18 SUBSEQUENTLY WAIVED BY THE APPLICANT OR THE LICENSEE; AND

19 2. RENDER A DECISION WITHIN 5 WORKDAYS AFTER THE  
20 HEARING.

21 (IV) FOR THE PURPOSES OF THIS PARAGRAPH, THE RECORD OF A  
22 COURT DISPOSITION OR A COPY OF THE RECORD CERTIFIED BY THE CLERK OF THE  
23 COURT OR BY A JUDGE OF THE COURT IN WHICH THE DISPOSITION OCCURRED  
24 SHALL BE CONCLUSIVE EVIDENCE OF THE DISPOSITION.

25 (V) IN A CASE WHERE A PENDING CHARGE IS RECORDED,  
26 DOCUMENTATION PROVIDED BY A COURT TO THE SECRETARY OF PUBLIC SAFETY  
27 AND CORRECTIONAL SERVICES, OR THE SECRETARY'S DESIGNEE, THAT A PENDING  
28 CHARGE FOR A CRIME WHICH HAS NOT BEEN FINALLY ADJUDICATED SHALL BE  
29 CONCLUSIVE EVIDENCE OF THE PENDING CHARGE.

30 (VI) FAILURE OF THE APPLICANT OR A LICENSEE TO APPEAR AT  
31 THE SCHEDULED HEARING SHALL BE CONSIDERED GROUNDS FOR DISMISSAL OF  
32 THE CONTEST.

33 [(b)] (C) (1) After [verification by] THE INITIAL PRINTED STATEMENT HAS  
34 BEEN RECEIVED FROM the Criminal Justice Information System CENTRAL  
35 REPOSITORY, the Commission shall issue a passenger-for-hire driver's license or a  
36 taxicab driver's license, as appropriate, to each applicant that meets the requirements  
37 of this title.

1                   (2)       The passenger-for-hire driver's license and the taxicab driver's  
2 license shall be in the form that the Commission provides.

3        [(c)]     (D)       The Commission may deny an applicant a license if the applicant has  
4 been convicted of a crime that bears a direct relationship to the applicant's fitness to  
5 serve the public as a for-hire driver.

6        SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
7 effect October 1, 1999.