

SENATE BILL 69
EMERGENCY BILL

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1999 Regular Session
9r0071

(PRE-FILED)

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

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 26, 1999

CHAPTER _____

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 or the licensee; providing a process for certain
11 individuals to contest criminal history record information; requiring the Public
12 Service Commission to maintain confidentiality of all criminal records in its
13 possession; clarifying language; allowing the Public Service Commission to use a
14 private agency to provide certain background checks under certain
15 circumstances; clarifying that the Public Service Commission may suspend or
16 revoke a license under certain circumstances; making this Act an emergency
17 measure; and generally relating to State criminal history records checks for
18 passenger-for-hire and taxicab driver's license applicants.

19 BY repealing and reenacting, with amendments,
20 Article - Public Utility Companies
21 Section 10-104
22 Annotated Code of Maryland
23 (1998 Volume)

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

3 **Article - Public Utility Companies**

4 10-104.

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

6 (i) submit to the Commission a completed application on the form
7 that the Commission provides;

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

10 (iii) pay to the Commission an application fee set by the
11 Commission;

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

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

18 (2) The Commission shall:

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

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

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

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

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

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

1 (2) (I) IN RESPONSE TO AN APPLICATION FOR AN INITIAL CRIMINAL
2 HISTORY RECORDS CHECK, THE CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL
3 REPOSITORY SHALL PROVIDE TO THE COMMISSION AND THE APPLICANT:

4 (⊕) A PRINTED STATEMENT OF THE APPLICANT'S STATE CRIMINAL
5 RECORD; ~~AND.~~

6 (II) ~~A REVISED PRINTED STATEMENT IF CRIMINAL HISTORY~~
7 RECORD INFORMATION IS REPORTED TO THE CRIMINAL JUSTICE INFORMATION
8 SYSTEM CENTRAL REPOSITORY AFTER THE DATE OF THE INITIAL CRIMINAL
9 HISTORY RECORDS CHECK, THE CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL
10 REPOSITORY SHALL PROVIDE TO THE COMMISSION AND THE APPLICANT OR
11 LICENSEE A REVISED PRINTED STATEMENT OF THE APPLICANT'S OR LICENSEE'S
12 STATE CRIMINAL RECORD.

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

16 (4) INFORMATION THE ~~PUBLIC SERVICE~~ COMMISSION OBTAINS FROM
17 THE CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY UNDER THIS
18 SUBSECTION SHALL BE:

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

20 (II) USED ONLY FOR THE LICENSING PURPOSES DESCRIBED IN
21 THIS TITLE.

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

26 (II) TO CONTEST THE CONTENTS OF A PRINTED STATEMENT OR A
27 REVISED PRINTED STATEMENT, AN APPLICANT OR A LICENSEE SHALL CONTACT THE
28 OFFICE OF THE SECRETARY OF PUBLIC SAFETY AND CORRECTIONAL SERVICES, OR
29 THE SECRETARY'S DESIGNEE.

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

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

34 2. RENDER A DECISION WITHIN 5 WORKDAYS AFTER THE
35 HEARING.

36 (IV) FOR THE PURPOSES OF THIS PARAGRAPH, THE RECORD OF A
37 COURT DISPOSITION OR A COPY OF THE RECORD CERTIFIED BY THE CLERK OF THE

1 COURT OR BY A JUDGE OF THE COURT IN WHICH THE DISPOSITION OCCURRED
2 SHALL BE CONCLUSIVE EVIDENCE OF THE DISPOSITION.

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

8 (VI) FAILURE OF THE APPLICANT OR A LICENSEE TO APPEAR AT
9 THE SCHEDULED HEARING SHALL BE CONSIDERED GROUNDS FOR DISMISSAL OF
10 THE CONTEST.

11 (6) THE COMMISSION MAY USE A PRIVATE AGENCY TO PROVIDE A
12 BACKGROUND CHECK ON AN APPLICANT OR LICENSEE UNDER THIS SECTION, AS
13 DETERMINED BY THE COMMISSION.

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

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

21 [(c)] (D) The Commission may deny an applicant a license OR SUSPEND OR
22 REVOKE THE LICENSE OF A LICENSEE if the applicant OR LICENSEE has been
23 convicted of a crime that bears a direct relationship to the applicant's OR LICENSEE'S
24 fitness to serve the public as a for-hire driver.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act ~~shall take~~
26 ~~effect October 1, 1999~~ is an emergency measure, is necessary for the immediate
27 preservation of the public health and safety, has been passed by a ye and nay vote
28 supported by three-fifths of all the members elected to each of the two Houses of the
29 General Assembly, and shall take effect from the date it is enacted.