

BY: Finance Committee

AMENDMENTS TO SENATE BILL NO. 552

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "establishing" in line 3 down through "Commission;" in line 6; in line 7, strike "driver's license applications" and substitute "vehicle permits"; in the same line, after "purposes;" insert "authorizing the Public Service Commission to require an applicant to obtain a certain records check through the Department of Public Safety and Correctional Services;"; in line 10, strike "repealing" and substitute "clarifying and altering the application of"; in line 12, after "Fund" insert "and providing for the uses of funds in the Fund"; strike in their entirety lines 14 through 23, inclusive; in line 26, after "10-104," insert "10-402,"; in the same line, strike "13-207" and substitute "13-206"; and in line 31, strike "10-103" and substitute "10-102, 10-103, and 10-401".

On page 2, strike beginning with the semicolon in line 5 down through "Services"" in line 6; and strike in their entirety lines 9 through 19, inclusive.

On pages 2 and 3, strike in their entirety the lines beginning with line 20 on page 2 through line 6 on page 3.

On page 3, strike beginning with "That" in line 8 down through "ENACTED," in line 14.

AMENDMENT NO. 2

On page 4, in line 18, after the semicolon insert "OR"; and strike beginning with the semicolon in line 20 down through "MADE" in line 22.

On pages 4 and 5, strike beginning with the colon in line 30 on page 4 through "(II)" in line 3 on page 5 and substitute "MOTOR VEHICLE".

AMENDMENT NO. 3

On page 5, after line 8, insert:

(Over)

“10-102.

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

(b) This title applies to any motor vehicle used in the transportation of persons in exchange for remuneration except:

(1) motor vehicles designed to transport more than 15 persons; and

(2) transportation solely provided by or on behalf of a unit of federal, State, or local government, or a not-for-profit organization as identified in § 501(c)(3) and (4) of the Internal Revenue Code, that requires a criminal history records check and driving record check for its drivers, for clients of services including:

(i) aging support;

(ii) developmental and other disabilities;

(iii) kidney dialysis;

(iv) Medical Assistance Program;

(v) Head Start;

(vi) Welfare-to-Work;

(vii) mental health; and

(viii) job training.

(c) Subsection (b)(2) of this section may not be construed to limit the application of this title or Title 9 of this article to a for-hire driver or other person who operates a motor vehicle for hire or provides transportation of persons for hire in addition to providing transportation services to clients of services listed in subsection (b)(2) of this section.

(d) Notwithstanding subsection (b)(2) of this section:

(1) a not-for-profit organization that provides transportation for remuneration to clients of services listed in subsection (b)(2) of this section may be required to obtain a motor carrier permit under Title 9 of this article; but

(2) a driver employed by the not-for-profit organization may not be required to obtain a for-hire driver's license or other authorization from the Commission to perform transportation services solely under subsection (b)(2) of this section.

(e) (1) A driver employed or offered employment by a governmental unit or not-for-profit organization under subsection (b)(2) of this section shall apply to the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services for a State criminal history records check on or before the first day of the driver's actual employment.

(2) As part of the application for a State criminal history records check, the driver employed or offered employment by the governmental unit or not-for-profit organization shall submit to the Central Repository:

(i) one complete set of the driver's legible fingerprints taken on a form approved by the Secretary of Public Safety and Correctional Services; and

(ii) the fee authorized under Article 27, § 746(b)(8) of the Code for access to State criminal history records.

(3) (i) In accordance with Article 27, §§ 742 through 755 of the Code, the Central Repository shall provide a printed statement listing the driver's criminal convictions to:

1. the governmental unit or not-for-profit organization; and

2. the driver.

(Over)

(ii) If criminal history record information is reported to the Criminal Justice Information System Central Repository after the date of the initial criminal history records check, the Criminal Justice Information System Central Repository shall provide a revised printed statement listing the driver's criminal convictions to:

1. the governmental unit or not-for-profit organization; and
2. the driver.

(4) In accordance with regulations adopted by the Department of Public Safety and Correctional Services, the governmental unit or not-for-profit organization shall verify periodically a list of its drivers.

(5) Information the governmental unit or not-for-profit organization obtains from the Central Repository under this subsection shall be:

- (i) confidential and may not be disseminated; and
- (ii) used only for the employment purpose authorized by this section.

(6) In accordance with Article 27, § 752 of the Code, a driver employed by a governmental unit or not-for-profit organization may challenge the contents of a printed statement or revised printed statement issued by the Criminal Justice Information System Central Repository.

(f) This subtitle does not limit the power of a political subdivision of the State to adopt reasonable traffic regulations such as:

- (1) the designation of taxicab stands; and
- (2) the restriction or prohibition of cruising along a public street when the cruising would menace the public safety or unduly congest traffic.”;

in line 27, strike the brackets; and strike beginning with “COMMISSION” in line 27 down through “SUBTITLE” in line 29.

On page 7, in line 15, after “(6)” insert “INSTEAD OF A STATE CRIMINAL HISTORY RECORDS CHECK UNDER THIS SUBSECTION, AND SUBJECT TO ARTICLE 27, §§ 742 THROUGH 755 OF THE CODE, THE COMMISSION MAY REQUIRE AN APPLICANT TO OBTAIN A CRIMINAL HISTORY RECORDS CHECK FROM THE FEDERAL BUREAU OF INVESTIGATION, THROUGH THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.”

(7)”;

strike in their entirety lines 24 through 31, inclusive; in line 32, strike the brackets; and in the same line, strike “(E)”.

AMENDMENT NO. 4

On page 8, strike beginning with “APPLICATIONS” in line 6 down through “SUBTITLE” in line 7 and substitute “PERMITS FOR VEHICLES REGULATED BY THE COMMISSION TO PROVIDE FOR-HIRE DRIVING SERVICES IN THE STATE”; in line 8, after “ASSESSMENT” insert “NOT EXCEEDING \$40”; strike beginning with “WITH” in line 9 down through “TITLE” in line 10 and substitute “ANNUALLY WITH RESPECT TO EACH VEHICLE PERMIT TO PROVIDE FOR-HIRE DRIVING SERVICES”; in line 10, strike “LICENSE” and substitute “VEHICLE PERMIT”;

strike in its entirety line 14; and in line 15, after “FOR” insert “STATEWIDE”.

On pages 8 and 9, strike in their entirety the lines beginning with line 17 on page 8 through line 19 on page 9, inclusive.

On page 9, in lines 20 and 27, strike “10-501.” and “10-502.”, respectively, and substitute “10-401.” and “10-402.”, respectively; in line 25, strike the brackets; and strike beginning with the second “§ 10-209” in line 25 down through “§ 10-302” in line 26.

AMENDMENT NO. 5

On page 10, in lines 8 and 11, in each instance, strike the bracket; in line 9, strike “is

(Over)

convicted of violating” and substitute “VIOLATES”; in line 10, strike “taxicabs” and substitute “FOR-HIRE DRIVING SERVICES”; in the same line, after “is” insert “GUILTY OF A MISDEMEANOR AND ON CONVICTION IS”; and strike in their entirety lines 12 and 13.

AMENDMENT NO. 6

On page 10, after line 13, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That the For-Hire Driving Services Enforcement Fund established under § 10-112 of the Public Utility Companies Article, as enacted by this Act, shall be used to fund enforcement staff positions, equipment, and related resources for statewide enforcement by the Public Service Commission of the for-hire driving services provisions of the Public Utility Companies Article under the jurisdiction of the Commission on and after the effective date of this Act.”;

in line 15, strike “of” and substitute “with respect to”; and in the same line, strike “driver’s license fees” and substitute “vehicle permits”; strike beginning with “a” in line 17 down through the first “year” in line 18 and substitute “an amount not exceeding \$40 for each vehicle permit”.