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By: **Delegate Giannetti**  
Introduced and read first time: February 8, 2002  
Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Commercial Driver's License - Endorsement to Transport Hazardous**  
3 **Materials - Criminal History Records Checks**

4 FOR the purpose of requiring the Motor Vehicle Administration to obtain a certain  
5 national and State criminal history records check of an applicant for a certain  
6 endorsement to operate commercial motor vehicles which are required to be  
7 placarded for hazardous materials; requiring the Criminal Justice Information  
8 System Central Repository of the Department of Public Safety and Correctional  
9 Services to forward to an applicant and the Administration the applicant's  
10 criminal history record information; authorizing the Administration to deny a  
11 certain endorsement to an applicant under certain circumstances; prohibiting  
12 certain uses of an applicant's criminal history record information; requiring an  
13 applicant to pay certain fees; and generally relating to criminal history records  
14 checks for applicants for a certain endorsement to operate commercial motor  
15 vehicles which are required to be placarded for hazardous materials.

16 BY repealing and reenacting, without amendments,  
17 Article - Transportation  
18 Section 16-815(e)  
19 Annotated Code of Maryland  
20 (1999 Replacement Volume and 2001 Supplement)

21 BY adding to  
22 Article - Transportation  
23 Section 16-815.1  
24 Annotated Code of Maryland  
25 (1999 Replacement Volume and 2001 Supplement)

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

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**Article - Transportation**

2 16-815.

3 (e) In addition to the requirements contained in subsections (a), (b), and (c) of  
4 this section, an operator must obtain State-issued endorsements of an operator's  
5 commercial driver's license to operate commercial motor vehicles which are:

6 (1) Double/triple trailers;

7 (2) Vehicles designed to transport 16 or more passengers including the  
8 driver (passenger vehicles);

9 (3) Tank vehicles; or

10 (4) Required to be placarded for hazardous materials.

11 16-815.1.

12 (A) THE ADMINISTRATION SHALL APPLY TO THE CRIMINAL JUSTICE  
13 INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT OF PUBLIC  
14 SAFETY AND CORRECTIONAL SERVICES FOR A NATIONAL AND STATE CRIMINAL  
15 HISTORY RECORDS CHECK OF AN APPLICANT FOR AN ENDORSEMENT, UNDER §  
16 16-815(E)(4) OF THIS SUBTITLE, OF THE APPLICANT'S COMMERCIAL DRIVER'S  
17 LICENSE TO OPERATE COMMERCIAL MOTOR VEHICLES WHICH ARE REQUIRED TO BE  
18 PLACARDED FOR HAZARDOUS MATERIALS.

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

22 (1) TWO COMPLETE SETS OF THE APPLICANT'S LEGIBLE FINGERPRINTS  
23 TAKEN ON FORMS APPROVED BY THE DIRECTOR OF THE CRIMINAL JUSTICE  
24 INFORMATION SYSTEM CENTRAL REPOSITORY AND THE DIRECTOR OF THE FEDERAL  
25 BUREAU OF INVESTIGATION;

26 (2) THE MANDATORY PROCESSING FEE REQUIRED BY THE FEDERAL  
27 BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY RECORDS CHECK;  
28 AND

29 (3) THE FEE AUTHORIZED UNDER § 10-221(B)(7) OF THE CRIMINAL  
30 PROCEDURE ARTICLE FOR ACCESS TO MARYLAND CRIMINAL HISTORY RECORDS.

31 (C) IN ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE CRIMINAL  
32 PROCEDURE ARTICLE, THE CENTRAL REPOSITORY SHALL FORWARD TO THE  
33 APPLICANT AND THE ADMINISTRATION THE APPLICANT'S CRIMINAL HISTORY  
34 RECORD INFORMATION.

1 (D) THE ADMINISTRATION MAY DENY AN ENDORSEMENT UNDER § 16-815(E)(4)  
2 OF THIS SUBTITLE TO AN APPLICANT BASED ON THE INFORMATION OBTAINED FROM  
3 THE CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY.

4 (E) INFORMATION OBTAINED FROM THE CRIMINAL JUSTICE INFORMATION  
5 SYSTEM CENTRAL REPOSITORY SHALL BE:

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

7 (2) USED ONLY FOR THE PURPOSE AUTHORIZED BY THIS SECTION.

8 (F) AN APPLICANT SHALL PAY ALL FEES UNDER THIS SECTION.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
10 October 1, 2002.