

HOUSE BILL 505

R2, C5

8lr1826

By: **Delegates Heller and Robinson**

Introduced and read first time: January 30, 2008

Assigned to: Economic Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 15, 2008

CHAPTER _____

1 AN ACT concerning

2 ~~Public Transportation—Drivers and Operators~~ Transit Service for Disabled
3 Persons – Criminal History Records Check and Training for Persons
4 Providing Service

5 FOR the purpose of requiring the ~~Public Service Commission to include certain~~
6 ~~requirements in the terms and conditions for a motor carrier permit; requiring a~~
7 ~~person employed or offered employment as a driver or operator of a motor~~
8 ~~vehicle for a common carrier to make application for a certain criminal history~~
9 ~~records check and to submit proof of having successfully completed a certain~~
10 ~~course of instruction; requiring the Maryland State Department of Education~~
11 ~~and the Department of Disabilities jointly to develop the course~~ Maryland
12 Transit Administration and certain of the Administration's contractors to apply
13 for certain criminal history records checks for certain persons who provide
14 transit service to disabled persons; requiring the Administration to ensure that
15 employees of the Administration and of the Administration's contractors who
16 provide transit service to disabled persons successfully complete certain
17 training; and generally relating to criminal history records and training for
18 ~~drivers and operators for a common carrier~~ certain persons who provide transit
19 service to disabled persons.

20 ~~BY repealing and reenacting, without amendments,~~
21 ~~Article—Public Utility Companies~~
22 ~~Section 1—101(e)~~
23 ~~Annotated Code of Maryland~~
24 ~~(1998 Volume and 2007 Supplement)~~

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 ~~BY repealing and reenacting, with amendments,~~
 2 ~~Article – Public Utility Companies~~
 3 ~~Section 9–203~~
 4 ~~Annotated Code of Maryland~~
 5 ~~(1998 Volume and 2007 Supplement)~~

6 BY repealing and reenacting, with amendments,
 7 Article – Transportation
 8 Section 7–102.1(e)
 9 Annotated Code of Maryland
 10 (2001 Replacement Volume and 2007 Supplement)

11 BY adding to
 12 Article – Transportation
 13 Section 10–206.1
 14 Annotated Code of Maryland
 15 (2001 Replacement Volume and 2007 Supplement)

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 ~~1–101.~~

20 ~~(e) (1) “Common carrier” means a person, public authority, or federal,~~
 21 ~~State, district, or municipal transportation unit that is engaged in the public~~
 22 ~~transportation of persons for hire, by land, water, air, or any combination of them.~~

23 ~~(2) “Common carrier” includes:~~

24 ~~(i) an airline company;~~

25 ~~(ii) a car company, motor vehicle company, automobile company,~~
 26 ~~or motor bus company;~~

27 ~~(iii) a power boat company, vessel boat company, steamboat~~
 28 ~~company, or ferry company;~~

29 ~~(iv) a railroad company, street railroad company, or sleeping car~~
 30 ~~company;~~

31 ~~(v) a taxicab company;~~

32 ~~(vi) a toll bridge company; and~~

33 ~~(vii) a transit company.~~

- 1 (3) ~~“Common carrier” does not include:~~
- 2 (i) ~~a county revenue authority;~~
- 3 (ii) ~~a toll bridge or other facility owned and operated by a county~~
- 4 ~~revenue authority; or~~
- 5 (iii) ~~a vanpool or launch service.~~

6 ~~9-203.~~

7 (a) ~~(1) Subject to PARAGRAPH (2) OF THIS SUBSECTION AND~~

8 ~~subsections (b) and (c) of this section, the Commission may subject a motor carrier~~

9 ~~permit to terms and conditions that the Commission considers appropriate.~~

10 (2) ~~THE TERMS AND CONDITIONS FOR A MOTOR CARRIER PERMIT~~

11 ~~SHALL INCLUDE THE REQUIREMENT THAT A PERSON EMPLOYED OR OFFERED~~

12 ~~EMPLOYMENT AS A DRIVER OR OPERATOR OF A MOTOR VEHICLE FOR A~~

13 ~~COMMON CARRIER;~~

14 (i) ~~APPLY TO THE CRIMINAL JUSTICE INFORMATION~~

15 ~~SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT OF PUBLIC SAFETY AND~~

16 ~~CORRECTIONAL SERVICES FOR A STATE CRIMINAL HISTORY RECORDS CHECK;~~

17 ~~AND~~

18 (ii) ~~SUBMIT PROOF OF HAVING SUCCESSFULLY COMPLETED~~

19 ~~A COURSE APPROVED BY THE COMMISSION THAT INCLUDES IN THE~~

20 ~~CURRICULUM APPROPRIATE ACCOMMODATIONS ACCOMPANIED WITH RESPECT~~

21 ~~AND COURTEOUS TREATMENT OF ALL PASSENGERS, INCLUDING DISABLED~~

22 ~~INDIVIDUALS.~~

23 (3) ~~THE MARYLAND STATE DEPARTMENT OF EDUCATION AND~~

24 ~~THE DEPARTMENT OF DISABILITIES JOINTLY SHALL DEVELOP THE COURSE~~

25 ~~REQUIRED UNDER PARAGRAPH (2)(II) OF THIS SUBSECTION.~~

26 (b) ~~The duration of a motor carrier permit may not exceed 20 years.~~

27 (c) ~~The Commission may authorize seasonal motor carrier permits for a part~~

28 ~~of the year.~~

29 Article - Transportation

30 7-102.1.

31 (e) (1) The public interest requires the development of an effective and

32 efficient transit service to meet the special needs of elderly and handicapped persons.

1 **(2) WHEN PROVIDING TRANSIT SERVICE TO MEET THE SPECIAL**
2 **NEEDS OF DISABLED PERSONS, THE ADMINISTRATION SHALL:**

3 **(I) APPLY TO THE CRIMINAL JUSTICE INFORMATION**
4 **SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT OF PUBLIC SAFETY AND**
5 **CORRECTIONAL SERVICES, IN ACCORDANCE WITH PARAGRAPH (3) OF THIS**
6 **SUBSECTION, FOR STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECKS**
7 **OF THE ADMINISTRATION'S EMPLOYEES WHO ARE OR WILL BE EMPLOYED TO**
8 **PROVIDE TRANSIT SERVICE TO DISABLED PERSONS;**

9 **(II) ENSURE THAT ANY ENTITY THAT CONTRACTS WITH THE**
10 **ADMINISTRATION TO PROVIDE TRANSIT SERVICE TO DISABLED PERSONS**
11 **APPLIES TO THE CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL**
12 **REPOSITORY OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL**
13 **SERVICES, IN ACCORDANCE WITH PARAGRAPH (3) OF THIS SUBSECTION, FOR**
14 **STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECKS OF THE**
15 **CONTRACTOR'S EMPLOYEES WHO PROVIDE TRANSIT SERVICE TO DISABLED**
16 **PERSONS; AND**

17 **(III) ENSURE THAT ALL EMPLOYEES OF THE**
18 **ADMINISTRATION OR A CONTRACTOR OF THE ADMINISTRATION WHO ARE OR**
19 **WILL BE EMPLOYED TO PROVIDE TRANSIT SERVICE TO DISABLED PERSONS**
20 **SUCCESSFULLY COMPLETE A COURSE, JOINTLY DEVELOPED BY THE STATE**
21 **DEPARTMENT OF EDUCATION AND THE DEPARTMENT OF DISABILITIES AND**
22 **APPROVED BY THE ADMINISTRATION, ON MATTERS RELATING TO APPROPRIATE**
23 **ACCOMMODATION, INCLUDING CUSTOMER SERVICE, SENSITIVITY, AND**
24 **RESPECTFUL AND COURTEOUS TREATMENT OF ALL PASSENGERS, INCLUDING**
25 **DISABLED PERSONS.**

26 **(3) (I) IN THIS PARAGRAPH, "CENTRAL REPOSITORY" HAS**
27 **THE MEANING STATED IN § 10-201 OF THE CRIMINAL PROCEDURE ARTICLE.**

28 **(II) THE ADMINISTRATION OR CONTRACTOR SHALL APPLY**
29 **TO THE CENTRAL REPOSITORY FOR A STATE AND NATIONAL CRIMINAL**
30 **HISTORY RECORDS CHECK FOR EACH EMPLOYEE SUBJECT TO THIS**
31 **SUBSECTION.**

32 **(III) AS PART OF THE APPLICATION FOR A CRIMINAL**
33 **HISTORY RECORDS CHECK, THE ADMINISTRATION OR CONTRACTOR SHALL**
34 **SUBMIT TO THE CENTRAL REPOSITORY:**

35 **1. TWO COMPLETE SETS OF THE EMPLOYEE'S**
36 **LEGIBLE FINGERPRINTS TAKEN ON FORMS APPROVED BY THE DIRECTOR OF**

1 THE CENTRAL REPOSITORY AND THE DIRECTOR OF THE FEDERAL BUREAU OF
2 INVESTIGATION;

3 2. THE FEE AUTHORIZED UNDER § 10-221(B)(7) OF
4 THE CRIMINAL PROCEDURE ARTICLE FOR ACCESS TO MARYLAND CRIMINAL
5 HISTORY RECORDS; AND

6 3. THE MANDATORY PROCESSING FEE REQUIRED BY
7 THE FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL
8 HISTORY RECORDS CHECK.

9 (IV) IN ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE
10 CRIMINAL PROCEDURE ARTICLE, THE CENTRAL REPOSITORY SHALL FORWARD
11 TO THE EMPLOYEE AND THE ADMINISTRATION OR CONTRACTOR A PRINTED
12 STATEMENT OF THE EMPLOYEE'S CRIMINAL HISTORY RECORD INFORMATION.

13 (V) INFORMATION OBTAINED FROM THE CENTRAL
14 REPOSITORY UNDER THIS SUBSECTION SHALL BE:

15 1. CONFIDENTIAL AND MAY NOT BE DISSEMINATED;
16 AND

17 2. USED ONLY FOR THE PURPOSE AUTHORIZED BY
18 THIS SUBSECTION.

19 (VI) THE SUBJECT OF A CRIMINAL HISTORY RECORDS
20 CHECK UNDER THIS SUBSECTION MAY CONTEST THE CONTENTS OF THE
21 PRINTED STATEMENT ISSUED BY THE CENTRAL REPOSITORY AS PROVIDED IN §
22 10-223 OF THE CRIMINAL PROCEDURE ARTICLE.

23 10-206.1.

24 (A) THE MARYLAND TRANSIT ADMINISTRATION SHALL ENSURE THAT
25 TRANSIT SERVICE PROVIDED IN THE STATE IN ACCORDANCE WITH THIS
26 SUBTITLE MEETS THE SPECIAL NEEDS OF DISABLED PERSONS.

27 (B) WHEN PROVIDING TRANSIT SERVICE TO MEET THE SPECIAL NEEDS
28 OF DISABLED PERSONS, THE MARYLAND TRANSIT ADMINISTRATION SHALL:

29 (1) APPLY TO THE CRIMINAL JUSTICE INFORMATION SYSTEM
30 CENTRAL REPOSITORY OF THE DEPARTMENT OF PUBLIC SAFETY AND
31 CORRECTIONAL SERVICES, IN ACCORDANCE WITH SUBSECTION (C) OF THIS
32 SECTION, FOR STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECKS OF
33 THE MARYLAND TRANSIT ADMINISTRATION'S EMPLOYEES WHO ARE OR WILL
34 BE EMPLOYED TO PROVIDE TRANSIT SERVICE TO DISABLED PERSONS;

1 **(2) ENSURE THAT ANY ENTITY THAT CONTRACTS WITH THE**
2 **MARYLAND TRANSIT ADMINISTRATION TO PROVIDE TRANSIT SERVICE TO**
3 **DISABLED PERSONS APPLIES TO THE CRIMINAL JUSTICE INFORMATION**
4 **SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT OF PUBLIC SAFETY AND**
5 **CORRECTIONAL SERVICES, IN ACCORDANCE WITH SUBSECTION (C) OF THIS**
6 **SECTION, FOR STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECKS OF**
7 **THE CONTRACTOR'S EMPLOYEES WHO PROVIDE TRANSIT SERVICE TO DISABLED**
8 **PERSONS; AND**

9 **(3) ENSURE THAT ALL EMPLOYEES OF THE MARYLAND TRANSIT**
10 **ADMINISTRATION OR A CONTRACTOR OF THE ADMINISTRATION WHO ARE OR**
11 **WILL BE EMPLOYED TO PROVIDE TRANSIT SERVICE TO DISABLED PERSONS**
12 **SUCCESSFULLY COMPLETE A COURSE, JOINTLY DEVELOPED BY THE STATE**
13 **DEPARTMENT OF EDUCATION AND THE DEPARTMENT OF DISABILITIES AND**
14 **APPROVED BY THE MARYLAND TRANSIT ADMINISTRATION, ON MATTERS**
15 **RELATING TO APPROPRIATE ACCOMMODATION, INCLUDING CUSTOMER**
16 **SERVICE, SENSITIVITY, AND RESPECTFUL AND COURTEOUS TREATMENT OF ALL**
17 **PASSENGERS, INCLUDING DISABLED PERSONS.**

18 **(C) (1) IN THIS SUBSECTION, "CENTRAL REPOSITORY" HAS THE**
19 **MEANING STATED IN § 10-201 OF THE CRIMINAL PROCEDURE ARTICLE.**

20 **(2) THE MARYLAND TRANSIT ADMINISTRATION OR CONTRACTOR**
21 **SHALL APPLY TO THE CENTRAL REPOSITORY FOR A STATE AND NATIONAL**
22 **CRIMINAL HISTORY RECORDS CHECK FOR EACH EMPLOYEE SUBJECT TO THIS**
23 **SUBSECTION.**

24 **(3) AS PART OF THE APPLICATION FOR A CRIMINAL HISTORY**
25 **RECORDS CHECK, THE MARYLAND TRANSIT ADMINISTRATION OR CONTRACTOR**
26 **SHALL SUBMIT TO THE CENTRAL REPOSITORY:**

27 **(I) TWO COMPLETE SETS OF THE EMPLOYEE'S LEGIBLE**
28 **FINGERPRINTS TAKEN ON FORMS APPROVED BY THE DIRECTOR OF THE**
29 **CENTRAL REPOSITORY AND THE DIRECTOR OF THE FEDERAL BUREAU OF**
30 **INVESTIGATION;**

31 **(II) THE FEE AUTHORIZED UNDER § 10-221(B)(7) OF THE**
32 **CRIMINAL PROCEDURE ARTICLE FOR ACCESS TO MARYLAND CRIMINAL**
33 **HISTORY RECORDS; AND**

34 **(III) THE MANDATORY PROCESSING FEE REQUIRED BY THE**
35 **FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY**
36 **RECORDS CHECK.**

1 **(4) IN ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE**
 2 **CRIMINAL PROCEDURE ARTICLE, THE CENTRAL REPOSITORY SHALL FORWARD**
 3 **TO THE EMPLOYEE AND THE MARYLAND TRANSIT ADMINISTRATION OR**
 4 **CONTRACTOR A PRINTED STATEMENT OF THE EMPLOYEE’S CRIMINAL HISTORY**
 5 **RECORD INFORMATION.**

6 **(5) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY**
 7 **UNDER THIS SUBSECTION SHALL BE:**

8 **(I) CONFIDENTIAL AND MAY NOT BE DISSEMINATED; AND**

9 **(II) USED ONLY FOR THE PURPOSE AUTHORIZED BY THIS**
 10 **SUBSECTION.**

11 **(6) THE SUBJECT OF A CRIMINAL HISTORY RECORDS CHECK**
 12 **UNDER THIS SUBSECTION MAY CONTEST THE CONTENTS OF THE PRINTED**
 13 **STATEMENT ISSUED BY THE CENTRAL REPOSITORY AS PROVIDED IN § 10-223**
 14 **OF THE CRIMINAL PROCEDURE ARTICLE.**

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 16 October 1, 2008.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.