

HB0303/620410/2

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 303

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Waldstreicher” and substitute “Waldstreicher, Beidle, Cane, Glenn, Holmes, Niemann, Serafini, Shewell, Stein, and Stull”; in line 2, strike “Young Drivers – Driving Privileges” and substitute “Teen Driver Safety”; in line 4, strike “learner’s instructional permit, provisional license, and full” and substitute “provisional driver’s license or original”; strike beginning with “increasing” in line 5 down through “absences;” in line 10; in line 15, strike “a full” and substitute “an original driver’s”; strike beginning with “altering” in line 16 down through “unsupervised” in line 17 and substitute “requiring the Administration to fingerprint an applicant for a driving instructor’s license and apply for certain criminal history records information about the applicant in a certain manner; providing that certain criminal history records are confidential and available only for a certain purpose”; in line 18, strike “requiring” and substitute “authorizing”; in line 19, strike “certain restrictions” and substitute “a certain restriction”; in line 22, after “circumstances;” insert “defining a certain term; altering a certain definition;”; and in line 25, strike “driving privileges for young drivers” and substitute “teen driver safety”.

On page 2, in line 1, before “16-103,” insert “15-804,”; in the same line, strike “16-105(a) and (d)” and substitute “16-105(d)”; in the same line, strike “16-113(d),”; in line 7, before “16-111(a),” insert “15-102, 15-802, and”; in the same line, strike “and 16-113(d-1) and (i)”; and strike in their entirety lines 10 through 14, inclusive.

AMENDMENT NO. 2

On page 2, in line 30, in each instance, strike the bracket; and in the same line, strike “**16 YEARS**”.

(Over)

AMENDMENT NO. 3

On page 3, after line 3, insert:

“15–102.

(a) Each application for a license under this title shall be made on the form that the Administration requires.

(b) In addition to any other information required by this title, each application for a license under this title shall include:

(1) The name and address of the applicant;

(2) The address of the fixed location from which the licensed activity of the applicant will be conducted;

(3) A statement of the maximum amount charged as a dealer processing charge under § 15–311.1 of this title; and

(4) Any other information that the Administration requires.

(c) Each application for a license under this title shall:

(1) Contain a certification by the applicant that the information given in it is true; and

(2) Be signed by:

(i) The applicant, if the applicant is an individual;

(ii) A partner or other authorized representative, if the application is made for a partnership; or

(iii) An officer or other authorized representative, if the application is made for a corporation or any other business entity.

(d) Except for an application for a drivers' school license, each application for a license under this title shall be accompanied by the annual fee required for that license.

15-802.

A person may not act as a driving instructor unless the person is licensed by the Administration under this subtitle.

15-804.

(A) In addition to the information required under § 15-102 of this title, each application for a license shall include:

(1) The name and business address of the drivers' school by whom the applicant is or will be employed; or

(2) A statement that the applicant himself is licensed to conduct a drivers' school.

(B) (1) IN THIS SUBSECTION, "CENTRAL REPOSITORY" MEANS THE CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.

(2) THE ADMINISTRATION SHALL APPLY TO THE CENTRAL REPOSITORY FOR A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK FOR EACH APPLICANT.

(Over)

(3) AS PART OF THE APPLICATION FOR A CRIMINAL HISTORY RECORDS CHECK, THE ADMINISTRATION SHALL SUBMIT TO THE CENTRAL REPOSITORY:

(I) TWO COMPLETE SETS OF THE APPLICANT'S LEGIBLE FINGERPRINTS TAKEN ON FORMS APPROVED BY THE DIRECTOR OF THE CENTRAL REPOSITORY AND THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION;

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

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

(4) IN ACCORDANCE WITH §§ 10-201 THROUGH 10-234 OF THE CRIMINAL PROCEDURE ARTICLE, THE CENTRAL REPOSITORY SHALL FORWARD TO THE APPLICANT AND THE ADMINISTRATION THE APPLICANT'S CRIMINAL HISTORY RECORDS INFORMATION.

(5) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY UNDER THIS SUBSECTION:

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

(II) SHALL BE USED ONLY FOR THE LICENSING PURPOSE AUTHORIZED BY THIS SUBSECTION.

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

strike in their entirety lines 5 through 20, inclusive; and in line 28, strike “6” and substitute “**9**”.

AMENDMENT NO. 4

On page 5, in line 28, strike “or revoked” and substitute “**, REVOKED, OR CANCELLED**”.

On pages 6 and 7, strike in their entirety the lines beginning with line 4 on page 6 through line 10 on page 7, inclusive.

AMENDMENT NO. 5

On page 8, in line 28, before “In” insert “**(1)**”; strike beginning with “section,” in line 28 down through “individual” in line 29 and substitute “**SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**”

(2) “EDUCATION AND EMPLOYMENT ONLY RESTRICTION” MEANS A RESTRICTION THAT ALLOWS A LICENSED DRIVER TO DRIVE ONLY:

(I) TO OR FROM A SCHOOL CLASS OR AN OFFICIAL SCHOOL ACTIVITY; OR

(II) TO OR FROM, OR IN THE COURSE OF, THE LICENSEE'S EMPLOYMENT.

(3) "OFFENSE" MEANS A MOVING VIOLATION COMMITTED BY AN INDIVIDUAL;

and in lines 30, 32, and 34, strike "(1)", "(2)", and "(3)", respectively, and substitute "**(I)**", "**(II)**", and "**(III)**", respectively.

AMENDMENT NO. 6

On page 9, in line 8, strike "provisional"; in lines 11 and 20, in each instance, strike "**SHALL**" and substitute "**MAY**"; in line 12, after "**FOR**" insert "**UP TO**"; in line 13, after "**DAYS**;" insert "**AND**"; strike beginning with "**RESTRICT**" in line 14 down through "**TITLE**" in line 15 and substitute "**IMPOSE, ON COMPLETION OF THE SUSPENSION, AN EDUCATION AND EMPLOYMENT ONLY RESTRICTION ON THE OFFENDER'S LICENSE EFFECTIVE FOR 90 DAYS**"; in line 21, after "**FOR**" insert "**UP TO**"; in line 24, strike "**YOUNGER**" and substitute "**YOUNG**"; and strike beginning with "**RESTRICT**" in line 26 down through "**TITLE**" in line 28 and substitute "**IMPOSE, ON COMPLETION OF THE SUSPENSION, AN EDUCATION AND EMPLOYMENT ONLY RESTRICTION ON THE OFFENDER'S LICENSE EFFECTIVE FOR 180 DAYS**".

AMENDMENT NO. 7

On page 10, in line 4, strike "**SHALL**" and substitute "**MAY**"; in line 5, after "**LICENSE**" insert "**FOR NOT LESS THAN 180 DAYS**"; in line 21, strike "a passenger" and substitute ":

(I) FOR THE FIRST 9 MONTHS AFTER THE PROVISIONAL LICENSE IS ISSUED, A PASSENGER WHO IS;

in the same line, after "years" insert "**;** **AND**

**(II) AFTER THE EXPIRATION OF THE 9-MONTH PERIOD,
MORE THAN ONE PASSENGER WHO IS UNDER THE AGE OF 18 YEARS**”;

in line 22, in each instance, strike the bracket; strike beginning with “**EXCEPT**” in line 22 down through “**THE**” in line 23; strike beginning with the colon in line 23 down through “Does” in line 28 and substitute “**DOES**”; and in lines 29 and 31, strike “1.” and “2.”, respectively, and substitute “**(I)**” and “**(II)**”, respectively.

AMENDMENT NO. 8

On page 11, in line 13, strike “under the age of 16 years”; and in the same line, after “a” insert “provisional or an original”.