

Department of Legislative Services
Maryland General Assembly
2012 Session

FISCAL AND POLICY NOTE
Revised

House Bill 1264
Judiciary

(Howard County Delegation)(By Request)

Education, Health, and Environmental Affairs

**Howard County - Massage Establishment, Pawnbroker or Secondhand Dealer
Establishment, and Taxicab Licenses - Criminal History Records Checks**
Ho. Co. 8-12

This bill authorizes the Howard County Department of Inspections, Licenses, and Permits (DILP) to request a State and national criminal history records check for a licensee to own, operate or manage a massage establishment or a pawnbroker or secondhand dealer establishment, including license renewals. The bill's requirements are also extended to a license to own, operate or drive a taxicab in the county, including license renewals. The records checks are confidential, may not be disseminated, and may only be used for the license-related purpose authorized under the bill. The records check applications must be made to the Criminal Justice Information System (CJIS) Central Repository by forwarding two complete sets of the applicant's fingerprints to the Central Repository. Under the bill, the fees for each records check application are borne by Howard County. The Howard County Council is authorized to adopt guidelines to carry out these provisions.

Fiscal Summary

State Effect: None. The Central Repository can handle the bill's authorizations with existing budgeted resources.

Local Effect: Howard County expenditures increase by about \$2,300 annually. Revenues are not affected.

Small Business Effect: Minimal.

Analysis

Bill Summary: The bill does not apply to an applicant for a massage establishment license who is (1) a massage therapist or massage practitioner currently licensed by or registered with the State; and (2) the owner, manager, or operator of a massage establishment where each provider is also currently licensed by or registered with the State.

Current Law: Howard County is required to have a State and national criminal history records check done for all prospective county employees through CJIS.

The Public Service Commission regulates taxicabs in four jurisdictions: Baltimore City, Baltimore County, Hagerstown, and Cumberland. Taxi drivers in those jurisdictions are required to provide a criminal history records check. The following jurisdictions have their own division that licenses taxicab companies – Anne Arundel (City of Annapolis), Carroll (City of Westminster), Frederick (City of Frederick), Harford, Howard, Montgomery, Prince George’s, and Worcester (Town of Ocean City) counties. In counties where there are only a few taxicabs, there is no licensing requirement, though local law enforcement may have some oversight role.

Background: In Howard County, currently, there are 7 licensed massage establishments, with 20 managers; and 7 licensed pawnbroker or secondhand dealer establishments, with a total of 21 employees. There are 110 taxicab licensees in the county, of which 75 typically renew their licenses resulting in approximately 35 new applicants annually. The massage establishments and managers are licensed for two years, the pawnbroker establishments and employees are licensed for two years, and the taxicab licenses are renewed annually. State criminal background check costs are already included as part of the license application fee.

Massage Establishments

- Massage establishment application fee – \$500
- Massage establishment manager application fee – \$100
- Massage establishment bi-annual license – \$200
- Massage establishment manager bi-annual license – \$100
- Massage therapist State license verification renewal (for each licensed establishment) – \$50
- Technology fee – a 10% technology fee is collected on all license fees

Pawnbroker and Secondhand Dealer Establishments

- Establishment application fee – \$500 (employee – \$50)

- Bi-annual establishment license fee – \$200 (employee – \$50)
- Technology fee – a 10% technology fee is collected on all license fees

Taxicabs

- Company certificate fee – \$100 annually
- Permit to Operate a Taxicab (per vehicle) – \$100 annually
- Taxi Driver License (initial or renewal – per driver) – \$25 annually

Local Fiscal Effect: The total cost for each CJIS criminal history records check and fingerprinting is \$54.50, which includes State and national background checks. Of that amount, \$38 covers the cost of fingerprint cards and the State portion of the records checks and \$16.50 covers the national portion. Assuming that DILP exercises the authority granted under the bill, and that records checks are performed for all 110 taxicab licensees and half of the other persons subject to the records checks under the bill, annual local expenditures for Howard County will increase by \$2,310, which reflects the costs of adding federal costs for the national portion of the records checks (federal costs of \$16.50 x 140 applicants).

Additional Comments: Howard County notes that the current massage therapist State license verification does not require fingerprints.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Howard County; Department of Labor, Licensing, and Regulation; Department of Public Safety and Correctional Services; Public Service Commission; Department of Legislative Services

Fiscal Note History: First Reader - February 28, 2012
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