

SENATE BILL 429

C5

11r2002
CF HB 558

By: **Senator Kelley**

Introduced and read first time: January 20, 2021

Assigned to: Finance

Committee Report: Favorable

Senate action: Adopted

Read second time: February 16, 2021

CHAPTER _____

1 AN ACT concerning

2 **For-Hire Driving and Vehicles – Requirements**

3 FOR the purpose of altering the requirements for submission of certain photographs by
4 certain applicants for a for-hire driver's license to the Public Service Commission;
5 requiring certain applicants for a for-hire driver's license to allow the Commission
6 access to photographs through the Motor Vehicle Administration; requiring certain
7 applicants to provide photographs in a format that the Commission specifies;
8 repealing the requirement for certain applicants for a taxicab license in Baltimore
9 City to have completed a certain course; repealing certain identification
10 requirements for certain taxicabs; altering certain prohibitions relating to the
11 operation of limousines to apply to certain motor vehicles operated for hire;
12 prohibiting an individual from operating certain motor vehicles for hire unless the
13 individual holds a valid for-hire driver's license or transportation network operator's
14 license issued by the Commission or the appropriate local authority; prohibiting a
15 person from allowing the operation of certain motor vehicles for hire unless the
16 individual holds a valid for-hire driver's license or transportation network operator's
17 license issued by the Commission or the appropriate local authority; repealing the
18 requirement that certain motor vehicles driven for hire display certain special plates;
19 repealing an exemption for taxicabs from the requirement to be equipped with
20 certain seat belts; making conforming changes; and generally relating to the Public
21 Service Commission and for-hire drivers and vehicles.

22 BY repealing and reenacting, with amendments,

23 Article – Public Utilities

24 Section 10-104 and 10-206

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 Annotated Code of Maryland
2 (2020 Replacement Volume and 2020 Supplement)

3 BY repealing and reenacting, with amendments,
4 Article – Transportation
5 Section 21–1127 and 22–412
6 Annotated Code of Maryland
7 (2020 Replacement Volume)

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

10 **Article – Public Utilities**

11 10–104.

12 (a) (1) An applicant for a for–hire driver’s license shall:

13 (i) submit to the Commission a completed application on the form
14 that the Commission provides;

15 (ii) state on the form that the applicant is applying for a
16 passenger–for–hire driver’s license or a taxicab driver’s license;

17 (iii) pay to the Commission an application fee set by the Commission;

18 (iv) **1. IF THE APPLICANT IS A MARYLAND DRIVER, ALLOW**
19 **THE COMMISSION ACCESS TO THE DRIVER’S PHOTOGRAPH THROUGH THE MOTOR**
20 **VEHICLE ADMINISTRATION; OR**

21 **2. file with the application [two] A recent [photographs, of a**
22 **size that may be easily attached to the license] PHOTOGRAPH IN A FORMAT THAT THE**
23 **COMMISSION SPECIFIES; and**

24 (v) apply to the Criminal Justice Information System Central
25 Repository of the Department of Public Safety and Correctional Services for a State
26 criminal history records check as provided in subsection (b) of this section.

27 (2) The Commission shall:

28 (i) require a driving record check of the applicant;

29 (ii) attach [one of the photographs] **A PHOTOGRAPH** to the for–hire
30 driver’s license when issued; and

31 (iii) file [the other] **A photograph** with the for–hire driver’s [license

1 application in the Commission's office] **RECORD.**

2 (b) (1) As part of the application for a criminal history records check, the
3 applicant shall submit to the Central Repository:

4 (i) one complete set of the applicant's legible fingerprints taken on
5 forms approved by the Director of the Central Repository; and

6 (ii) the fee authorized under § 10-221(b)(7) of the Criminal
7 Procedure Article for access to Maryland criminal history records.

8 (2) (i) In response to an application for an initial criminal history
9 records check, the Central Repository shall provide to the Commission and the applicant a
10 printed statement of the applicant's State criminal record.

11 (ii) If criminal history record information is reported to the Central
12 Repository after the date of the initial criminal history records check, the Central
13 Repository shall provide to the Commission and the applicant or licensee a revised printed
14 statement of the applicant's or licensee's State criminal record.

15 (3) In accordance with regulations adopted by the Department of Public
16 Safety and Correctional Services, the Commission shall verify periodically a list of licensed
17 for-hire drivers.

18 (4) Information the Commission obtains from the Central Repository under
19 this subsection shall be:

20 (i) confidential and may not be disseminated; and

21 (ii) used only for the licensing purposes described in this title.

22 (5) (i) As provided by this paragraph, an applicant for a for-hire
23 driver's license or a licensee may contest the contents of a printed statement or a revised
24 printed statement issued by the Central Repository.

25 (ii) To contest the contents of a printed statement or a revised
26 printed statement, an applicant or a licensee shall contact the office of the Secretary of
27 Public Safety and Correctional Services, or the Secretary's designee.

28 (iii) The Secretary of Public Safety and Correctional Services, or the
29 Secretary's designee, shall:

30 1. convene a hearing within 20 workdays, unless
31 subsequently waived by the applicant or the licensee; and

32 2. render a decision within 5 workdays after the hearing.

1 (iv) For the purposes of this paragraph, the record of a court
2 disposition or a copy of the record certified by the clerk of the court or by a judge of the
3 court in which the disposition occurred shall be conclusive evidence of the disposition.

4 (v) In a case where a pending charge is recorded, documentation
5 provided by a court to the Secretary of Public Safety and Correctional Services, or the
6 Secretary's designee, that a pending charge for a crime which has not been finally
7 adjudicated shall be conclusive evidence of the pending charge.

8 (vi) Failure of the applicant or a licensee to appear at the scheduled
9 hearing shall be considered grounds for dismissal of the contest.

10 (6) (i) In addition to a State criminal history records check under this
11 subsection, and subject to Title 10, Subtitle 2 of the Criminal Procedure Article, the
12 Commission may require an applicant to obtain a criminal history records check from the
13 Federal Bureau of Investigation, through the Department of Public Safety and Correctional
14 Services.

15 (ii) An applicant who is required by the Commission to obtain a
16 criminal history records check from the Federal Bureau of Investigation under
17 subparagraph (i) of this paragraph shall:

18 1. apply to the Central Repository of the Department of
19 Public Safety and Correctional Services for a national criminal history records check;

20 2. submit to the Central Repository one complete set of the
21 applicant's legible fingerprints taken on forms approved by the Director of the Federal
22 Bureau of Investigation; and

23 3. submit to the Central Repository the mandatory
24 processing fee required by the Federal Bureau of Investigation for a national criminal
25 history records check.

26 (7) The Commission may use a private agency to provide a background
27 check on an applicant or licensee under this section, as determined by the Commission.

28 (c) (1) After the initial printed statement has been received from the Central
29 Repository, the Commission shall issue a passenger-for-hire driver's license or a taxicab
30 driver's license, as appropriate, to each applicant that meets the requirements of this title.

31 (2) The passenger-for-hire driver's license and the taxicab driver's license
32 shall be in the form that the Commission provides.

33 [(d) (1) This subsection applies only in Baltimore City.

34 (2) On or after July 1, 2002, an individual applying for a taxicab license or
35 renewal of a taxicab license shall submit proof of having successfully completed a course

1 approved by the Commission that includes in the curriculum:

2 (i) courteous treatment of passengers;

3 (ii) geography and map reading for the jurisdiction in which the
4 taxicab services will be provided; and

5 (iii) tourist information for the jurisdiction in which taxicab services
6 will be provided.]

7 [(e)] (D) The Commission may deny an applicant a license or suspend or revoke
8 the license of a licensee if the applicant or licensee has been convicted of a crime that bears
9 a direct relationship to the applicant's or licensee's fitness to serve the public as a for-hire
10 driver.

11 10-206.

12 (a) Each taxicab for which a permit is required shall have[:

13 (1) the name of the taxicab permit holder of the taxicab permanently
14 painted or affixed on one door on each side of the taxicab, in letters at least 2.5 inches high;
15 and

16 (2)] the word "taxicab" appear conspicuously on the taxicab.

17 (b) (1) The Commission shall:

18 (i) determine the form and style of a badge; and

19 (ii) issue to each licensed taxicab driver a badge with the taxicab
20 driver's license number on the badge.

21 (2) A licensed taxicab driver shall display the badge conspicuously in the
22 interior of a taxicab whenever operating the taxicab.

23 Article - Transportation

24 21-1127.

25 (a) An individual may not operate for hire a [limousine] **MOTOR VEHICLE**
26 designed to carry 15 or fewer [individuals] **PASSENGERS**, including the driver, unless the
27 individual holds a valid for-hire driver's license **OR TRANSPORTATION NETWORK**
28 **OPERATOR'S LICENSE** issued by the Public Service Commission **OR THE APPROPRIATE**
29 **LOCAL AUTHORITY**.

30 (b) A person may not allow an individual to operate for hire a [limousine] **MOTOR**

1 **VEHICLE** designed to carry 15 or fewer [individuals] **PASSENGERS**, including the driver,
2 unless[:

3 (1) The] **THE** individual operating the [limousine] **MOTOR VEHICLE** holds
4 a valid for-hire driver's license **OR TRANSPORTATION NETWORK OPERATOR'S LICENSE**
5 issued by the Public Service Commission[; and

6 (2) The limousine displays special limousine vehicle registration plates
7 issued under § 13-939 of this article] **OR THE APPROPRIATE LOCAL AUTHORITY.**

8 (c) A person convicted of a violation of this section is subject to imprisonment not
9 exceeding 1 year or a fine not exceeding \$1,000 or both.

10 22-412.

11 (a) Every motor vehicle registered in this State and manufactured or assembled
12 after June 1, 1964, shall be equipped with two sets of seat belts on the front seat of the
13 vehicle.

14 (b) Every motor vehicle registered in this State and manufactured or assembled
15 with a rear seat after June 1, 1969, shall be equipped with two sets of seat belts on the rear
16 seat of the vehicle.

17 (c) A person may not sell or offer for sale any vehicle in violation of this section.

18 (d) For the purpose of this section only, "motor vehicle" does not include any
19 motorcycle other than an autocycle, bus, **OR** truck[, or taxicab].

20 (e) For the purpose of this section only, "seat belt" means any belt, strap, harness,
21 or like device.

22 (f) A seat belt may not be sold or offered for sale for use in connection with the
23 operation of a motor vehicle in this State after June 1, 1964, unless it meets applicable
24 federal motor vehicle safety standards.

25 **SECTION 2. AND BE IT FURTHER ENACTED,** That this Act shall take effect June
26 1, 2021.