



HOUSE BILL 340: Utilities Commission/Criminal Records Check

2011-2012 General Assembly

Committee:	House Finance	Date:	May 31, 2011
Introduced by:	Reps. Steen, Hager	Prepared by:	Heather Fennell
Analysis of:	Third Edition		Committee Counsel

SUMMARY: *House Bill 340 would authorize the Utilities Commission to obtain a criminal history records checks of transporters of household goods.*

CURRENT LAW: Under Chapter 62, the transportation of household goods within the State is considered a public utility and subject to regulation by the Utilities Commission. The term "household goods" is defined by Commission Rule to be "personal effects and property used or to be used in a dwelling, when a part of the equipment or supply of such dwelling, and similar property if the transportation of such effects or property is arranged and paid by the householder or another party."

BILL ANALYSIS: House Bill 340 would authorize the Utilities Commission to obtain a criminal history record check of transporters of household goods. The Commission may deny a certificate to a new transporter, or may revoke a certificate of a current transporter, if the transporter refuse to consent to the criminal history record check, or refuses to provide fingerprints for the check. If the quality characteristic of the fingerprints isn't satisfactory for FBI processing, there is an alternate name-based records check procedure.

The records check will be conducted by the Department of Justice by submission of fingerprints to both the State Bureau of Investigation and the Federal Bureau of Investigation. The Department of Justice may charge a fee to offset the costs associated with the check. The current cost of a State wide check conducted by the SBI is \$14; the current cost of nation wide check is \$38.

Convictions revealed by a criminal history records check, do not constitute cause to deny an application or revoke a current certificate. The Commission must consider the following in its determination:

- The level and seriousness of the crime.
- The date of the crime.
- The age of the person at the time of conviction.
- The nature of the crime as it relates to the duties and responsibilities of a common carrier of household goods.
- The employment history of the person after the date the crime was committed.
- Any evidence of rehabilitation of the person after the crime.

EFFECTIVE DATE: This act is effective when it becomes law and applies to all persons holding a current certificate of exemption or a certificate of public convenience and necessity on or after that date and to all applications for a certification of exemption or a certificate of public convenience and necessity received by the Commission on or after that date.

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