

HB0505/743696/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 505

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Public Transportation – Drivers and Operators” and substitute “Transit Service for Disabled Persons”; in line 3, after “Training” insert “for Persons Providing Service”; strike beginning with “Public” in line 4 down through “course” in line 10 and substitute “Maryland Transit Administration and certain of the Administration’s contractors to apply for certain criminal history records checks for certain persons who provide transit service to disabled persons; requiring the Administration to ensure that employees of the Administration and of the Administration’s contractors who provide transit service to disabled persons successfully complete certain training”; strike beginning with “drivers” in line 11 down through “carrier” in line 12 and substitute “certain persons who provide transit service to disabled persons”; and strike in their entirety lines 13 through 22, inclusive, and substitute:

“BY repealing and reenacting, with amendments,

Article – Transportation

Section 7-102.1(e)

Annotated Code of Maryland

(2001 Replacement Volume and 2007 Supplement)

BY adding to

Article – Transportation

Section 10-206.1

Annotated Code of Maryland

(2001 Replacement Volume and 2007 Supplement)”.

AMENDMENT NO. 2

(Over)

On pages 1 through 3, strike in their entirety the lines beginning with line 25 on page 1 through line 13 on page 3, inclusive, and substitute:

“Article – Transportation

7-102.1.

(e) (1) The public interest requires the development of an effective and efficient transit service to meet the special needs of elderly and handicapped persons.

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

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

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

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

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

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

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

1. TWO COMPLETE SETS OF THE EMPLOYEE'S LEGIBLE FINGERPRINTS TAKEN ON FORMS APPROVED BY THE DIRECTOR OF THE CENTRAL REPOSITORY AND THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION;

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

(Over)

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

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

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

- 1. CONFIDENTIAL AND MAY NOT BE DISSEMINATED;**
- AND**
- 2. USED ONLY FOR THE PURPOSE AUTHORIZED BY THIS SUBSECTION.**

(VI) 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.

10-206.1.

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

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

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

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

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

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

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

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

(I) TWO COMPLETE SETS OF THE EMPLOYEE'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 TITLE 10, SUBTITLE 2 OF THE CRIMINAL PROCEDURE ARTICLE, THE CENTRAL REPOSITORY SHALL FORWARD TO THE EMPLOYEE AND THE MARYLAND TRANSIT ADMINISTRATION OR CONTRACTOR A PRINTED STATEMENT OF THE EMPLOYEE'S CRIMINAL HISTORY RECORD INFORMATION.

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

(I) CONFIDENTIAL AND MAY NOT BE DISSEMINATED; AND

**(II) USED ONLY FOR THE 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.”**