

HOUSE BILL 726

R2, O3

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By: **Delegates Ebersole, Belcastro, Forbes, Guyton, Hill, Ruth, and P. Young**

Introduced and read first time: February 3, 2022

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Transportation of Disabled Persons – Transportation Network Companies –**
3 **Employee Requirements**

4 FOR the purpose of exempting certain employees of transportation network companies that
5 provide transit service to disabled persons under contract with the Maryland Transit
6 Administration from certain requirements relating to a certain criminal history
7 records check and completion of a certain course; requiring transportation network
8 companies that provide transit service to disabled persons under contract with the
9 Administration to run certain annual background checks on certain employees; and
10 generally relating to requirements for employees of transportation network
11 companies that transport disabled persons.

12 BY repealing and reenacting, without amendments,
13 Article – Public Utilities
14 Section 10–101(l)
15 Annotated Code of Maryland
16 (2020 Replacement Volume and 2021 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article – Transportation
19 Section 7–102.1(e)
20 Annotated Code of Maryland
21 (2020 Replacement Volume and 2021 Supplement)

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

24 **Article – Public Utilities**

25 10–101.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (l) "Transportation network company" means a company that operates in the
2 State using a digital network to connect passengers to transportation network operators or
3 transportation network partners for transportation network services.

4 Article – Transportation

5 7–102.1.

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

8 (2) When providing transit service to meet the special needs of disabled
9 persons, the Administration shall:

10 (i) Apply to the Criminal Justice Information System Central
11 Repository of the Department of Public Safety and Correctional Services, in accordance
12 with paragraph [(3)] (4) of this subsection, for State and national criminal history records
13 checks of the Administration's employees who are or will be employed to provide transit
14 service to disabled persons;

15 (ii) Ensure that any entity that contracts with the Administration to
16 provide transit service to disabled persons applies to the Criminal Justice Information
17 System Central Repository of the Department of Public Safety and Correctional Services,
18 in accordance with paragraph [(3)] (4) of this subsection, for State and national criminal
19 history records checks of the contractor's employees who provide transit service to disabled
20 persons; and

21 (iii) Ensure that all employees of the Administration or a contractor
22 of the Administration who are or will be employed to provide transit service to disabled
23 persons successfully complete a course, jointly developed by the State Department of
24 Education and the Department of Disabilities and approved by the Administration, on
25 matters relating to appropriate accommodation, including customer service, sensitivity,
26 and respectful and courteous treatment of all passengers, including disabled persons.

27 **(3) (I) IN THIS PARAGRAPH, "TRANSPORTATION NETWORK**
28 **COMPANY" HAS THE MEANING STATED IN § 10–101 OF THE PUBLIC UTILITIES**
29 **ARTICLE.**

30 **(II) THE REQUIREMENTS OF PARAGRAPH (2) OF THIS**
31 **SUBSECTION DO NOT APPLY TO TRANSPORTATION NETWORK COMPANIES THAT**
32 **PROVIDE TRANSIT SERVICE TO DISABLED PERSONS UNDER CONTRACT WITH THE**
33 **ADMINISTRATION.**

34 **(III) TRANSPORTATION NETWORK COMPANIES THAT PROVIDE**
35 **TRANSIT SERVICE TO DISABLED PERSONS UNDER CONTRACT WITH THE**
36 **ADMINISTRATION SHALL RUN AN ANNUAL BACKGROUND SCREENING ON ALL**

1 TRANSIT OPERATORS THAT INCLUDES THE ENTIRE ADULT HISTORY OF THE
2 OPERATOR FOR CONVICTIONS IN MARYLAND AND ALL OTHER JURISDICTIONS IN
3 THE UNITED STATES.

4 (IV) ANY BACKGROUND SCREENING PROVIDER USED BY A
5 TRANSPORTATION NETWORK COMPANY THAT PROVIDES TRANSIT SERVICE TO
6 DISABLED PERSONS UNDER CONTRACT WITH THE ADMINISTRATION SHALL BE
7 AUDITED AND ACCREDITED BY THE BACKGROUND SCREENING CREDENTIALING
8 COUNCIL OF THE PROFESSIONAL BACKGROUND SCREENING ASSOCIATION.

9 (V) THE ADMINISTRATION MAY ADOPT REGULATIONS TO
10 ESTABLISH CRIMINAL HISTORY RECORDS CHECK STANDARDS THAT A
11 TRANSPORTATION NETWORK COMPANY UNDER CONTRACT WITH THE
12 ADMINISTRATION MUST MEET TO PROVIDE TRANSIT SERVICE TO DISABLED
13 INDIVIDUALS.

14 [(3)] (4) (i) In this paragraph, "Central Repository" has the meaning
15 stated in § 10–201 of the Criminal Procedure Article.

16 (ii) The Administration or contractor shall apply to the Central
17 Repository for a State and national criminal history records check for each employee subject
18 to this subsection.

19 (iii) As part of the application for a criminal history records check,
20 the Administration or contractor shall submit to the Central Repository:

21 1. Two complete sets of the employee's legible fingerprints
22 taken on forms approved by the Director of the Central Repository and the Director of the
23 Federal Bureau of Investigation;

24 2. The fee authorized under § 10–221(b)(7) of the Criminal
25 Procedure Article for access to Maryland criminal history records; and

26 3. The mandatory processing fee required by the Federal
27 Bureau of Investigation for a national criminal history records check.

28 (iv) In accordance with Title 10, Subtitle 2 of the Criminal Procedure
29 Article, the Central Repository shall forward to the employee and the Administration or
30 contractor a printed statement of the employee's criminal history record information.

31 (v) Information obtained from the Central Repository under this
32 subsection shall be:

33 1. Confidential and may not be disseminated; and

34 2. Used only for the purpose authorized by this subsection.

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1 (vi) The subject of a criminal history records check under this
2 subsection may contest the contents of the printed statement issued by the Central
3 Repository as provided in § 10–223 of the Criminal Procedure Article.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2022.