

SENATE BILL 625

R2, O3

EMERGENCY BILL

2lr2392

By: **Senator Hettleman**

Introduced and read first time: February 3, 2022

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Transportation of Persons With Disabilities – Transportation Network**
3 **Companies – Employee Requirements**

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

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 AND
8 **PERSONS WITH DISABILITIES.**

9 (2) When providing transit service to meet the special needs of [disabled]
10 persons **WITH DISABILITIES**, the Administration shall:

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

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

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

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

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

1 **(III) TRANSPORTATION NETWORK COMPANIES THAT PROVIDE**
2 **TRANSIT SERVICE TO PERSONS WITH DISABILITIES UNDER CONTRACT WITH THE**
3 **ADMINISTRATION SHALL RUN AN ANNUAL BACKGROUND SCREENING ON ALL**
4 **TRANSIT OPERATORS THAT INCLUDES THE ENTIRE ADULT HISTORY OF THE**
5 **OPERATOR FOR CONVICTIONS IN MARYLAND AND ALL OTHER JURISDICTIONS IN**
6 **THE UNITED STATES.**

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

12 **(V) THE ADMINISTRATION MAY ADOPT REGULATIONS TO**
13 **ESTABLISH CRIMINAL HISTORY RECORDS CHECK STANDARDS THAT A**
14 **TRANSPORTATION NETWORK COMPANY UNDER CONTRACT WITH THE**
15 **ADMINISTRATION MUST MEET TO PROVIDE TRANSIT SERVICE TO PERSONS WITH**
16 **DISABILITIES.**

17 **[(3)] (4)** (i) In this paragraph, “Central Repository” has the meaning
18 stated in § 10-201 of the Criminal Procedure Article.

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

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

24 1. Two complete sets of the employee’s legible fingerprints
25 taken on forms approved by the Director of the Central Repository and the Director of the
26 Federal Bureau of Investigation;

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

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

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

34 (v) Information obtained from the Central Repository under this
35 subsection shall be:

- 1 1. Confidential and may not be disseminated; and
 - 2 2. Used only for the purpose authorized by this subsection.
- 3 (vi) The subject of a criminal history records check under this
4 subsection may contest the contents of the printed statement issued by the Central
5 Repository as provided in § 10-223 of the Criminal Procedure Article.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
7 measure, is necessary for the immediate preservation of the public health or safety, has
8 been passed by a ye and nay vote supported by three-fifths of all the members elected to
9 each of the two Houses of the General Assembly, and shall take effect from the date it is
10 enacted.