SENATE BILL 625

By: Senator Hettleman
Introduced and read first time: February 3, 2022
Assigned to: Finance

A BILL ENTITLED

AN ACT concerning Transportation of Persons With Disabilities – Transportation Network Companies – Employee Requirements

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

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

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

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

Article – Public Utilities


EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.
(l) “Transportation network company” means a company that operates in the State using a digital network to connect passengers to transportation network operators or transportation network partners for transportation network services.

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 AND PERSONS WITH DISABILITIES.

(2) When providing transit service to meet the special needs of disabled persons WITH DISABILITIES, 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)] (4) 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 WITH DISABILITIES;

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

(3) (i) IN THIS PARAGRAPH, “TRANSPORTATION NETWORK COMPANY” HAS THE MEANING STATED IN § 10–101 OF THE PUBLIC UTILITIES ARTICLE.

(ii) THE REQUIREMENTS OF PARAGRAPH (2) OF THIS SUBSECTION DO NOT APPLY TO TRANSPORTATION NETWORK COMPANIES THAT PROVIDE TRANSIT SERVICE TO PERSONS WITH DISABILITIES UNDER CONTRACT WITH THE ADMINISTRATION.
TRANSPORTATION NETWORK COMPANIES THAT PROVIDE TRANSIT SERVICE TO PERSONS WITH DISABILITIES UNDER CONTRACT WITH THE ADMINISTRATION SHALL RUN AN ANNUAL BACKGROUND SCREENING ON ALL TRANSIT OPERATORS THAT INCLUDES THE ENTIRE ADULT HISTORY OF THE OPERATOR FOR CONVICTIONS IN MARYLAND AND ALL OTHER JURISDICTIONS IN THE UNITED STATES.

ANY BACKGROUND SCREENING PROVIDER USED BY A TRANSPORTATION NETWORK COMPANY THAT PROVIDES TRANSIT SERVICE TO PERSONS WITH DISABILITIES UNDER CONTRACT WITH THE ADMINISTRATION SHALL BE AUDITED AND ACCREDITED BY THE BACKGROUND SCREENING CREDENTIALING COUNCIL OF THE PROFESSIONAL BACKGROUND SCREENING ASSOCIATION.

THE ADMINISTRATION MAY ADOPT REGULATIONS TO ESTABLISH CRIMINAL HISTORY RECORDS CHECK STANDARDS THAT A TRANSPORTATION NETWORK COMPANY UNDER CONTRACT WITH THE ADMINISTRATION MUST MEET TO PROVIDE TRANSIT SERVICE TO PERSONS WITH DISABILITIES.

[(3)] (4) (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

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 1. Confidential and may not be disseminated; and

2 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.

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