

Department of Legislative Services
 Maryland General Assembly
 2022 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

Senate Bill 625
 Finance

(Senator Hettleman)

Environment and Transportation

**Transportation of Persons With Disabilities - Transportation Network
 Companies - Employee Requirements and Study**

This emergency bill modifies the requirements for criminal history records checks for transit operators of Transportation Network Companies (TNCs) that provide transit service to persons with disabilities under contract with the Maryland Transit Administration (MTA). The bill also requires MTA to study the feasibility, including the cost, of expanding paratransit services for persons with disabilities beyond existing limitations using TNCs to provide the transit services, as specified. MTA must submit a report of its findings and recommendations to specified committees of the General Assembly by October 1, 2022.

Fiscal Summary

State Effect: No effect in FY 2022. Transportation Trust Fund (TTF) expenditures increase by \$25,000 in FY 2023 only for MTA to engage a consultant to complete the required study. The bill does not otherwise materially affect State finances; the bill adopts existing TNC industry practices for background screenings to allow MTA to contract with TNCs for its MobilityLink service, as discussed below.

(in dollars)	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026
Revenues	\$0	\$0	\$0	\$0	\$0
SF Expenditure	0	25,000	0	0	0
Net Effect	\$0	(\$25,000)	\$0	\$0	\$0

Note: () = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: None.

Small Business Effect: Minimal.

Analysis

Bill Summary: Instead of the requirement for a TNC to obtain a criminal history records check for its employees through the Criminal Justice Information System (CJIS) Central Repository and for such employees to successfully complete a specified training course, as required under current law, a TNC that provides transit service to persons with disabilities under contract with MTA must 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 TNC for this purpose must comply with the federal Fair Credit Reporting Act and specified provisions of State law that relate to consumer reporting agencies. MTA may adopt regulations that establish criminal history records check standards, as specified.

The bill also makes a series of stylistic changes by replacing references to “handicapped persons” and “disabled persons” with “persons with disabilities.”

Current Law:

Maryland Transit Administration

MTA is a modal unit within the Maryland Department of Transportation (MDOT), and it operates a comprehensive transit system throughout the Baltimore-Washington metropolitan area, including more than 50 local bus lines in Baltimore and other services, such as the light rail, Baltimore Metro subway, commuter buses, MARC trains, and mobility/paratransit vehicles. Except for the Washington Metropolitan Area Transit Authority, MDOT and MTA are generally the agencies responsible for the construction and operation of transit lines in the State.

[MobilityLink](#) is MTA’s paratransit service. The service is offered to people, who because of a disability, are functionally unable to get to a bus stop, wait unassisted at a stop, or board or ride a bus or train by themselves. MobilityLink provides door-to-door service by picking up participating riders at the first exterior door of the rider’s home or pick up location and dropping the rider off at the first exterior door of his or her destination. MTA contracts with various entities to provide this service; however, MTA does not currently contract with any TNCs.

When providing transit service to meet the special needs of disabled persons (through MobilityLink or in general), MTA must apply to the CJIS Central Repository for State and national criminal history records checks of MTA employees who are or will be employed to provide transit service to disabled persons; this requirement also applies to the employees of entities that contract with MTA to provide transit service to disabled persons. In addition, any such employee or contractor employee must complete a course, jointly

developed by the Maryland State Department of Education and the Department of Disabilities, and approved by MTA, on matters relating to the appropriate accommodation, including customer service, sensitivity, and respectful and courteous treatment of all passengers, including disabled persons.

Criminal Justice Information System Central Repository

The CJIS Central Repository within the Department of Public Safety and Correctional Services is a computerized repository of criminal history record information governed by the Code of Federal Regulations and Maryland's statute and regulations. The criminal history record information contained in CJIS is used by the courts, law enforcement agencies, prosecutors, and correctional agencies for criminal justice purposes. Federal and State law prescribe the authorized uses of the data, establish rules for preventing unauthorized access, and allow individuals to challenge and correct the database. The use of criminal history record information is also allowed for certain noncriminal justice purposes, such as employment, licensing, public housing, and research. For a fee, a noncriminal justice entity may obtain a criminal history records check through the CJIS Central Repository by submitting an application that includes the subject's fingerprints.

Consumer Credit Reporting Agencies

The [federal Fair Credit Reporting Act](#) and Title 14, Subtitle 12 of the Commercial Law Article govern consumer reporting agencies. Broadly, the laws establish protections for consumers and the personal information collected by consumer reporting agencies, as well as processes and procedures that such agencies must follow in collecting and reporting the information and for handling related disputes. Consumer reporting agencies in the State are required to register with the Office of the Commissioner of Financial Regulation.

State Fiscal Effect: Despite the bill's emergency status, it is assumed that no costs are incurred in fiscal 2022. TTF expenditures increase by \$25,000 in fiscal 2023 only for MTA to engage a consultant to complete the required study. The bill is otherwise not anticipated to materially affect State finances. As noted above, MTA does not currently contract with any TNCs for its MobilityLink service. This is largely due to the criminal history records check requirements under current law. The bill's repeal of this requirement and adoption of industry standards for TNC background screenings allows TNCs to contract with MTA without having to obtain criminal history records checks for its drivers through CJIS and grants MTA additional flexibility in providing services to persons with disabilities.

Additional Information

Prior Introductions: None.

Designated Cross File: HB 726 (Delegate Ebersole, *et al.*) - Environment and Transportation.

Information Source(s): Maryland Department of Transportation; Public Service Commission; Maryland State Department of Education; Department of Public Safety and Correctional Services; Federal Trade Commission; Department of Legislative Services

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