

SENATE BILL 625

R2, O3

EMERGENCY BILL

2lr2392
CF HB 726

By: **Senator Hettleman**

Introduced and read first time: February 3, 2022

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 3, 2022

CHAPTER _____

1 AN ACT concerning

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

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; requiring the Administration to study the feasibility of expanding the
11 service area of certain paratransit services using transportation network companies;
12 and generally relating to requirements for employees of transportation network
13 companies that transport persons with disabilities.

14 BY repealing and reenacting, without amendments,
15 Article – Public Utilities
16 Section 10–101(l)
17 Annotated Code of Maryland
18 (2020 Replacement Volume and 2021 Supplement)

19 BY repealing and reenacting, with amendments,
20 Article – Transportation
21 Section 7–102.1(e)
22 Annotated Code of Maryland
23 (2020 Replacement Volume and 2021 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

3 **Article – Public Utilities**

4 10–101.

5 (l) “Transportation network company” means a company that operates in the
6 State using a digital network to connect passengers to transportation network operators or
7 transportation network partners for transportation network services.

8 **Article – Transportation**

9 7–102.1.

10 (e) (1) The public interest requires the development of an effective and
11 efficient transit service to meet the special needs of elderly [and handicapped] persons **AND**
12 **PERSONS WITH DISABILITIES**.

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

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

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

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

1 **(3) (I) IN THIS PARAGRAPH, “TRANSPORTATION NETWORK**
2 **COMPANY” HAS THE MEANING STATED IN § 10-101 OF THE PUBLIC UTILITIES**
3 **ARTICLE.**

4 **(II) THE REQUIREMENTS OF PARAGRAPH (2) OF THIS**
5 **SUBSECTION DO NOT APPLY TO TRANSPORTATION NETWORK COMPANIES THAT**
6 **PROVIDE TRANSIT SERVICE TO PERSONS WITH DISABILITIES UNDER CONTRACT**
7 **WITH THE ADMINISTRATION.**

8 **(III) TRANSPORTATION NETWORK COMPANIES THAT PROVIDE**
9 **TRANSIT SERVICE TO PERSONS WITH DISABILITIES UNDER CONTRACT WITH THE**
10 **ADMINISTRATION SHALL RUN AN ANNUAL BACKGROUND SCREENING ON ALL**
11 **TRANSIT OPERATORS THAT INCLUDES THE ENTIRE ADULT HISTORY OF THE**
12 **OPERATOR FOR CONVICTIONS IN MARYLAND AND ALL OTHER JURISDICTIONS IN**
13 **THE UNITED STATES.**

14 **(IV) ANY BACKGROUND SCREENING PROVIDER USED BY A**
15 **TRANSPORTATION NETWORK COMPANY THAT PROVIDES TRANSIT SERVICE TO**
16 **PERSONS WITH DISABILITIES UNDER CONTRACT WITH THE ADMINISTRATION SHALL**
17 ~~**BE AUDITED AND ACCREDITED BY THE BACKGROUND SCREENING CREDENTIALING**~~
18 ~~**COUNCIL OF THE PROFESSIONAL BACKGROUND SCREENING ASSOCIATION**~~
19 **COMPLY WITH THE FEDERAL FAIR CREDIT REPORTING ACT AND TITLE 14,**
20 **SUBTITLE 12 OF THE COMMERCIAL LAW ARTICLE.**

21 **(V) THE ADMINISTRATION MAY ADOPT REGULATIONS TO**
22 **ESTABLISH CRIMINAL HISTORY RECORDS CHECK STANDARDS THAT A**
23 **TRANSPORTATION NETWORK COMPANY UNDER CONTRACT WITH THE**
24 **ADMINISTRATION MUST MEET TO PROVIDE TRANSIT SERVICE TO PERSONS WITH**
25 **DISABILITIES.**

26 **[(3)] (4) (i) In this paragraph, “Central Repository” has the meaning**
27 **stated in § 10-201 of the Criminal Procedure Article.**

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

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

33 **1. Two complete sets of the employee’s legible fingerprints**
34 **taken on forms approved by the Director of the Central Repository and the Director of the**
35 **Federal Bureau of Investigation;**

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

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

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

8 (v) Information obtained from the Central Repository under this
9 subsection shall be:

10 1. Confidential and may not be disseminated; and

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

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

15 SECTION 2. AND BE IT FURTHER ENACTED, That:

16 (a) The Maryland Transit Administration shall study the feasibility of expanding
17 the service area of its paratransit services for persons with disabilities beyond existing
18 limitations using transportation network companies to provide the transit services.

19 (b) The study required under this section shall analyze the cost of expanding
20 paratransit services as described under paragraph (a) of this section for a range of service
21 expansion scenarios, including from doubling the service area from existing limits to
22 applying no service area limitations when providing paratransit services for persons with
23 disabilities.

24 (c) On or before October 1, 2022, the Administration shall submit a report of its
25 findings and recommendations from the study required under this section to the Governor
26 and, in accordance with § 2–1257 of the State Government Article, the Senate Finance
27 Committee and the House Environment and Transportation Committee.

28 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act is an emergency
29 measure, is necessary for the immediate preservation of the public health or safety, has
30 been passed by a yea and nay vote supported by three–fifths of all the members elected to
31 each of the two Houses of the General Assembly, and shall take effect from the date it is
32 enacted.