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February 15, 2022

The Honorable Kumar Barve  
Chair, House Environment and Transportation Committee  
Annapolis, MD 21401

Re: Amend [H.B. 726](#), Transportation of Disabled Persons – Transportation Network Companies – Employee Requirements

Dear Chair Barve,

This bill, H.B. 726, is intended to protect the riding public, specifically, disabled people across Maryland. We strongly support that goal, which is why CDIA is requesting that your committee amend the background check provision to bring the bill into conformance with long-standing federal and state law. I write on behalf of the Consumer Data Industry Association ("CDIA")<sup>1</sup> to respectfully request that amendment.

For over 110 years, CDIA and its members have stood to help protect the American economy and the American public. Since 1970, the federal Fair Credit Reporting Act ("FCRA") has stood as a strong legal floor for background checks in the U.S. Maryland has its own version of the FCRA in the Commercial Law article since 1976. Among other things, these laws demand accuracy in background check processes and afford legal rights to consumers. Since 2013, Maryland has also regulated the criminal background checks for TNC drivers.

Since 2015, Maryland has had a strong background check component. By law Md. Pub. Utilities Code Ann. § 10-404(b), the Commission "may approve" a TNC driver if:

- (1) the applicant provides all information that the Commission requires for the application, including the information specified in item (2) of this subsection; and
- (2) the Commission is satisfied with the successful submission of the applicant's:
  - (i) national criminal history records check:
    1. conducted by a consumer reporting agency as defined under § 14-1201 of the Commercial Law Article or a comparable entity approved by the Commission; and
    2. that includes:
      - A. a Multi-State Multi-Jurisdiction Criminal Records Database Search or a search of a similar nationwide database with validation;
      - B. a search of the Sex Offender Registry; and
      - C. a search of the U.S. Department of Justice's National Sex Offender Public Website; and

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<sup>1</sup> CDIA is the voice of the consumer reporting industry, representing consumer reporting agencies, including the nationwide credit bureaus, regional and specialized credit bureaus, background check and residential screening companies, and others. Founded in 1906, CDIA promotes the responsible use of consumer data to help consumers achieve their financial goals and to help businesses, governments, and volunteer organizations avoid fraud and manage risk. Through data and analytics, CDIA members empower economic opportunity all over the world, helping ensure fair and safe transactions for consumers, facilitating competition, and expanding consumers' access to financial and other products suited to their unique needs.

(ii) driving record check that includes a driving history research report.

There is no evidence of a need to have one criminal background check process for TNC drivers of the disabled and another criminal background check process for every other resident of or visitor to Maryland. The long-standing background check processes under federal and state law remain solid. To support the goal of protecting all Marylanders in for-hire vehicles, we respectfully request the following amendment to page 3, lines 4-8 (Sec. 7-102.1(e)(3)(iv):

**(IV) ANY BACKGROUND SCREENING PROVIDER USED BY A TRANSPORTATION NETWORK COMPANY THAT PROVIDES TRANSIT SERVICE TO DISABLED PERSONS UNDER CONTRACT WITH THE ADMINISTRATION SHALL BE ~~AUDITED AND ACCREDITED BY THE BACKGROUND SCREENING CREDENTIALING COUNCIL OF THE PROFESSIONAL BACKGROUND SCREENING ASSOCIATION REGULATED BY THE FEDERAL FAIR CREDIT REPORTING ACT, 15 U.S.C. SEC. 1681 ET SEQ. AND COMMERCIAL LAW ARTICLE 14, SUBTITLE 12.~~**

I am happy to answer any questions you may have. I thank you in advance for your consideration.

Sincerely,



Eric J. Ellman  
Senior Vice President, Public Policy & Legal Affairs