

FINGERPRINT PUBLIC TRANSIT SYSTEM APPLICANTS/LICENSEES

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House Bill 5391

Sponsor: Rep. Matt Huuki

Committee: Transportation

Complete to 5-15-12

A SUMMARY OF HOUSE BILL 5391 AS INTRODUCED 2-9-12

The bill would create a new act to do all of the following:

- Allow a transit service provider, such as public and private bus companies and schools owning and operating buses, to require the fingerprinting of a driver to obtain a criminal history record. Fingerprints obtained could be submitted by the transit service provider to the Department of State Police for a state criminal history record check and to the Federal Bureau of Investigation for a national criminal history record check. (The term "driver" in the bill means an individual applying for employment or already employed.)
- Specify that the State Police would service as the sole source for receiving fingerprint submissions for transit service providers and for receiving responses to fingerprint submissions from the FBI. The criminal history record information obtained would be disseminated to the transit service provider.
- Allow the transit service provider to charge a driver the appropriate fees for the criminal history check. The fees for a state and national records check would be submitted by the transit served provide to the State Police.
- Require a transit service provider that fingerprints drivers to develop a written fingerprint policy and provide those drivers with a written synopsis of the policy that describes how fingerprints are taken, how fingerprints are controlled while in possession of the provider, whom the fingerprints are sent to, and how fingerprints are used.
- Specify that the fingerprint impression obtained would not be permanently retained by the service provider after the completion of the criminal history check unless the driver requests in writing that the impression be kept on file for future use.
- Any biometric data kept on file by the provider would be exempt from disclosure under the Freedom of Information Act.

The bill would take effect 90 days after it being enacted into law.

The term "transit service provider" is defined in the bill to refer to a motor carrier of passengers under the Motor Bus Transportation Act; a school or other entity that owns or operates a school bus subject to the Pupil Transportation Act; and a public transportation authority formed under any of various acts.

FISCAL IMPACT:

The bill would authorize, but not require, "transit service providers" to require the fingerprinting of bus drivers for the purpose of obtaining a criminal background check. As defined in the bill, "transit service providers" includes private bus companies licensed under the Motor Bus Transportation Act (1982 PA 432), schools that own or operate school buses under authority of the Pupil Transportation Act (1990 PA 187), and public transit agencies. There are 79 public transit agencies in Michigan. Public transit agencies are all local units of government – either a unit of a city, village, or township, or an authority created under one of several authorizing acts.

To the extent that the use of fingerprinting would be authorized, but not required, House Bill 5391 does not appear to impose new requirements or costs on local units of government. If a school or transit agency elected to fingerprint bus drivers, the bill would authorize, but not require, the transit service provider to charge the driver "appropriate fees for the state and national criminal history record check."

It is not clear if the bill imposes costs on state government. The bill established the Michigan State Police as the "sole source for receiving fingerprint submission from transit service providers, and for receiving the responses to those fingerprint submissions from the Federal Bureau of Investigation." The bill implies, but does not clearly state, that the State Police could charge the transit service providers for the cost of processing the fingerprint submissions.

School Buses

The Revised School Code (MCL 380.1230, MCL 380.1230a, and MCL 380.1230g) requires applicants, new hires, and current school employees (including school bus drivers) and individuals assigned to "regularly and continuously work under contract" in a school (including school bus drivers employed by an outside contractor) to be subject to a state criminal history check and an FBI criminal records check. The information obtained from the checks is only to be used to determine an individual's qualifications for employment or assignment. The Code also limits disclosure of the information obtained from the checks, and requires individuals to self-report when they are charged for, or convicted of, certain crimes.

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