

## **PUBLIC TRANSIT SYSTEMS: FINGERPRINT BUS DRIVER APPLICANTS**

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**House Bill 5391 (Substitute H-3)**

**Sponsor: Rep. Matt Huuki**

**Committee: Transportation**

**Complete to 6-13-12**

## **A SUMMARY OF HOUSE BILL 5391 AS REPORTED FROM COMMITTEE ON 6-6-12**

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, to require the fingerprinting of an individual seeking employment as a bus driver who will come into contact with a vulnerable population, in order 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 or to the Federal Bureau of Investigation for a national criminal history record check. (The term "vulnerable population" refers to children, the elderly, and individuals with disabilities.)

[Note: The bill says a transit service provider can require the fingerprinting of "an employee who comes into contact with a vulnerable population," but the bill defines "employee "as an individual applying for employment as a bus driver."]

- Provide that a fingerprint-based criminal history check would be conducted in a manner prescribed by the Department of State Police. The State Police would conduct the fingerprint-based criminal history check and provide a report of the results to the requesting transit service provider. The report would need to contain any public criminal history information on the employee and the results of the fingerprint-based criminal history check. A fee charged could not exceed the actual and reasonable cost of conducting the check.
- Require the transit service provider who chooses to fingerprints applicants to develop a written fingerprint policy and provide those applicants with a written synopsis of the policy that describes how fingerprints are taken, to whom the fingerprints are sent, and how the fingerprints are used.
- Require that the State Police store and maintain all fingerprints submitted in an automated fingerprint identification system database that provides for automatic notification when a subsequent criminal arrest fingerprint card submitted into the system matches a set of fingerprints previously submitted. When a match is made, the State Police would be required to immediately notify the transit service provider that employs the employee.

- Any criminal history data kept on file by the provider would be exempt from disclosure under the Freedom of Information Act.

The term "transit service provider" is defined in the bill to refer to a motor carrier of passengers under the Motor Bus Transportation Act, and a public transportation authority formed under any of various acts. The term would not apply to schools or other entities owning or operating buses under the Pupil Transportation Act.

#### **FISCAL IMPACT:**

The bill would authorize, but not require, a transit service provider to require the fingerprinting of an employee who comes in contact a vulnerable population for the purpose of obtaining a criminal history record identification. As described in the above analysis, "transit service provider," "employee," and "criminal history record information" are all defined terms in the bill. The bill defines "employee" as an individual applying for employment as a bus driver. "Transit service providers" includes private bus companies licensed under the Motor Bus Transportation Act (1982 PA 432) and public transit agencies. There are 79 public transit agencies in Michigan. These 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. The H-3 substitute does not include schools that own or operate school buses under authority of the Pupil Transportation Act (1990 PA 187).

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. The bill would have no apparent fiscal impact on state government. To the extent that the Michigan State Police incurred costs in conducting fingerprint-based criminal background checks, the bill would authorize the Michigan State Police to charge a fee for a fingerprint-based criminal background check, the fee not to exceed the actual and reasonable cost of conducting the check.

#### **POSITIONS:**

Ontonagon County Public Transit supports the bill. (5-16-12)

The Michigan Public Transit Association supports the bill. (6-5-12)

The Department of State Police is neutral on the bill. (6-5-12)

Legislative Analyst: E. Best

Fiscal Analysts: William E. Hamilton

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.