

HOUSE BILL No. 5391

February 9, 2012, Introduced by Reps. Huuki, Kowall, Somerville, Foster, Olson, Muxlow, Goike, Roy Schmidt, Liss, Glardon, Lori, Agema, Daley and Wayne Schmidt and referred to the Committee on Transportation.

A bill to authorize transit service providers to fingerprint certain individuals for the purpose of receiving criminal history record information from the department of state police and the federal bureau of investigation; to prescribe the powers and duties of certain state departments and officers; and to provide for the collection of fees.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. As used in this act:

2 (a) "Bus" means a motor bus as defined in section 3 of the
3 motor bus transportation act, 1982 PA 432, MCL 474.103. Bus
4 includes a school bus as defined in section 7 of the pupil
5 transportation act, 1990 PA 187, MCL 257.1807.

6 (b) "Criminal history record information" means that term as
7 defined in section 1a of 1925 PA 289, MCL 28.241a.

1 (c) "Driver" means an individual applying for employment with
2 or employed by a transit service provider for the purpose of
3 operating a bus.

4 (d) "Transit service provider" means all of the following:

5 (i) A motor carrier of passengers as defined in section 3 of
6 the motor bus transportation act, 1982 PA 432, MCL 474.103.

7 (ii) A school or other entity that owns or operates a school
8 bus subject to the pupil transportation act, 1990 PA 187, MCL
9 257.1801 to 257.1877.

10 (iii) A public transportation authority formed under any of the
11 following:

12 (A) 1963 PA 55, MCL 124.351 to 124.359.

13 (B) The metropolitan transportation authorities act of 1967,
14 1967 PA 204, MCL 124.401 to 124.426.

15 (C) The urban cooperation act of 1967, 1967 (Ex Sess) PA 7,
16 MCL 124.501 to 124.512.

17 (D) 1967 (Ex Sess) PA 8, MCL 124.531 to 124.536.

18 (E) 1951 PA 35, MCL 124.1 to 124.13.

19 (F) The public transportation authority act, 1986 PA 196, MCL
20 124.451 to 124.479.

21 (G) The nonprofit corporation act, 1982 PA 162, MCL 450.2101
22 to 450.3192.

23 (h) The revenue bond act of 1933, 1933 PA 94, MCL 141.101 to
24 141.140.

25 (i) The home rule city act, 1909 PA 279, MCL 117.1 to 117.38.

26 (j) The charter township act, 1947 PA 359, MCL 42.1 to 42.34.

27 Sec. 2. (1) Notwithstanding any other provision of law to the

1 contrary, a transit service provider may require the fingerprinting
2 of a driver for the purpose of obtaining criminal history record
3 information on that driver. Fingerprints obtained pursuant to this
4 section may be submitted by the transit service provider to the
5 department of state police for a state criminal history record
6 check and to the federal bureau of investigation for a national
7 criminal history record check.

8 (2) The department of state police shall serve as the sole
9 source for receiving fingerprint submissions from transit service
10 providers and for receiving the responses to those fingerprint
11 submissions from the federal bureau of investigation. The criminal
12 history record information obtained by the department of state
13 police shall be disseminated to the transit service provider.

14 (3) A transit service provider may charge a driver the
15 appropriate fees for the state and national criminal history record
16 check. The appropriate fees for a state and national criminal
17 history record check shall be submitted by the transit service
18 provider to the department of state police.

19 (4) A transit service provider that fingerprints drivers under
20 this section shall develop a written fingerprint policy and shall
21 provide those drivers with a written synopsis of the fingerprinting
22 policy that describes how fingerprints are taken, how fingerprints
23 are controlled while in the possession of the transit service
24 provider, whom the fingerprints are sent to, and how the
25 fingerprints are used.

26 (5) The fingerprint impression of an applicant or licensee
27 obtained under this act shall not be permanently retained by the

1 transit service provider after the completion of the criminal
2 history record check unless the driver requests in writing to the
3 transit service provider that he or she would like the fingerprint
4 impression kept on file for future use.

5 (6) Any biometric data kept on file by the transit service
6 provider are exempt from disclosure under section 13(1)(d) of the
7 freedom of information act, 1976 PA 442, MCL 15.243.

8 Enacting section 1. This act takes effect 90 days after the
9 date it is enacted into law.