FINGERPRINTING OF TRANSIT SERVICE EMPLOYEES
Act 341 of 2012

AN ACT 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.

History: 2012, Act 341, Eff. Mar. 28, 2013.

The People of the State of Michigan enact:

474.31 Definitions.

Sec. 1. As used in this act:

(a) "Bus" means a motor bus as defined in section 3 of the motor bus transportation act, 1982 PA 432, MCL 474.103.

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

(c) "Employee" means an individual applying for employment as a bus driver with a transit service provider.

(d) "Transit service provider" means a public transportation authority formed under any of the following:

(*i*) 1963 PA 55, MCL 124.351 to 124.359.

(*ii*) The metropolitan transportation authorities act of 1967, 1967 PA 204, MCL 124.401 to 124.426.

(*iii*) The urban cooperation act of 1967, 1967 (Ex Sess) PA 7, MCL 124.501 to 124.512.

(*iv*) 1967 (Ex Sess) PA 8, MCL 124.531 to 124.536.

(*v*) 1951 PA 35, MCL 124.1 to 124.13.

(*vi*) The public transportation authority act, 1986 PA 196, MCL 124.451 to 124.479.

(*vii*) The nonprofit corporation act, 1982 PA 162, MCL 450.2101 to 450.3192.

(*viii*) The revenue bond act of 1933, 1933 PA 94, MCL 141.101 to 141.140.

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

(*x*) The charter township act, 1947 PA 359, MCL 42.1 to 42.34.

(e) "Vulnerable population" means children, the elderly, or individuals with disabilities.

History: 2012, Act 341, Eff. Mar. 28, 2013.

474.32 Fingerprint-based criminal history check.

Sec. 2. (1) Notwithstanding any other provision of law to the contrary, a transit service provider may require the fingerprinting of an employee who comes into contact with a vulnerable population for the purpose of obtaining criminal history record information. Fingerprints obtained pursuant to this section may be submitted to the department of state police for a state criminal history record check. The department of state police shall forward the employee's fingerprints to the federal bureau of investigation for a national criminal history record check.

(2) A fingerprint-based criminal history check under this act shall be conducted in a manner prescribed by the department of state police. The department of state police shall conduct the fingerprint-based criminal history check and provide a report of the results to the requesting transit service provider.

(3) The department of state police may charge a fee for the fingerprint-based criminal history check. A fee for a fingerprint-based criminal history check charged under this subsection shall not exceed the actual and reasonable cost of conducting the check.

(4) A transit service provider that fingerprints employees under this section shall develop a written fingerprint policy and shall provide those employees with a written synopsis of the fingerprinting policy that describes how fingerprints are taken, to whom the fingerprints are sent, and how the fingerprints are used.

(5) The department of state police shall store and maintain all fingerprints submitted under this act in an automated fingerprint identification system database that provides for an automatic notification when a subsequent criminal arrest fingerprint card submitted into the system matches a set of fingerprints previously submitted in accordance with this act. Upon a match, the department of state police shall immediately notify the transit service provider that employs the employee. After the federal bureau of investigation implements a similar automatic notification system, the department of state police shall forward notifications from that system to the transit service provider.

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

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