

2014 -- S 2103

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LC003139
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

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A N A C T

RELATING TO PUBLIC UTILITIES AND CARRIERS - RHODE ISLAND PUBLIC
TRANSIT AUTHORITY

Introduced By: Senators Raptakis, Sosnowski, Kettle, Satchell, and Cote

Date Introduced: January 21, 2014

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 39-18-4.1 of the General Laws in Chapter 39-18 entitled "Rhode
2 Island Public Transit Authority" is hereby amended to read as follows:

3 **39-18-4.1. Health and safety of passengers.** -- (a) The authority shall have the power to
4 establish reasonable rules of conduct for passengers for the protection of the health and safety of
5 passengers and employees of the authority. The rules shall incorporate the provisions of the
6 Americans with Disabilities Act of 1990, 42 USC section 12101 et seq., and section 28-5.1-7,
7 chapter 28 of title 11 and chapter 87 of title 42 and be promulgated in accordance with the
8 provisions of chapter 35 of title 42.

9 (b) All controversies arising out of application of any provision of this section shall be
10 determined by the general manager or his or her designated hearing officer, who shall afford a
11 hearing to the passenger and/or his or her parent or guardian, and, after hearing, shall render a
12 written decision. The decision of the general manager or hearing officer shall be final except that
13 the passenger aggrieved by the decision shall have a right of appeal to the superior court, which
14 shall affirm the decision unless it is clearly erroneous or contrary to law. The hearing shall be
15 conducted in accordance with the provisions of chapter 35 of title 42.

16 (c) Notice shall be provided to the RIdE funding agency or agencies for any hearing
17 regarding their client/passengers on RIdE vehicles. A representative of the RIdE funding agency
18 or agencies may attend the hearing. The general manager or hearing officer will consider the

1 recommendation of the RId e funding agency's representative in rendering his/her decision.

2 (d) The decision of the general manager or hearing officer may include:

3 (1) Refusing to transport a person whose violation of the rules of the authority threatens
4 the health and safety of passengers or employees of the authority, for a period not to exceed six
5 (6) months; and/or

6 (2) Revoking a passenger's ticket, pass, or other fare medium, regardless of the number
7 of trips or time period for which the ticket, pass, or other fare medium is valid, if the passenger's
8 continued presence on an authority vehicle or at an authority facility threatens the health or safety
9 of the authority's other passengers or employees. The authority shall within a reasonable time
10 after such a revocation, refund to the passenger the unused value of the ticket, pass, or other fare
11 medium.

12 (e) Nothing under this section precludes any other action permitted by law.

13 (f) All RId e buses shall be installed with passenger security cameras when federal funds
14 become available for this purpose.

15 (g) Any person seeking employment as a RId e bus driver shall undergo a criminal
16 background check to be initiated prior to or within one week of employment. All employees hired
17 prior to the enactment of this subsection shall be exempted from its requirements.

18 (1) The applicant shall apply to the bureau of criminal identification (BCI), department
19 of attorney general, state police or local police department where he or she resides, for a statewide
20 criminal records check. Fingerprinting shall not be required. Upon the discovery of any
21 disqualifying information as defined in section 23-17-37, the bureau of criminal identification of
22 the state police or the local police department will inform the applicant, in writing, of the nature
23 of the disqualifying information; and, without disclosing the nature of the disqualifying
24 information, will notify the employer, in writing, that disqualifying information has been
25 discovered. [The applicant shall also apply to the Federal Bureau of Investigation for a federal](#)
26 [criminal records check.](#)

27 (2) An individual against whom disqualifying information has been found may request
28 that a copy of the criminal background report be sent to the employer who shall make a judgment
29 regarding the ability of the individual to drive a RId e bus. In those situations in which no
30 disqualifying information has been found, the bureau of criminal identification, state police or
31 local police department shall inform the applicant and the employer in writing of this fact.

32 (3) The criminal record check requirements of this section shall apply only to persons
33 seeking to drive RId e buses.

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1 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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1 This act would require any person seeking employment as a bus driver to apply to the
2 Federal Bureau of Investigation for a criminal records check in addition to the bureau of criminal
3 identification for a statewide criminal records check.

4 This act would take effect upon passage.

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