STATE OF NEW YORK

8386

2025-2026 Regular Sessions

IN SENATE

June 6, 2025

Introduced by Sen. COMRIE -- (at request of the Metropolitan Transportation Authority) -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the public authorities law, in relation to authorizing federal fingerprint background checks for certain MTA and New York transit authority applicants for employment

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision 19 of section 1266 of the public authorities law, as added by chapter 261 of the laws of 2021, is amended to read as follows:

19. **(a)** In connection with their lawful responsibilities or functions **under this section, the MTA bus company**, **a subsidiary of** the authority [~~and its subsidiaries, including Metro-North Commuter Railroad, the Long Island Rail Road, MTA bus and the Staten Island rapid transit operating authority, the Triborough bridge and tunnel authority, and the New York city transit authority and its subsidiary the Manhattan and Bronx surface transit operating authority, are authorized to request, receive and review criminal history information through the division of criminal justice services with respect to any person applying for a safety sensitive position. When requested, such applicant shall submit to the authority or the requesting affiliate or subsidiary his or her fingerprints in such form and in such manner as specified by the division, for the purpose of conducting a criminal history search identifying criminal convictions and pending criminal charges and returning a report thereon in accordance with the procedures and requirements established by the division pursuant to the provisions of article thirty-five of the executive law, which shall include the payment of the reasonable prescribed processing fee for the cost of the division's full search and retention procedures and a national criminal history record check. The authority or requesting affiliate or subsidiary shall submit such fingerprints and~~

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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~~the processing fee to the division. The division shall forward to the authority or the requesting affiliate or subsidiary a report with respect to the applicant's previous criminal history, if any, or a statement that the applicant has no previous criminal history according to its files. Fingerprints submitted to the division pursuant to this subdivision may also be submitted to the federal bureau of investigation for a national criminal history record check. If additional copies of fingerprints are required, the applicant shall furnish them upon request. Upon receipt of such criminal history information, the authority or the requesting affiliate or subsidiary shall provide such applicant with a copy of such criminal history information, together with a copy of article twenty-three-A of the correction law, and inform such applicant of his or her right to seek correction of any incorrect information contained in such criminal history information pursuant to regulations and procedures established by the division of criminal justice services. The authority or the requesting affiliate or subsidiary shall ensure that adequate notice be provided to such applicant regarding the fact that state and national criminal history record checks may be conducted. This provision shall not preclude or alter the process by which a municipal civil service commission obtains and provides background information pursuant to subdivision four of section fifty of the civil service law relating to applicants for civil service appointments at the New York city transit authority and the Triborough bridge and tunnel authority.~~], is authorized to require applicants for employment to a title that performs safety sensitive functions to undergo a state and national criminal history record check. When required, the fingerprints of such an applicant shall be submitted to the division of criminal justice services and the division of criminal justice services shall submit such fingerprints to the federal bureau of investigation, in accordance with applicable rules or regulations promulgated by such entities, in order to obtain relevant state criminal history record information, if any, concerning such applicant and for a national criminal history record check. The MTA bus company shall ensure that adequate notice is provided to applicants regarding the fact that state and national criminal history record checks will be conducted, and the procedures therefor. The results of such state and national criminal records searches shall be provided to the MTA bus company. Upon receipt of such criminal history record information, the applicant shall be provided with a copy of such criminal history record information, together with a copy of article twenty-three-A of the correction law, and such applicant shall be informed of such applicant's right to seek correction of any incorrect information contained in such criminal history record information pursuant to regulations and procedures established by the division of criminal justice services. This provision shall not preclude or alter the process by which a municipal civil service commission obtains and provides background information pursuant to subdivision four of section fifty of the civil service law relating to applicants for civil service appointments at the New York city transit authority and the Triborough bridge and tunnel authority.

(b) For the purposes of this subdivision, the following terms shall have the following meanings:

(i) "Safety sensitive function" means any of the following functions:

(1) operating a revenue service vehicle, including when not in revenue service;

(2) operating a nonrevenue service vehicle, when required to be operated by a holder of a commercial driver's license;

(3) controlling dispatch or movement of a revenue service vehicle; or

(4) maintaining (including repairs, overhaul and rebuilding) a revenue service vehicle or equipment used in revenue service.

(ii) "Vehicle" means a bus, van, automobile, rail car, trolley car, trolley bus, or vessel.

§ 2. Section 1203-a of the public authorities law is amended by adding a new subdivision 12 to read as follows:

12. (a) In connection with their lawful responsibilities or functions under this section, the Manhattan and Bronx surface transit operating authority, a subsidiary of the New York city transit authority, is authorized to require applicants for employment to a title that performs safety sensitive functions to undergo a state and national criminal history record check. When required, the fingerprints of such an applicant shall be submitted to the division of criminal justice services and the division of criminal justice services shall submit such fingerprints to the federal bureau of investigation, in accordance with applicable rules or regulations promulgated by such entities, in order to obtain relevant state criminal history record information, if any, concerning such applicant and for a national criminal history record check. The Manhattan and Bronx surface transit operating authority shall ensure that adequate notice is provided to applicants regarding the fact that state and national criminal history record checks will be conducted, and the procedures therefor. The results of such state and national criminal records searches shall be provided to the Manhattan and Bronx surface transit operating authority. Upon receipt of such criminal history record information, the applicant shall be provided with a copy of such criminal history record information, together with a copy of article twenty-three-A of the correction law, and such applicant shall be informed of such applicant's right to seek correction of any incorrect information contained in such criminal history record information pursuant to regulations and procedures established by the division of criminal justice services. Such provision shall not preclude or alter the process by which a municipal civil service commission obtains and provides background information pursuant to subdivision four of section fifty of the civil service law relating to applicants for civil service appointments at the New York city transit authority and the Triborough bridge and tunnel authority.

(b) For the purposes of this subdivision, the following terms shall have the following meanings:

(i) "Safety sensitive function" means any of the following functions:

(1) operating a revenue service vehicle, including when not in revenue service;

(2) operating a nonrevenue service vehicle, when required to be operated by a holder of a commercial driver's license;

(3) controlling dispatch or movement of a revenue service vehicle; or

(4) maintaining (including repairs, overhaul and rebuilding) a revenue service vehicle or equipment used in revenue service.

(ii) "Vehicle" means a bus, van, automobile, rail car, trolley car, trolley bus, or vessel.

§ 3. This act shall take effect immediately.