

Department of Legislative Services
Maryland General Assembly
2023 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1053
Judiciary

(Delegate Ebersole, *et al.*)

Maryland Department of Transportation - Child Exploitation and Human
Trafficking Awareness, Training, and Response (See Someone, Save Someone
Act)

This bill requires the Maryland Department of Transportation (MDOT) to develop or identify and implement a training program, including a curriculum, on the identification and reporting of suspected child exploitation and human trafficking. MDOT must *administer* the training program to (1) specified MDOT employees (including contract employees) and employers, as defined in the bill; (2) taxicab drivers; and (3) transportation network operators. The Public Service Commission (PSC) may not issue or renew a taxicab driver's license or issue a transportation network operator's license or provisional authorization, as specified, unless the applicant has completed the training program. Each affected employer must establish a child exploitation and human trafficking reporting procedure and a prevention policy, as specified. Finally, MDOT must disseminate information and resources about child exploitation and human trafficking by developing and displaying signs and by requiring frequent public service announcements.

Fiscal Summary

State Effect: Special fund expenditures for PSC increase by \$55,900 in FY 2024, increasing to \$74,000 by FY 2028; PSC special fund revenues increase correspondingly from assessments imposed on public service companies. Transportation Trust Fund (TTF) expenditures increase, potentially significantly beginning in FY 2024, as discussed below.

Local Effect: The bill does not directly affect local government operations or finances.

Small Business Effect: Meaningful.

Analysis

Bill Summary:

Applicability

The bill applies to an employee who is (1) a State employee who works at a transit station, airport, port facility, or highway rest stop; (2) employed under a contract with the State, including hospitality employees, who works at a transit station, airport, port facility, or highway rest stop; (3) a State employee who provides transit service; or (4) employed under a contract with the State to provide transit service. It also applies to the employer of one of these employees, a taxicab driver, and a transportation network operator.

Child Exploitation and Human Trafficking Awareness Training

The training program must include a video presentation that (1) defines child exploitation and human trafficking and (2) offers guidance to employees, contract employees, taxicab drivers, and transportation network operators on the identification of potential victims of child exploitation and human trafficking and protocols for reporting suspected child exploitation and human trafficking.

By October 1, 2024, and each October 1 thereafter, each employer must certify to MDOT that their employees have completed the training program. New employees must complete the training within 90 days after their hire dates.

Reporting Procedures and Prevention Policies Related to Child Exploitation and Human Trafficking

Each employer, in consultation with MDOT, must (1) establish a procedure for reporting suspected incidents of child exploitation or human trafficking to appropriate security staff, law enforcement, or the National Human Trafficking Resource Center hotline and (2) implement a child exploitation and human trafficking prevention policy for employees, contract employees, taxicab drivers, and transportation network operators by providing information on how to recognize potential victims, respond to an individual who may be or is a victim, and connect an individual who may be or is a victim with available resources.

An employer, employee, contract employee, taxicab driver, or transportation network operator may not be held civilly or criminally liable for reporting or responding in good faith to a suspected incident of child exploitation or human trafficking.

Dissemination of Information and Resources

MDOT must develop a sign displaying information and resources for child exploitation and human trafficking victims and require the sign to be displayed at transit stations, airports, port facilities, and highway rest stops.

MDOT must require frequent public service announcements with safety information for child exploitation and human trafficking victims to be made, in both English and Spanish, at transit stations, airports, port facilities, and highway rest stops.

Taxicab and Transportation Network Operator Licensing

PSC may not issue or renew a taxicab driver's license unless the applicant has completed the training program provided by MDOT. PSC also may not issue a temporary or permanent transportation network operator's license or authorize operation on a provisional basis unless the applicant has completed the training program provided by MDOT.

Current Law:

Human Trafficking Training

Numerous government entities and licensed businesses in the State are required to provide, approve, and/or receive training on the identification and reporting of human trafficking. For example:

- the Maryland State Department of Education is required to collaborate with the Maryland Department of Health to provide awareness and training for Directors of Student Services in local education agencies on human trafficking, including strategies for the prevention of trafficking of children;
- a commercial driver's license training school is required to include, as part of its curriculum, education and training on the recognition, prevention, and effective reporting of human trafficking; and
- each innkeeper must provide a new employee with an annual training for the accurate and prompt identification and reporting of suspected human trafficking (any such training program must be approved by the Governor's Office of Crime Prevention, Youth, and Victim Services and the Maryland Department of Labor).

Public Service Commission

In addition to its better-known role in the regulation of electric and gas utility rates, PSC also regulates persons engaged in the public transportation of individuals for-hire in such

as cars, vans, limousines, and buses. This includes issuing relevant permits for the vehicles and issuing related licenses to authorize drivers to operate those vehicles for hire.

Generally, a person may not operate a motor vehicle for-hire in the State under a permit or authorization to transport passengers issued by PSC or the appropriate local authority unless the person holds a for-hire driver's license or a transportation network operator's (e.g., an Uber driver) license issued by PSC. There are limited exceptions. PSC only issues permits for taxicabs in Baltimore City and a few local jurisdictions.

State Fiscal Effect:

Maryland Department of Transportation

MDOT can likely handle the development and implementation of the reporting procedure, the prevention policy, and public service announcements using existing resources. However, MDOT is likely to incur potentially significant costs to implement the bill's provisions relating to training and to post signs at its facilities, as discussed below.

Training for Taxicab Drivers and Transportation Network Operators: PSC advises that the bill's training requirement likely applies to more than 445,000 taxicab drivers and transportation network operators (based on the total number of licensees in the State at the end of calendar 2021). This analysis assumes that the training requirements apply for existing transportation network operator licensees upon the expiration of their licenses. [Current PSC regulations](#) for these individuals do not include a renewal process and transportation network operator licenses are only valid for three years, meaning that these licenses are reissued rather than renewed.

MDOT does not have any existing regulatory relationship with taxicab drivers and transportation network operators, as they are licensed by PSC, making administering the training to these individuals complex. Due to this complexity and the number of individuals that likely need training from MDOT, the TTF expenditure increase could be significant, although a precise estimate ultimately depends on the process implemented by MDOT under the bill. Even if MDOT chooses to identify an existing training that can be used (as authorized by the bill), MDOT is still responsible for *administering* the training. In addition, the bill does not authorize MDOT to charge a fee for administering the training. As a result, MDOT incurs costs to pay for the training for these individuals (which may include costs to provide space for the training, among other administrative costs). Costs are anticipated to be ongoing, albeit less pronounced in future years.

Training for Maryland Department of Transportation Staff and Contractors: MDOT anticipates being able to develop a training for its own employees and contractors in-house using existing resources. To implement the program, training for *new*

employees/employers can be added to existing trainings and orientations at no additional cost; however, TTF expenditures may increase in fiscal 2024 as a result of additional overtime needed to conduct the training for hundreds, if not thousands, of *existing* employees and contractors. Since there is no explicit timeframe by which the training must be completed, and only a requirement that employers certify to MDOT that the training has been completed by October 1, 2024, MDOT may be able to conduct the training for existing employees/contractors on a staggered basis to avoid or reduce overtime costs.

Signage: TTF expenditures increase significantly, likely by hundreds of thousands of dollars in fiscal 2024, to post signs at MDOT’s transit stations, airports, port facilities, and highway rest stops. The bulk of the cost is anticipated for the Maryland Transit Administration, which has more than 4,000 bus stops, 33 light rail stops (most of which lack any place to display signs), and 14 metro stations; however, the Maryland Aviation Administration and Maryland Port Authority may experience thousands of dollars in new costs as well, depending on how many signs are placed at the ports and airports. *For illustrative purposes only*, at an estimated cost of \$100 to develop and post each sign, placing a single sign at each bus stop alone would cost \$400,000. In future fiscal years, signage costs are likely minimal and absorbable, as MDOT only needs to replace signs as needed.

Maryland Transportation Authority

Nonbudgeted expenditures for the Maryland Transportation Authority are not anticipated to be materially affected.

Public Service Commission

PSC advises that it requires additional staff to implement the bill. Accordingly, special fund expenditures for PSC increase by \$55,908 in fiscal 2024, which accounts for the bill’s October 1, 2023 effective date. This estimate reflects the cost of hiring one administrator to coordinate with MDOT, handle the additional workload generated by the bill related to the issuance of licenses, and ensure compliance. It includes a salary, fringe benefits, one-time start-up costs, and ongoing operating expenses.

Position	1.0
Salary and Fringe Benefits	\$46,249
Operating Expenses	<u>9,659</u>
Total FY 2024 PSC Expenditures	\$55,908

Future year expenditures reflect a full salary with annual increases and employee turnover as well as annual increases in ongoing operating expenses. Special fund revenues increase correspondingly from assessments imposed on public service companies.

Small Business Effect: To the extent taxicab companies/drivers are considered small businesses, these individuals are required to receive additional training under the bill and are not able to renew their licenses if the training is not completed.

Additional Information

Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: SB 203 (Senator Jackson) - Judicial Proceedings.

Information Source(s): Maryland Department of Transportation; Public Service Commission; University System of Maryland; Department of State Police; Maryland Association of Counties; Harford and Wicomico counties; City of College Park; Baltimore City Community College; Department of Legislative Services

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rh/lgc

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