

**NetChoice** *Promoting Convenience, Choice, and Commerce on The Net*  
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Senator Erin Lynch Prata, Chair  
Senate Judiciary Committee  
Rhode Island State Senate

February 12, 2018

*RE: Opposition to SB 2281 - Mandatory Fingerprint Background Checks for Rideshare Drivers*

Dear Chairperson Prata and members of the committee:

We ask that you not adopt SB 2280.

Today, transportation network companies (“TNCs”) create economic opportunities for thousands of Rhode Island residents and provide affordable and convenient transportation opportunities for community members across the state.

However, we ask you avoid adopting rules that would require TNCs to use fingerprint-based background checks as it will depress the availability and use of these services, provide no material benefit to safety, and increase road congestion and pollution across the state.

Some constituencies, in arguing for a level playing field, have urged adoption of rules that would significantly disadvantage promising new technologies and business models. Imposition of their recommendations, like fingerprinting, serve more to prop up older existing business models than to advance innovation or protect the public.

Emerging business models must be looked at in a new way and regulations must evolve to take into account the advancement in technologies. When regulating new technologies, we must avoid trying to fit emerging technologies into boxes that were created to regulate older, pre-existing models.

[Requiring TNC drivers to undergo a fingerprint-based background check provides NO material safety improvement](#)

Fingerprint-based background checks will not provide a material safety improvement in the existing TNC driver applicant screening process and instead will act to exclude Rhode Island residents from participating in the sharing economy.

States across the country have found that fingerprinting background checks are flawed.<sup>1</sup>

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<sup>1</sup> See, e.g., Randy Ludlow, State background-check system flawed and unreliable, Columbus Dispatch (Apr. 23, 2015), finding that, in part, “The computerized background-check system ... has been troubled for years, sometimes indicating that thousands of criminals have clean records.”

Rather than relying on potentially flawed systems for background checks, TNC operators like Lyft and Uber instead implement real-time security that is not found in existing transportation services.

Before driving for Lyft, every driver is screened for criminal offenses and driving incidents. This criminal background check includes national and county-level databases, and when necessary, local courthouse records.

For example, when I applied to become a Lyft driver, I provided my personal information, which included my birth date, mailing address, phone number, email address, driver's license number, vehicle information, and Social Security number. This information was used for my background check. In addition, Lyft also did a check of my insurance.

For Uber, every driver's check starts with a social security trace to identify addresses associated with the potential driver's name during the past seven years, and then searches for driver name and addresses in a series of national, state and local databases for convictions in the past seven years.

Since 2012, TNCs have used third party provider background checks that can be based on name-based and social security trace background checks, including Sterling Talent Solutions ("Sterling") and Checkr

For over forty years, Sterling (previously known as "Sterling BackCheck") has reliably checked backgrounds. With over 20,000 customers around the world, including a quarter of the Fortune 100, Sterling is the world's largest company focused entirely on background checks. Sterling is certified by National Association of Professional Background Screeners (NAPBS). Sterling conducts national and county-level databases, and when necessary, local courthouse record checks for Lyft driver applicants.

Checkr is accredited by National Association of Professional Background Screeners (NAPBS) and Background Screening Credentialing Council (BSCC) of NAPBS.

All checks include the Dru Sjodin National Sex Offender Public Website, National Criminal Search and several databases used to flag suspected terrorists. After finding a potential criminal record, Checkr reviews the record, either digitally or in-person at the relevant courthouse.

Moreover, when hailing a Lyft or Uber, passengers know the name of the driver and license plate, make, and model of the car. In addition, passengers also can see a photo of the driver and the vehicle type. From the moment passengers enter a TNC vehicle until they exit a ride, passengers' trips are monitored for safety.

Both Lyft and Uber provide a "Send ETA" feature that allows passengers to share real-time whereabouts with friends and family. And after passengers ride, they rate their driver allowing ride sharing services to continually identify great and sub-par drivers.

TNCs are constantly improving their methods and operations. More importantly their real-time feedback systems and ratings allow them to continuously monitor drivers for safety. Since 2012, over 35 states have adopted this protocol.

### Mandating TNC drivers to have a fingerprint-based background check suppresses adoption – especially in rural areas

Requiring even drivers who are only looking to work five hours a week to be fingerprinted discourages these individuals from participating in ride-sharing. While this may only take a couple of hours to complete, fingerprinting comes with a certain stigma associated with criminality and government monitoring. And it serves as another barrier to this small-time driver deciding to sign up.

### Subjecting TNC drivers to a fingerprint-based background check would increase road congestion and pollution in Rhode Island.

Fingerprint-background check requirements for TNCs would undermine Rhode Island's initiatives to decrease road congestion and emission of air pollutants.

Ridesharing technology is addressing many of the pressing transportation needs facing Rhode Island. Transporting more passengers in fewer vehicles allows consumers to share costs and obtain lower fares.

As you know, in Rhode Island, the justification for the \$226 million Route 6/10 and Interstate 95 Interchange Project is to relieve traffic congestion.<sup>2</sup> These are the types of benefits that ride-sharing enables.

However, it has been shown that imposing a mandated fingerprint-based background check would undermine these efforts as it would discourage Rhode Island residents from becoming drivers and subsequently depress the success of the ride-sharing industry. This would result in more single-occupancy vehicles on Rhode Island roads, increased air pollution, and increased taxpayer costs for road repairs and similar public work projects.

We appreciate your consideration of these concerns and urge you not adopt fingerprint-background check requirements for TNCs.

To that end, we ask that you not adopt SB 2280.

Sincerely,



Carl Szabo  
Vice President and General, NetChoice  
[www.netchoice.org](http://www.netchoice.org)

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<sup>2</sup> RI Government, *The First Year of RhodeWorks Fulfills Promises, Delivers on Improving Rhode Island's Crumbling Roads and Bridges* (Feb. 22, 2017)

## Lyft – Background Checks for Drivers

Before driving for Lyft, every driver is screened for criminal offenses and driving incidents. This criminal background check includes national and county-level databases, and when necessary, local courthouse records.

### Lyft’s Grounds for Disqualification

Disqualification from driving if the background check reveals convictions for any of the following in the past seven years:

1. violent crime
2. felony
3. drug-related offense
4. sexual offense
5. theft or property damage offenses

Or, if any of the below are found on their driving record:

1. More than three moving violations in the past three years (e.g. accidents, traffic light violations)
2. A major moving violation in the past three years (e.g., driving on a suspended license, reckless driving)
3. A DUI or drug-related driving violation in the last seven years
4. Any driving-related convictions in the last seven years (e.g. hit-and-run, felonies involving a vehicle)

## Uber - Background Checks for Drivers

For Uber, every driver’s check starts with a social security trace to identify addresses associated with the potential driver’s name during the past seven years, and then searches for driver name and addresses in a series of national, state and local databases for convictions in the past seven years.

### Uber’s Grounds for Disqualification

Disqualification if potential driver appears on the DOJ50-State Sex Offender Registry, National Sex Offender Registry, or on a series of databases that flag suspected terrorists.

Disqualification if within the last 7 years, driver is found to have convictions for any of the below:

- DUI or drug-related driving convictions
- Fraud
- Reckless driving
- Hit and runs
- Violent crimes (assault, battery, homicide)
- Sexual offenses
- Crimes involving property damage
- Felony or misdemeanor for theft (burglary, stealing, robbery, etc.)
- Fatal accidents
- Resisting/evading arrest
- Any other felony
- Acts of terrorism

Disqualification if, in the state in which the potential driver is currently licensed, the potential driver is found to have any of the below on their record within the past 3 years:

- Driving on a suspended, revoked, or invalid license
- Driving with suspended, revoked, or invalid insurance
- 3 or more accidents, normal speeding tickets, miscellaneous driving violations, or traffic violations



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Sterling Talent Solutions is certified by National Association of Professional Background Screeners (NAPBS).

Other Sterling clients include:

- Schools and universities, like City University of New York
- Government services
- Healthcare professional services, like Adventist Health System
- Elder care facilities
- Retail outlets
- Volunteer services, like Points of Light
- Exercise facilities, like 24 Hour Fitness
- Groups that work with minors, like USA Swimming



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Other Checkr clients include:

- Hospitality services
- Healthcare professional services
- Higher education services
- Elder care facilities
- Retail outlets
- Volunteer services
- Manufacturing facilities