NetChoice *Promoting Convenience, Choice, and Commerce on The Net*
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Today, transportation network companies ("TNCs") create economic opportunities for tens of thousands of Maryland 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 Maryland residents from participating in the sharing economy.

States across the country have found that fingerprinting background checks are flawed.[1] 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.

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[1] *See, e.g.*, Randy Ludlow, State background-check system flawed and unreliable, Columbus Dispatch (Apr. 23, 205), finding that, in part, "The computerized background-check system … has been troubled for years, sometimes indicating that thousands of criminals have clean records."

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.

Since 2012, TNCs have used third party provider background checks that can be based on name-based and social security trace background checks.

Lyft uses Sterling Talent Solutions ("Sterling"). 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.

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

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

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, 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 Maryland.

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

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

As you know, in Maryland "The primary purpose of HOV lanes is to maximize the number of people traveling in a lane, while promoting carpooling and transit."[2] 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 Maryland residents from becoming drivers and subsequently depress the success of the ride-sharing industry. This would result in more single-occupancy vehicles on Maryland 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.

Sincerely,

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[2] MD State Highway - *HOV, HOT and ETL Lanes: WHAT ARE THE DIFFERENCES? HOV, HOT and ETL Lanes: WHAT ARE THE DIFFERENCES?, available at* http://www.mdot.maryland.gov/Office_of_Planning_and_Capital_Programming/Express_Toll_Lanes/Documents/HOV_HOT_ETL.pdf

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:

- violent crime
- felony
- drug-related offense

- sexual offense
- theft or property damage offenses

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

- More than three moving violations (e.g. accidents, traffic light violations)
- A major moving violation (e.g., driving on a suspended license, reckless driving)

- A DUI or drug-related driving violation
- Any driving-related convictions (e.g. hit-and-run, felonies involving a vehicle)

Lyft driver background checks are conducted by Sterling Talent Solutions

For over forty years, Sterling Talent Solutions has reliably checked backgrounds.

With over 20,000 customers around the world, including a quarter of the Fortune 100, Sterling Talent Solutions is the world's largest company focused entirely on background checks.

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

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 and then searches for driver name and addresses in a series of national, state and local databases for convictions.

Uber's Grounds for Disqualification

Disqualification if potential driver appears on the DOJ 50-State Sex Offender Registry, National Sex Offender Registry, or on a series of databases that flag suspected terrorists.

Disqualification if 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:

- 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

Uber driver background checks are conducted by Checkr

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

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.

Other Checkr clients include:

- Hospitality services
- Healthcare professional services
- Higher education services
- Elder care facilities

- Retail outlets
- Volunteer services
- Manufacturing facilities