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Uber, Lyft drivers to face state background checks sooner than expected - The Boston Globe

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Lucy Nicholson/Reuters/File

A driver displayed Uber and Lyft ride-sharing signs on his car.

By Adam Vaccaro Globe Staff November 28, 2016

Drivers for Uber and Lyft in Massachusetts must pass a state-run background check by early April, sooner than expected, under a new agreement between the companies and Governor Charlie Baker's administration.

The popular on-demand ride services already require their drivers to pass background checks conducted by third-party vendors before they can get on the road. But a law passed over the summer brought the state into the fold, requiring drivers to both pass the company check and one from the state.

Uber and Lyft will now provide state officials with information about their drivers, who are independent contractors. The Department of Public Utilities will then conduct the analyses, clearing the drivers if they pass.

DPU Chairwoman Angela O'Connor said the state background check will not simply replicate the companies' process.

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"It is a different check," she said. "They don't have access to the same databases that we do."

The state will conduct Criminal Offender Record Information and Sex Offender Registry Information background checks and consult Registry of Motor Vehicles records to determine drivers' suitability. The state will also know whether applicants face any arrest warrants in Massachusetts, which Uber and Lyft cannot determine, O'Connor said.

However, she said, the state will rely on the companies to determine applicants' out-of-state history through commercially available databases and the US Department of Justice's National Sex Offender website.

Governor Baker, speaking on WGBH-FM on Monday, said the new rules give Massachusetts "the

most comprehensive background check in the country" a " though some cities, including Houston and Austin, require that Uber and Lyft drivers submit to fingerprint-based background checks, which pull in information from the FBI. That will not be the case in Massachusetts.

Fingerprinting was a major point of contention as the law was drafted. Law enforcement officials and the taxi industry, which competes with Uber and Lyft, had called for the drivers to face the requirement.

The companies have resisted the requirement, arguing that making applicants undergo in-person fingerprinting could deter them. Company officials also say fingerprinting could flag applicants who were arrested but never convicted of a crime.

According to the agreements with the companies, one past incident of violent crime, sexual assault, driving under the influence, reckless driving, or driver's license suspension could be grounds for denying an applicant.

Different offenses will draw different levels of scrutiny. For example, officials will search for reckless driving convictions within the last seven years, but the "look-back period" for a sex offense is unlimited. Drivers with more than four traffic violations or at-fault accidents on their record over a three-year period will be denied.

All drivers must be checked by April 3, but they will be allowed to continue operating in the meantime.

The state background checks will start well ahead of schedule. The new law overseeing Uber and Lyft, a complex bill dealing with more than just background checks, required the regulations to be in place by next November.

But, O'Connor said, Baker thought it was important to implement the background checks ahead of the rest of the law because they are a matter of public safety. Baker, in his radio interview, said quickly checking 25,000 drivers already on the road was a priority.

"What the public wants is for us to get everybody processed as quickly as we possibly can," he said.

Lyft spokesman Adrian Durbin said in a statement that the company was "pleased to reach an agreement with the Baker administration that maintains the high safety standards we have always observed while keeping modern transportation options like Lyft available across the Commonwealth."

In its own statement, Uber said it had been in discussions with the state about the agreement for several months.

Uber's background checks have faced scrutiny in the past, especially amid sexual assault allegations against drivers. At least three of those incidents occurred in Massachusetts this summer.

Fingerprinting will continue to be a contentious issue. **Scott Solombrino**, a livery industry executive who has advocated the check for Uber drivers, said the fight isn't over. He expects to see legislation next year that would add the fingerprint check to the process.

"The state's making an attempt to do the right thing based on how the law was written," he said. "Good for the state, but it doesn't change the fact that we think there's an even better system and it's called fingerprinting."

Taxi drivers are not required by state law to undergo fingerprinting, though they are in some cities,

including Boston.

Solombrino said he wonders whether any current Uber drivers who passed the companies' background checks will be forced off the road by the state's check.

"That's something we'll know in the next six months: how many more people passed their background checks than passed the state's review?" he said.

The agreement could resolve another controversial issue around Uber and Lyft: whether their drivers should be allowed to pick up passengers at Logan Airport, which is currently banned. Jennifer Mehigan, a spokeswoman for the Massachusetts Port Authority, said establishing a formal background check was the first step in that process.

"Massport can now move forward and work to finalize our agreements with the (companies). ... We are optimistic the agreements will be finalized soon," she said.

The agreement also requires drivers to put identifying placards distributed by the companies on their cars by Jan. 6.

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***Highlights: Scott Solombrino***