

2020 -- H 7549

=====
LC004448
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2020

—————
A N A C T

RELATING TO PUBLIC UTILITIES AND CARRIERS -- TAXI CABS AND LIMITED
PUBLIC MOTOR VEHICLES

Introduced By: Representatives Jacquard, Kennedy, and Azzinaro

Date Introduced: February 12, 2020

Referred To: House Corporations

(DPUC)

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 39-14-20 of the General Laws in Chapter 39-14 entitled "Taxicabs
2 and Limited Public Motor Vehicles" is hereby amended to read as follows:

3 **39-14-20. Licensing of operators.**

4 ~~(a)~~ No person shall operate a taxicab or limited public motor vehicle upon the public
5 highways until the person shall have first obtained:

6 (1) An an operator's license as provided for in chapter 10 of title 31;

7 (2) A background check clearance certificate in accordance with chapter 14.3 of title 39.
8 Issuance of such certificate is a separate and distinct requirement from the special license required
9 in subsection (3) of this section; and

10 ~~(b) Further, no person shall operate a taxicab or limited public motor vehicle upon the~~
11 ~~highways until the person shall have first obtained a~~

12 (3) A special license from the division of public utilities and carriers under such rules and
13 regulations as the division of public utilities and carriers shall require.

14 SECTION 2. Section 39-14.1-8 of the General Laws in Chapter 39-14.1 entitled "Public
15 Motor Vehicles" is hereby amended to read as follows:

16 **39-14.1-8. Licensing of operators.**

17 No person shall operate a public motor vehicle upon the public highways until the person
18 shall have first obtained an operator's license as provided for in chapter 10 of title 31. Further, no

1 person shall operate a public motor vehicle upon the highways until the person shall have first
2 obtained a special license from the division of public utilities and carriers under any rules and
3 regulations that the division of public utilities and carriers shall require; and provided further,
4 until the person shall have obtained a background check clearance certificate from the division
5 pursuant to chapter 14.3 of title 39.

6 SECTION 3. Section 39-14.2-7 of the General Laws in Chapter 39-14.2 entitled
7 "Transportation Network Company Services" is hereby amended to read as follows:

8 **39-14.2-7. Transportation network company operators or TNC operators, TNC**
9 **drivers.**

10 (a) No individual shall provide TNC services or transport TNC riders in a personal
11 vehicle until the individual shall have first submitted to required, periodic background checks
12 conducted through the TNC in accordance with subsection (b).

13 (b) Prior to permitting an individual to accept trip requests through its digital network, a
14 TNC shall:

15 (1) Require the individual to submit an application to the TNC. The application shall
16 include the individual's name; address; age; driver's license number; photocopy or electronic copy
17 of the driver's license; motor-vehicle registration for the personal vehicle that the individual
18 intends to use to provide prearranged rides; automobile liability insurance; and other information
19 as may be required by the TNC.

20 (2) Conduct, or have a third party accredited by the National Association of Professional
21 Background Screeners conduct, a local and national criminal background check for each
22 applicant that shall include:

23 (i) Multi-state/multi-jurisdictional criminal records locator or other similar commercial
24 nationwide database with validation (primary source search); and

25 (ii) Dru Sjodin National Sex Offender Public Website; and

26 (3) Obtain and review, or have a third party obtain and review, a driving history research
27 report for such driving applicant.

28 (c) The TNC shall certify that the required background checks verify that the applicant
29 meets the following criteria:

30 (1) Has not had more than three (3) moving violations in the prior three-year (3) period,
31 or one of the following major violations in the prior three-year (3) period:

32 (i) Attempting to evade the police;

33 (ii) Reckless driving or driving on a suspended; or

34 (iii) Revoked license;

- 1 (2) Has not, in the past seven (7) years, been convicted of or pleaded nolo contendere to
2 any of the following:
- 3 (i) Driving under the influence of drugs or alcohol;
 - 4 (ii) Felony fraud;
 - 5 (iii) Sexual offenses;
 - 6 (iv) Use of a motor vehicle to commit a felony;
 - 7 (v) Felony crimes involving property damage and/or theft; or
 - 8 (vi) Acts of violence or felony acts of terror;
- 9 (3) Is not a match in the Dru Sjodin National Sex Offender Public Website;
- 10 (4) Possesses a valid driver's license;
- 11 (5) Possesses proof of registration for the motor vehicle to be used to provide prearranged
12 rides or TNC services;
- 13 (6) Possesses proof of automobile liability insurance, that satisfies the financial-
14 responsibility requirement for a motor vehicle under § 31-47-2(13)(i)(A), for the motor vehicle(s)
15 to be used to provide prearranged rides or TNC services; ~~and~~
- 16 (7) Is at least nineteen (19) years of age; and
- 17 (8) Has obtained a background check clearance certificate from the division pursuant to §
18 39-14.3-3.
- 19 (d) TNC operators may be affiliated with or may "partner" with more than one properly
20 permitted transportation network company to provide TNC services.

21 SECTION 4. Title 39 of the General Laws entitled "PUBLIC UTILITIES AND
22 CARRIERS" is hereby amended by adding thereto the following chapter:

23 CHAPTER 14.3

24 DRIVER NATIONAL CRIMINAL BACKGROUND CHECK

25 **39-14.3-1. Definitions.**

26 As used in this chapter:

- 27 (1) "Administrator" means the administrator of the division of public utilities and
28 carriers.
- 29 (2) "Background check clearance certificate" means verification issued by the division,
30 electronically or otherwise, that the driver has successfully completed the background check
31 required under this section.
- 32 (3) "Clearance certificate" means a background check clearance certificate.
- 33 (4) "Conviction" means judgments of conviction entered by a court, subsequent to a
34 finding of guilty or a plea of guilty; and those instances where a defendant has entered a plea of

1 nolo contendere and has received a sentence of probation; and those instances where a defendant
2 has entered into a deferred sentence agreement with the attorney general.

3 (5) “Driver” means any person seeking initial authority to provide for-hire passenger
4 transportation services under chapters 14, 14.1, and 14.2 of title 39.

5 (6) “Division” means the Rhode Island division of public utilities and carriers.

6 (7) “Initial authority” means first-time and renewal applicants for a special operator’s
7 license as defined in §§ 39-14-20 and 39-14.1-8; first-time TNC operators; and for active TNC
8 operators, as defined in § 39-14.2-1, subject to subsequent periodic background checks as
9 required in § 39-14.2-7, no later than December 31, 2019.

10 (8) “TNC” means transportation network company as defined in 39-14.2-1.

11 **39-14.3-2. Background check required.**

12 (a) No driver shall transport passengers for hire in a taxicab, limited public motor vehicle,
13 public motor vehicle or TNC vehicle within the state without first having undergone a national
14 and state criminal background check in accordance with this chapter. The driver shall apply to the
15 bureau of criminal identification (BCI), department of attorney general, state police, or local
16 police department where they reside, for a national and state criminal records check.
17 Fingerprinting shall be required. The driver shall be responsible for the cost of conducting the
18 national criminal background check.

19 (b) In instances which no disqualifying information has been found, the bureau of
20 criminal identification, state police, or local police department shall inform the driver and the
21 division, in writing, of this fact.

22 (c) Upon the discovery of any disqualifying information as defined in subsection (d) of
23 this section, the bureau of criminal identification, state police or local police department shall
24 inform the driver, in writing, of the nature of the disqualifying information; and, without
25 disclosing the nature of the disqualifying information, will notify the division, in writing, that
26 disqualifying information has been discovered.

27 (d) For the purposes of this chapter, “disqualifying information” means: information
28 produced by a national criminal records check pertaining to conviction for the following crimes
29 will result in a letter to the driver and the division: murder; voluntary manslaughter; involuntary
30 manslaughter; first degree sexual assault; second degree sexual assault; third degree sexual
31 assault; first degree child molestation sexual assault; second degree child molestation sexual
32 assault; any offense under chapter 67 of title 11; assault on persons sixty (60) years of age or
33 older, assault with intent to commit specified felonies (murder, robbery, rape, burglary, or the
34 abominable and detestable crimes against nature); felony assault; patient abuse; neglect or

1 mistreatment of patients; burglary; first degree arson; robbery; unlawful possession of a firearm;
2 felony drug offenses; felony obtaining money under false pretenses; abuse, neglect and/or
3 exploitation of adults with severe impairments; exploitation of elders; felony larceny; duty to stop
4 in accidents, resulting in injury; duty to stop in accidents, resulting in serious bodily injury; duty
5 to stop in accidents, resulting in death; driving so as to endanger, resulting in death; driving so as
6 to endanger, resulting in personal injury; driving so as to endanger, resulting in physical injury;
7 driving under influence of liquor or drugs; refusal to submit to chemical test; driving under the
8 influence of liquor or drugs, resulting in death; driving under the influence of liquor or drugs,
9 resulting in serious bodily injury.

10 **39-14.3-3. Background check clearance certificate.**

11 (a) No person shall transport passengers for hire in a taxicab, limited public motor
12 vehicle, public motor vehicle or TNC vehicle within the state without first obtaining a
13 background clearance certificate issued by the division. The clearance certificate shall be issued
14 to the driver; provided, however, the division shall transmit the clearance certificate to any TNC
15 permit holder identified by the driver.

16 (b) The division shall not issue a clearance certificate to any driver against whom
17 disqualifying information has been found; provided, however, that any driver denied the issuance
18 of a clearance certificate may seek reconsideration in accordance with § 39-14.3-4.

19 (c) The clearance certificate shall be effective for a period of five (5) years from the date
20 of issuance by the division.

21 **39-14.3-4. Reconsideration and appeal process.**

22 (a) Any driver who has been denied the issuance of a clearance certificate may request
23 that a copy of the criminal background report be sent to the division with a request in writing that
24 the administrator reconsider the denial with a detailed explanation to justify such reconsideration.

25 (b) The administrator shall consider the following factors in determining whether to grant
26 the reconsideration and issue a clearance certificate:

27 (1) The amount of time since the disposition of the disqualifying conviction(s);

28 (2) The age of the driver at the time of the disqualifying conviction(s);

29 (3) The seriousness and circumstances of the disqualifying conviction(s);

30 (4) The number of disqualifying convictions;

31 (5) Any pending charges;

32 (6) Evidence of rehabilitation or lack thereof; and

33 (7) Any other information the division deems relevant.

34 **39-14.3-5. Destruction of fingerprint record.**

1 At the conclusion of the criminal background check required in this chapter, the
2 department of attorney general, state police, or local police department, as appropriate, shall
3 promptly destroy the fingerprint record of the driver obtained pursuant to this chapter.

4 **39-14.3-6. Expiration of certificate.**

5 The clearance certificate shall expire five (5) years from the date of issuance; provided,
6 however, that the division may invalidate a certificate and require the driver to obtain a new
7 clearance certificate if the division determines that it is in the public interest.

8 SECTION 5. This act shall take effect upon passage.

=====
LC004448
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO PUBLIC UTILITIES AND CARRIERS -- TAXI CABS AND LIMITED
PUBLIC MOTOR VEHICLES

- 1 This act would require national and state background checks for certain drivers
- 2 transporting passengers for hire.
- 3 This act would take effect upon passage.

=====
LC004448
=====