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"Background checks for Uber, Lyft OK'd"

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By Katie Lannan

State House News Service

BOSTON -- Drivers for the ride-hail services Uber and Lyft will need to have passed a state background check by April 3, under agreements the Baker administration announced Monday.

The memorandums of understanding between the two app-based transportation companies and the state Department of Public Utilities will dramatically speed up the process of the background checks that are required under a state law signed in August, Gov. Charlie Baker said Sunday on WBZ-TV.

The background-check process will be overseen by a division that is still taking shape.

The new law established a first-time regulatory framework for the app-based ride-for-hire industry, which has operated in Massachusetts without significant state government oversight. Among other measures, the law calls for the creation of a new division in the Department of Public Utilities to regulate the so-called transportation network companies, and creates a two-tiered background-check system with reviews by both the companies and the division.

A spokesman for the executive office that oversees the DPU said Monday that the Transportation Network Company Division hired its first director in October -- Chris Henry, who formerly served as counsel for the department's Transportation Division.

Peter Lorenz, the Energy and Environmental Affairs spokesman, said Monday that the division is finalizing the rest of its staff and expects to be fully staffed in the coming weeks. Advertisement

Under the agreements, Uber and Lyft will be required to begin background checks for their drivers operating in Massachusetts by Jan. 6, a timeline Baker said would give officials a jump-start on implementing the law and reviewing the 25,000 current drivers.

If we had sort of just simply let the process go forward with respect to the new law to do background checks and make sure that the right level of insurance coverage is in place and the cars are marked and they pay the right fees and all the rest, for Uber and Lyft and the other transportation

networking companies, it would have been months and months and months before we got around to getting through everybody who's currently driving and doing the background checks on them, Baker said in a WGBH Radio interview.

Baker said he expects the information on all drivers to be processed over the course of the next three or four months.

The agreements allow state officials to start processing the information now instead of waiting for March 2018, a compliance deadline set in the law, a spokesman said.

Though the ride-for-hire law was signed Aug. 5 and took effect on Nov. 3, many of its provisions are phased in over time while new regulations and protocols are developed.

The Division of Public Utilities has until November 2017 to promulgate regulations for implementing the transportation network company law. Once the regulations become effective, Uber, Lyft and other ride-hail companies will have 120 days -- until March 3, 2018 -- to apply for necessary permits and certificates.

Baker's office said the agreements announced Monday will allow immediate implementation of the most stringent ride-for-hire background-check system of any state in the country.

Uber, in a statement, said it worked with the administration over the past four months to help craft the agreement and touted its technology aimed at ensuring rider safety.

The checks conducted by the Transportation Network Division will include a Criminal Offender Record Information, or CORI, check and confirmation that the drivers are not registered sex offenders. Uber and Lyft drivers will also undergo twice-yearly national background checks conducted by the companies.

By entering into these agreements, the TNC Division can immediately implement a comprehensive background-check system that will protect consumers and enhance public safety, while allowing cutting-edge technology companies to succeed here in the commonwealth, DPU Chairman Angela O'Connor said in a statement.

Uber and Lyft already conduct background checks of their drivers. The new element is the state screenings, which will be among the first major tasks of the newly created division.

The Department of Public Utilities has developed and implemented the technology platform needed to perform the background checks, Lorenz said.

Scott Solombrino, a spokesman for the Ride Safe MA coalition of taxi and livery drivers, said he expected the background checks were not going to be easy for a fledgling office.

We think the state's making a valiant effort. We're just not sure how complex they're going to make it for a brand-new bureaucracy, Solombrino said.

The DPU will continue preparing draft regulations that will be released next year for public comment and review, according to Baker's office.

In addition to passing the background checks, a transportation network company driver must be at least 21, and have access to a car that has been registered and meets inspection and insurance requirements. Drivers cannot appear on the National Sex Offender registry; have more than four traffic violations on their driving record; or have been convicted the past seven years of a sex offense, violent crime, felony robbery or fraud offense, driving under the influence, or leaving the

scene of an accident.

The background-check system does not include the fingerprinting requirement pushed for by taxi drivers and some law-enforcement officers.

Solombrino of the Ride Safe MA Coalition, which unsuccessfully advocated for the inclusion of fingerprinting while, called Monday's agreements a positive step. He said the coalition expects to work with legislators to introduce a new bill in January that would require fingerprinting and full FBI background checks.

We've taken the pulse of a lot of members, and I think a lot of members look back and say we wish we would have done it, he said.

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Highlights: Scott Solombrino