

# House Bill 3043

Sponsored by Representatives MALSTROM, STARK (at the request of Radio Cab Company)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires transportation network company or other employer to conduct or have other person conduct criminal records check to determine whether individual that transportation network company or other employer intends to engage as participating driver has committed certain criminal violations.

Prohibits transportation network company from permitting individual to connect to digital network and accept requests for prearranged rides from riders if individual has committed specified criminal violations.

Permits Director of Transportation to impose civil penalty on transportation network company or other employer for each instance of violation of Act.

## A BILL FOR AN ACT

1  
2 Relating to criminal background checks for drivers for hire.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. (1) As used in this section:**

5 (a) **“Digital network” means a method for requesting a prearranged ride from a partic-**  
6 **ipating driver using a software application, a website or another Internet-based electronic**  
7 **technology that a transportation network company provides.**

8 (b)(A) **“Participating driver” means:**

9 (i) **An individual who:**

10 (I) **Receives a request through a digital network from a rider for a prearranged ride; and**

11 (II) **Offers or provides a prearranged ride to a rider in exchange for a fee that the rider**  
12 **pays; or**

13 (ii) **An employee of a private business who drives a vehicle for hire and who accepts re-**  
14 **quests for prearranged rides directly from riders or at the direction of an employer.**

15 (B) **“Participating driver” does not include an individual whose activities as a driver of**  
16 **a vehicle for hire are subject to regulation under another law of this state or under a local**  
17 **government ordinance or resolution.**

18 (c) **“Prearranged ride” means transportation that a rider requests from a participating**  
19 **driver directly or by means of a digital network that:**

20 (A) **Begins at the time a participating driver accepts a rider's request for transportation;**

21 (B) **Continues at any time during which the participating driver transports the rider and**  
22 **any other individual for whom the rider also requests transportation; and**

23 (C) **Ends at a destination chosen by the rider or any other individual for whom the rider**  
24 **also requests transportation and at the time that the rider, or the last individual for whom**  
25 **the rider requests transportation, exits the participating driver's vehicle.**

26 (d) **“Rider” means an individual who requests a prearranged ride directly from a partic-**  
27 **ipating driver or who uses a digital network to request a prearranged ride from a partic-**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 **icipating driver.**

2 (e) **“Transportation network company” means a corporation, association, partnership,**  
 3 **limited liability company, limited liability partnership or other legal entity that operates a**  
 4 **digital network in this state by means of which a participating driver receives a request from**  
 5 **a rider for a prearranged ride.**

6 (2) **An individual who intends to become a participating driver shall submit an application**  
 7 **to a transportation network company or other employer and a copy of the application to the**  
 8 **Department of Transportation that:**

9 (a) **Lists the individual’s name, address, age and driver license number;**

10 (b) **Includes the number of the individual’s motor vehicle registration, along with any**  
 11 **other information the transportation network company or employer and the department may**  
 12 **require; and**

13 (c) **Includes a full set of the individual’s fingerprints.**

14 (3) **For each individual that a transportation network company or other employer intends**  
 15 **to engage as a participating driver, the transportation network company or employer shall:**

16 (a) **Conduct, or have another person conduct, a criminal records check that:**

17 (A) **Searches for a criminal record for the individual in each state or jurisdiction in the**  
 18 **United States and validates, using a fingerprint comparison if available, each criminal record**  
 19 **that the search finds; and**

20 (B) **Searches the United States Department of Justice National Sex Offender Public**  
 21 **Website for a match between a listing on the website and the information, including finger-**  
 22 **prints, that the individual submits in an application under subsection (2) of this section;**

23 (b) **Obtain and review, or have another person obtain and review, a driving history report**  
 24 **for the individual from each state or jurisdiction in the United States; and**

25 (c) **Provide copies of the results the transportation network company or employer obtains**  
 26 **under paragraphs (a) and (b) of this subsection to the Department of Transportation.**

27 (4) **A transportation network company may not permit an individual to connect to a**  
 28 **digital network as a participating driver, and an employer that permits or directs partic-**  
 29 **ipating drivers to accept requests for prearranged rides may not employ an individual or**  
 30 **otherwise permit or direct the individual to accept a prearranged ride, if the individual:**

31 (a) **Is not 19 years of age or older;**

32 (b) **Does not have a valid driver license;**

33 (c) **Does not have proof of registration for the individual’s vehicle;**

34 (d) **Has had, in the three-year period before the date of the individual’s application under**  
 35 **subsection (2) of this section, more than three violations of the basic speed rule or other**  
 36 **moving violations or has had a Class A or Class B traffic violation that is the equivalent, in**  
 37 **the relevant jurisdiction, of one of these traffic violations:**

38 (A) **Failing to obey a police officer, as defined in ORS 811.535;**

39 (B) **Careless driving, as defined in ORS 811.135;**

40 (C) **Violation driving while suspended or revoked, as defined in ORS 811.175; or**

41 (D) **A traffic violation that put the individual’s, a passenger’s or another person’s life or**  
 42 **safety in jeopardy;**

43 (e) **Was convicted, in the seven-year period before the date of the individual’s application**  
 44 **under subsection (2) of this section, of the equivalent, in the relevant jurisdiction, of:**

45 (A) **Any felony; or**

- 1       **(B) A misdemeanor that involved:**
- 2       **(i) Criminal driving while suspended or revoked, as defined in ORS 811.182;**
- 3       **(ii) Driving under the influence of intoxicants, as defined in ORS 813.010;**
- 4       **(iii) Reckless driving, as defined in ORS 811.140;**
- 5       **(iv) Fleeing or attempting to elude a police officer, as defined in ORS 811.540;**
- 6       **(v) A hit-and-run accident;**
- 7       **(vi) Violence;**
- 8       **(vii) A sex offense; or**
- 9       **(viii) Any other crime related to driving; or**
- 10      **(f) Is listed on the United States Department of Justice National Sex Offender Public**
- 11 **Website.**
- 12      **(5) The Department of Transportation may:**
- 13      **(a) Use information the department obtains from an application under subsection (2) of**
- 14 **this section and from the results the department obtains under subsection (3)(c) of this**
- 15 **section to determine whether a transportation network company or other employer has**
- 16 **employed an individual or permitted an individual to connect to a digital network in violation**
- 17 **of subsection (4) of this section.**
- 18      **(b) Adopt rules to implement this section.**
- 19      **(6) The Director of Transportation may impose a civil penalty under ORS 183.745 in an**
- 20 **amount the Department of Transportation specifies by rule, not to exceed \$5,000, on a**
- 21 **transportation network company or other employer for each instance in which the trans-**
- 22 **portation network company or the other employer violates a provision of this section.**
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