

# STATE OF NEW YORK

8698

## IN SENATE

May 10, 2018

Introduced by Sen. SEPULVEDA -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to criminal background checks for TNC drivers

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subparagraph (ii) of paragraph (a) of subdivision 1 of  
2 section 1696 of the vehicle and traffic law, as added by section 2 of  
3 part AAA of chapter 59 of the laws of 2017, is amended to read as  
4 follows:

5 (ii) The TNC shall have a screening company accredited by the National  
6 Association of Professional Background Screeners conduct~~[, or have a~~  
7 ~~third party conduct,]~~ a criminal background check for each applicant in  
8 accordance with section sixteen hundred ninety-nine of this article and  
9 that shall review whether the applicant:

10 (A) is listed on the New York state sex offender registry pursuant to  
11 article six-C of the correction law; and

12 (B) is a match in the United States Department of Justice National Sex  
13 Offender Public Website;

14 § 2. Subdivision 1 and paragraph (a) of subdivision 2 of section 1699  
15 of the vehicle and traffic law, as added by section 2 of part AAA of  
16 chapter 59 of the laws of 2017, are amended to read as follows:

17 1. A TNC shall have a screening company accredited by the National  
18 Association of Professional Background Screeners conduct~~[, or have a~~  
19 ~~third party conduct,]~~ a criminal history background check ~~[using a~~  
20 ~~lawful method approved by the department pursuant to paragraph (a) of~~  
21 ~~subdivision two of this section]~~ for persons applying to drive for such  
22 company.

23 (a) ~~[The method used to conduct a criminal history background check~~  
24 ~~pursuant to subdivision one of this section shall be established in~~  
25 ~~regulations adopted by the department within thirty days of the effec-~~  
26 ~~tive date of this subdivision. To ensure safety of the passengers and~~  
27 ~~the public such regulations shall establish the method used to conduct~~  
28 ~~such background checks and any processes and operations necessary to~~

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

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1 ~~complete such checks.~~] The review of criminal history information and  
2 determinations about whether or not an applicant is issued a TNC driver  
3 permit shall be controlled by paragraphs (b), (c) and (d) of this subdi-  
4 vision.

5 § 3. Subdivision 3 of section 1699 of the vehicle and traffic law, as  
6 added by section 2 of part AAA of chapter 59 of the laws of 2017, is  
7 amended to read as follows:

8 3. A TNC shall [~~update the~~] conduct a criminal history background  
9 check yearly during the period in which the person is authorized to  
10 drive for the company, however, the commissioner may require, pursuant  
11 to regulation, more frequent criminal history background checks.

12 § 4. This act shall take effect on the thirtieth day after it shall  
13 have become a law.