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SB 6500

Testimony from Jesse Kelley, State Affairs Manager in Criminal Justice, R Street Institute

Dear Senate Committee on Transportation:

My name is Jesse Kelley, and I am the State Affairs Manager for Criminal Justice for the R Street Institute. The R Street Institute is a nonprofit, nonpartisan, public policy research organization focused on promoting policies that enhance free markets and limited, effective government.

I am writing to express my concern and opposition to certain provisions in this bill, specifically Section 5 which states that before being hired at a network transportation company an individual must “be fingerprinted for Washington state patrol and federal bureau of investigation criminal background checks by the department, or by a local law enforcement agency...” and continues to outline specific prior offenses that would limit employment.

First, requiring fingerprinting for transportation companies - like Uber and Lyft - would make communities less safe, not more. A 2016 [study](#) from Western Carolina University found that, after Uber entered a city, there was a corresponding decrease in assaults, as well as decreases in DUIs and vehicular homicides.

Uber and Lyft have vacated cities that impose fingerprint checks, such as Austin, Texas in 2016. Which left a city of almost 1 million people with [only 900 cabs](#). Drunk-driving incidents spiked, and riders have turned to Facebook groups, where they negotiated fees for rides from strangers who undergo no background checks. The societal impact of eliminating ride-sharing services lead the Texas Governor, Gregg Abbott, to sign a bill eliminating the requirement only a year later.

Second, ride-sharing services are already performing background checks during the hiring process. For example, Lyft reviews driving histories and explores each drivers’ potential criminal background. This transportation network company [unequivocally states](#) that an individual is “ineligible to drive on the Lyft platform if, among other things, the background check results

include: violent crime, felony, drug-related offense, sexual offense or certain theft or property damage offense cases.”

Adding additional costly requirements for companies already engaged in the type of activity SB 6500 is promoting is unnecessary. Sarfraz Maredia, a general manager at Uber, has [said](#) that “unnecessary and duplicative steps...make it difficult for [drivers] to earn extra money and hurts our ability to ensure that riders have access to reliable and affordable transportation.”

Third, requiring fingerprinting could lead to incidental racial disparity because the federal background check system is notoriously unreliable, as a 2013 NELP study [revealed](#): “50 percent of the FBI’s records fail to include information on the final disposition of the case... For example, one-third of felony arrests do not result in conviction and many others are reduced to misdemeanors.”

The report goes on to say that “African Americans are especially disadvantaged by the faulty records because people of color are consistently arrested at rates greater than their representation in the general population, and large numbers of those arrests never lead to conviction. For example, African Americans were more than four times as likely as whites to appeal an inaccurate FBI record under the federal port worker security clearance program.”

Please revise SB 6500 by deleting the harmful requirements listed in Section 5 of the bill. Requiring further background checking by transportation network companies, rider safety, ride affordability would ultimately be compromised and racial disparity would be enhanced.

Sincerely,

Jesse Kelley, Esq.
State Affairs Manager, Criminal Justice
R Street Institute