



NEW YORK STATE SENATOR

Susan Serino

RIDE-HAILING APPROVAL CAME WITH DANGEROUS LOOPHOLE

SUSAN SERINO April 27, 2017

| ISSUE: **RIDESHARING**



ALBANY, NY—Ride-hailing services like Uber and Lyft won the approval necessary to begin operating across New York State in this year's State Budget. While the new law included a requirement for background checks on prospective drivers, a loophole in the legislation would allow Level 1 registered sex offenders to obtain the permits necessary to drive for these companies, potentially putting the public at risk. Senator Tom Croci (R, C, I—Sayville) and Senator Sue Serino (R, C, I—Hyde Park) have introduced legislation to close the

dangerous loophole and better protect riders in communities across the state.

“Allowing anyone who appears on the New York State Sex Offender Registry to be drivers for rideshare companies presents an unacceptable risk to our citizens,” said Senator Croci. “It also trivializes the seriousness of these crimes and undermines public confidence in these new services. Our legislation will correct the dangerous error in the original law.”

“Approving ride-hailing for the rest of the state was long overdue, but public safety must always remain our number one priority,” said Senator Serino. “Our community is home to a high concentration of colleges, and our college students will undoubtedly utilize the service regularly, so I shudder to think that any registered sex offender—of any level— could get behind the wheel of an Uber or Lyft vehicle. Closing this loophole requires immediate action on the part of both houses and the Governor.”

The new law that was passed as part of the State Budget will require individuals seeking to drive for companies like Uber and Lyft to obtain a Transportation Network Company (TNC) Driver permit. Individuals found on the U.S. Department of Justice National Sex Offender Public Website are prohibited from receiving the permit. However, this database only contains the names of individuals designated as Levels 2 and 3 sex offenders in New York, and omits those designated as Level 1 offenders.

As written, the law only prohibits the issuance of a TNC driver permit to those Level 1 offenders who have been convicted of a sex offense in the last seven years. However, Level 1 offenders are required to register with law enforcement for a 20 year period, pursuant to the New York State Sex Offender Registration Act, due to the continued risk they pose to our communities. This law allows Level 1 offenders to receive a permit and drive members of the community around in their personal vehicles only seven years into their registration period on the sex offender registry. This loophole is clearly a public safety concern and has the potential to put unsuspecting patrons in harm's way.

The bill, sponsored by Senator Croci and co-primed by Senator Serino (S. 5641), would correct this error by ensuring that a registered offender may not receive a TNC Driver Permit during

the entire period that they are required to register as a sex offender.

The bill is sponsored in the Assembly by Assemblyman Dean Murray (R, C, I—Patchogue).

Assemblyman Dean Murray, “*If you are on the registry in any capacity, you should not be driving one of these cars. Period.*”

Laura Ahearn, Executive Director of the Crime Victims Center/Parents for Megan’s Law, applauded Senators Croci and Serino and Assemblyman Murray for taking immediate action to remedy a flaw in the new TNC law that leaves unknowing passengers vulnerable.

She stated, “*By virtue of their registration requirement, Level 1 offenders are deemed to have a risk of re-offense and therefore pose a risk to public safety. Under New York’s Megan’s Law, Level 1 offenders are required to register for a minimum of 20 years, so arbitrarily allowing sex offenders to obtain transportation network company permits after just seven years makes no sense, places passengers at risk, and gives the public a false sense of security.*”