

CONCURRENCE IN SENATE AMENDMENTS

AB 880 (Oberholte)

As Amended June 11, 2019

Majority vote

SUMMARY:

Corrects erroneous cross references in statutes related to transportation network company (TNC) and adds human trafficking to the list of crimes disqualifying an individual from driving a vehicle for a TNC.

The Senate Amendments:

Add human trafficking to the list of crimes disqualifying an individual from driving a vehicle for a TNC.

COMMENTS:

TNC Background Checks: AB 1289 (Cooper) Chapter 740, Statutes of 2016, required TNCs to conduct background checks for each driver it employs and prohibits it from employing or contracting with a driver who is any of the following:

- 1) Registered on the US Department of Justice National Sex Offender website;
- 2) Has been convicted of certain violent felonies;
- 3) Has been convicted of certain acts of terrorism; and,
- 4) Has been convicted of any of the following offenses in the past seven years:
 - a) Misdemeanor assault or battery;
 - b) A domestic violence offense;
 - c) Driving under the influence of alcohol or drugs; and,
 - d) A felony violation for the following crimes:
 - i) Threatening physical violence to induce a vote;
 - ii) Bribing a state officer;
 - iii) Accepting a bribe as a state officer;
 - iv) Bribing an elected official;
 - v) Accepting a bribe as an elected official;
 - vi) Bribing a juror;
 - vii) Accepting a bribe as a juror;
 - viii) Bribing a witness;
 - ix) Accepting a bribe as a witness;
 - x) Bribing local officials;
 - xi) Extortion;
 - xii) False impersonation; and,
 - xiii) Larceny theft and grand theft.

In addition, AB 1289 included two references to specific sections of the penal code that do not contain crimes. Removal of the erroneous cross-references ensures that the code regarding requirements for background checks remain clear. However, currently there are number of other criminal convictions within the Penal Code, including human trafficking, that may be relevant for TNC background checks but are not specifically referenced. A broader review of the convictions that should disqualify an individual from driving for a TNC would be helpful.

According to the Author:

In 2016 with the passage of AB 1289 the Legislature imposed a requirement in statute that TNCs conduct background checks on drivers, and identified a list of offenses that disqualify individuals from operating as a TNC driver. A conviction for felony human trafficking, which has a direct nexus to the safety of consumers who use these services, was not included in this list. This bill would correct that omission by including felony human trafficking in the list of crimes that prevent a person from driving for a TNC, which reflects the current practices of much of the industry. The bill additionally cleans up some erroneous cross references.

Arguments in Support:

None on file.

Arguments in Opposition:

None on file.

FISCAL COMMENTS:

According to the Senate Appropriations Committee, pursuant to Senate Rule 28.8, negligible state costs.

VOTES:**ASM COMMUNICATIONS AND CONVEYANCE: 12-0-0**

YES: Santiago, Obernolte, Boerner Horvath, Bonta, Brough, Cervantes, Ting, Holden, Low, Patterson, Quirk-Silva, Rodriguez

ASSEMBLY FLOOR: 73-0-7

YES: Aguiar-Curry, Bauer-Kahan, Berman, Bigelow, Bloom, Boerner Horvath, Bonta, Brough, Burke, Calderon, Carrillo, Cervantes, Chau, Chiu, Choi, Cooley, Cooper, Cunningham, Dahle, Daly, Diep, Eggman, Flora, Fong, Frazier, Friedman, Gabriel, Gallagher, Cristina Garcia, Gipson, Gloria, Gonzalez, Grayson, Holden, Irwin, Jones-Sawyer, Kalra, Kiley, Lackey, Levine, Limón, Low, Maienschein, Mathis, Mayes, McCarty, Medina, Melendez, Mullin, Muratsuchi, O'Donnell, Obernolte, Patterson, Petrie-Norris, Quirk, Quirk-Silva, Ramos, Reyes, Luz Rivas, Robert Rivas, Rodriguez, Blanca Rubio, Salas, Santiago, Smith, Mark Stone, Ting, Voepel, Waldron, Weber, Wicks, Wood, Rendon

ABS, ABST OR NV: Arambula, Chen, Chu, Eduardo Garcia, Gray, Kamlager-Dove, Nazarian

SENATE FLOOR: 37-0-3

YES: Allen, Atkins, Bates, Beall, Borgeas, Bradford, Caballero, Chang, Dahle, Dodd, Durazo, Galgiani, Glazer, Lena Gonzalez, Grove, Hertzberg, Hill, Hurtado, Jackson, Jones, Leyva, McGuire, Mitchell, Monning, Moorlach, Morrell, Nielsen, Pan, Roth, Rubio, Skinner, Stern, Stone, Umberg, Wieckowski, Wiener, Wilk

ABS, ABST OR NV: Archuleta, Hueso, Portantino

UPDATED:

VERSION: June 11, 2019

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FN: