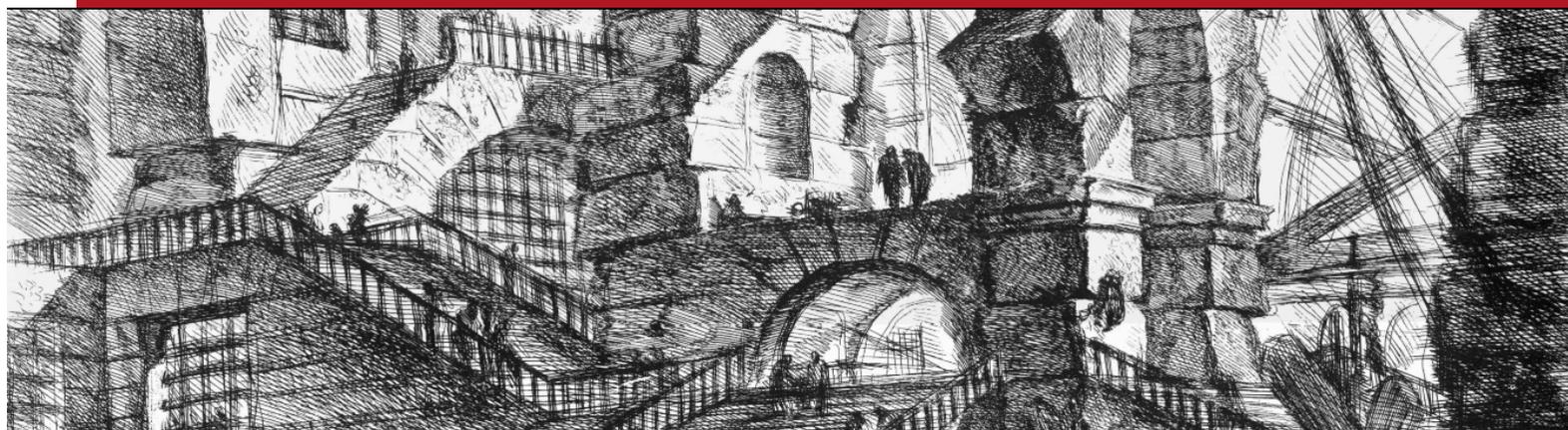


COLLATERAL CONSEQUENCES RESOURCE CENTER

Collateral Consequences of Criminal Conviction and Restoration of Rights: News, Commentary, and Tools

MENU



Guess who's driving for Uber

By: [Margaret Love](#) | [December 11, 2014](#)

The background checking policies of Uber and other ride-sharing companies like Lyft and Sidecar are again in the **news**, after an Uber driver with an extensive criminal record allegedly raped a female passenger in New Delhi. Other horror stories of cab rides from hell with these popular “taxi aggregators” are surfacing. The **New York Times reports** that background check requirements for taxi drivers vary widely by jurisdiction, but are “generally more rigorous” than the sketchy services used by Uber and its competitors, and “usually include searches of private databases like F.B.I. records.” (Note to self: Must inform the “paper of record” that the FBI records system is not a “private database.”)



Uber et al. have so far successfully resisted most legislative efforts to require them to perform particular kinds of background checks using particular kinds of background checkers, using the good offices of **well-connected lobbyists** to avoid this annoying speed bump on their road to a public offering. But episodes like the New Delhi rape, and **lawsuits** for misleading consumers about the kinds of checks they do, may bring them around to a more responsible position.

Sooner or later Uber and its confreres will likely be compelled to do responsible background checking of driver

applicants, and they should be. But the more interesting question is what standards these new age taxi companies will apply to test the suitability of their driver candidates. A search of the Uber website finds only the anodyne statement that a potential driver must have a “clean record.” Various news accounts suggest that a felony conviction

will always be disqualifying, but beyond that Uber’s hiring criteria appear unclear. One question that occurred to me was whether a 20-year-old felony conviction for, say, credit card fraud or tax evasion would disqualify a person from driving for Uber where a fairly recent misdemeanor assault or reckless driving conviction would not.

News accounts do not say whether Uber executives (perhaps an oxymoron) are expected or permitted to exercise discretion in hiring, or what the consequences are when an Uber driver has some run-in with the law, whether or not it involves driving.

In her excellent new [article](#) on collateral consequences in local regulations (previewed elsewhere on this site), Amy Meek argues that driving a taxi is one of those entry-level occupations that ought to be available to people whose opportunities in the workforce are otherwise limited, like an immigrant or someone with a criminal record. At the same time, public safety considerations are obviously paramount where someone is expected to entrust their safety to a total stranger, albeit temporarily. I agree with Meek that “While criminal background check policies have been upheld as permissible public safety regulations, responsible policies should refer to relevant convictions only and clearly outline the standards for relevance.” If state or local governments decide to impose rigorous background check requirements on Uber and similar ride-sharing operations, they should at the same time supply specific guidance about when a taxi driver’s criminal record should be considered disqualifying and when it should not.

Margaret Love

*Former U.S. Pardon Attorney, Margy represents applicants for executive clemency in her private practice in Washington, D.C. An author of *Collateral Consequences of Criminal Convictions* (NACDL/West), she created and maintains the NACDL Restoration of Rights Resource, and serves on the enactment committee of the Uniform Collateral Consequences of Conviction Act.*

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