

AMENDED IN SENATE SEPTEMBER 3, 2015

AMENDED IN ASSEMBLY APRIL 16, 2015

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1289

Introduced by Assembly Member Cooper

February 27, 2015

~~An act relating to community safety and policing.~~ *An act to add Section 5445.2 to the Public Utilities Code, relating to transportation.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1289, as amended, Cooper. ~~Community safety and policing: study.~~ *Transportation network companies: participating drivers: penalties.*

(1) The Passenger Charter-party Carriers' Act defines a transportation network company as an organization, whether a corporation, partnership, sole proprietor, or other form, operating in California that provides prearranged transportation services for compensation using an online-enabled platform to connect passengers with drivers using their personal vehicles. A transportation network company is subject to regulation by the Public Utilities Commission, which requires, among other things, a criminal background check of each participating driver. A transportation network company is also required to have a specified certificate or permit, as appropriate, from the commission, and is subject to various other requirements. A violation of the act is generally a misdemeanor and subject to a fine of not less than \$1,000 and not more than \$5,000 or by imprisonment in a county jail for not more than 3 months, or by both that fine and imprisonment.

This bill would require a transportation network company to conduct comprehensive criminal background checks for each participating driver that include local, state, and federal law enforcement records. The bill would prohibit a transportation network company from contracting with, employing, or continuing to retain a driver if he or she is required by any law to register as a sex offender or has been convicted of any violent felony, sexual offense, driving under the influence offense, non-felony violent crime, act of fraud, act of terror, or crime involving property damage or theft.

The bill would additionally provide that a transportation network company that violates, or fails to comply with, its provisions is subject to a penalty of not less than \$500 nor more than \$50,000 for each offense.

(2) Because a violation of the act is a crime, and this bill would expand the scope of the act, this bill would impose a state-mandated local program.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~Existing law establishes the Commission on Peace Officer Standards and Training in the Department of Justice and requires the commission to adopt rules establishing minimum standards regarding the recruitment of peace officers. Existing law also requires the commission to develop guidelines and implement courses of instruction regarding racial profiling, handling domestic violence, hate crimes, and human trafficking, among others.~~

~~This bill would require the commission to conduct a study of community policing and engagement programs, efforts, strategies, and policies in the state, and to report its findings with regard to the study to the Legislature by December 31, 2017.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~no~~yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 5445.2 is added to the Public Utilities
- 2 Code, to read:

1 5445.2. (a) (1) A transportation network company shall
2 conduct comprehensive criminal background checks for each
3 participating driver that shall include local, state, and federal law
4 enforcement records.

5 (2) A transportation network company shall not contract with,
6 employ, or continue to retain a driver if he or she is required by
7 any law to register as a sex offender or has been convicted of any
8 violent felony, sexual offense, driving under the influence offense,
9 non-felony violent crime, act of fraud, act of terror, or crime
10 involving property damage or theft.

11 (b) A transportation network company that violates, or fails to
12 comply with, this section is subject to a penalty of not less than five
13 hundred dollars (\$500) nor more than fifty thousand dollars
14 (\$50,000) for each offense.

15 SEC. 2. No reimbursement is required by this act pursuant to
16 Section 6 of Article XIII B of the California Constitution because
17 the only costs that may be incurred by a local agency or school
18 district will be incurred because this act creates a new crime or
19 infraction, eliminates a crime or infraction, or changes the penalty
20 for a crime or infraction, within the meaning of Section 17556 of
21 the Government Code, or changes the definition of a crime within
22 the meaning of Section 6 of Article XIII B of the California
23 Constitution.

24 ~~SECTION 1. (a) The Commission on Peace Officer Standards~~
25 ~~and Training shall conduct a study to determine the effectiveness~~
26 ~~of community policing and engagement programs, efforts,~~
27 ~~strategies, and policies in the state, including, but not limited to,~~
28 ~~police activities leagues, neighborhood watch, and integrated~~
29 ~~policing. The Commission on Peace Officer Standards and Training~~
30 ~~shall report its findings with regard to the study to the Legislature~~
31 ~~by December 31, 2017.~~

32 ~~(b) The report required to be submitted pursuant to subdivision~~
33 ~~(a) shall be submitted in compliance with Section 9795 of the~~
34 ~~Government Code.~~