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Anabel Renteria
Initiative Coordinator
Office of the Attorney General
1300 "I" Street, 17th Floor
Sacramento, CA 95814

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Re: The Sexual Assault Against Rideshare Passengers and Drivers Prevention and Accountability Act

Dear Initiative Coordinator:

In accordance with the requirements of Elections Code section 9001(a), I request that the Attorney General prepare a circulating title and summary of the initiative measure entitled the "Sexual Assault Against Rideshare Passengers and Drivers Prevention and Accountability Act." The text of the measure, a check for \$2,000.00, and the certifications required by Elections Code sections 9001(b) and 9608 are enclosed.

Please direct all correspondence and inquiries regarding this measure to:

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Sincerely,



James C. Harrison

Enclosures

Sexual Assault Against Rideshare Passengers and Drivers Prevention and Accountability Act

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Title.

This measure shall be known as the “Sexual Assault Against Rideshare Passengers and Drivers Prevention and Accountability Act.”

SECTION 2. Findings.

In enacting the Sexual Assault Against Rideshare Passengers and Drivers Prevention and Accountability Act, the people of the State of California find and declare:

(a) Rideshare companies market their services as safe and convenient for vulnerable populations, including children, individuals with disabilities, and people seeking a responsible ride home after consuming alcohol. However, rideshare company riders have reported incidents of sexual assault and sexual misconduct, physical assault, and even homicide.

(b) Rideshare companies have long been aware of the systemic problem of rape, sexual assault and sexual misconduct committed by their drivers. Internal safety reports confirm thousands of reported rape or sexual assaults over multiple years, yet rideshare companies have not implemented meaningful reforms. The actual number of incidents is likely far higher, as studies show that only 30% of sexual assaults are reported, meaning thousands more victims may have been harmed. Rideshare companies should be held accountable for failing to disclose the extent of the problem.

(c) Rape, sexual assault and sexual misconduct by rideshare company drivers is a significant danger to the public. In California alone, there are over 800,000 rideshare drivers. The companies that profit most from having these drivers on the road should be responsible for taking steps to prevent this from occurring and paying compensation to victims when it does occur so that rideshare companies have adequate financial motivation to prevent rape, sexual assault and sexual misconduct by rideshare drivers from happening.

(d) The *New York Times* reported that Uber received a report of sexual assault or sexual misconduct almost every eight minutes between 2017 and 2022, and according to a recent lawsuit against Uber, the company has acknowledged this sexual assault crisis, but it has failed to report instances of sexual assault to the authorities and does not proactively cooperate with law enforcement investigating cases passenger victims report to the police.

(e) California law and regulations require that rideshare companies submit data annually, to the California Public Utilities Commission regarding the number and type of claims of sexual assault and sexual misconduct and immediately suspend any driver accused of any such violation. But Uber has repeatedly refused to produce these reports and has demanded secrecy over the number and type of claims of sexual assault and sexual

misconduct, preventing the public from learning about the high incidence of this dangerous conduct.

(f) Rideshare drivers are also the victims of sexual assault. According to the *New York Times*, attacks against female drivers typically occur late at night and on the weekend, often originating with pickups near a bar. In the vast majority of these cases, the offenders are men. Despite knowledge of this problem, rideshare companies do not do enough to protect drivers from sexual assault and sexual misconduct.

(g) Despite marketing themselves as a safe and better alternative to other transportation methods, rideshare companies hire drivers without conducting adequate background checks and screening procedures, allow culpable drivers, including those accused of sexual assault and sexual misconduct, to keep driving, and fail to develop and fully implement adequate protections, despite having direct knowledge of serious safety risks to riders.

(h) Rideshare companies prioritize profits over rider safety, refusing to implement reasonable rider protections despite billions of dollars in revenue.

(i) Public oversight is necessary to ensure that rideshare companies protect their riders and to hold rideshare companies accountable when they fail to do so.

SECTION 3. Declaration of Purpose.

By passing this Act, it is the purpose and intent of the people of the State of California to:

(a) Protect the safety of rideshare customers by requiring rideshare companies to conduct rigorous background checks on drivers, preventing rideshare companies from allowing sexual predators to use their platform to drive customers, and conducting investigations when they receive reports of sexual assault or sexual misconduct;

(b) Empower customers by requiring rideshare companies to disclose to customers any internal assessment regarding a driver's history of sexual assault or sexual misconduct, or the likelihood that a driver will engage in sexual assault or sexual misconduct, before the customer accepts a ride; and

(c) Hold rideshare companies accountable for sexual assault or sexual misconduct suffered by rideshare customers and drivers.

SECTION 4. Rideshare Driver Background Checks.

Section 7458.1 is hereby added to Article 5 of Chapter 10.5 of Division 3 of the Business and Professions Code to read:

7458.1. Additional Background Checks.

(a) A network company shall not contract with, retain, employ or give a driver access to its application platform if that driver has been convicted of rape, sexual battery, any violent felony, misdemeanor assault or battery, or domestic violence.

(b) In order to comply with subdivision (a), a network company shall conduct a criminal background check, including fingerprinting and a national review of arrest records, for each app-based driver who uses the network company's online-enabled application or platform to provide rideshare services or delivery services. The criminal background check shall be consistent with this Section and the standards contained in subdivision (a) of Section 5445.2 of the Public Utilities Code, and it must occur prior to giving any app-based driver access to a network company's application platform to drive customers, and then on an annual basis thereafter. Notwithstanding any other provision of law to the contrary, after an app-based driver's consent is obtained by a network company for an initial background check, no additional consent shall be required for the continual monitoring of that app-based driver's criminal or driving history.

(c) In addition to any penalty authorized by Section 5378 of the Public Utilities Code, a network company that violates subdivision (a) or (b) shall be liable for a fine of \$10,000 per violation imposed by the Public Utilities Commission.

SECTION 5. Rideshare Company Accountability for Sexual Assault and Sexual Misconduct.

Section 7460.1 is hereby added to Article 5 of Chapter 10.5 of Division 3 of the Business and Professions Code to read as follows:

7460.1 Investigations for Sexual Assault and Sexual Misconduct.

(a) The following definitions apply to this section:

(1) "Sexual assault" means any unwanted sexual contact or behavior without explicit, free, and informed consent.

(2) "Sexual misconduct" means any unwelcome sexual advance, or other verbal, visual, or physical conduct of a sexual nature.

(b) A network company shall comply with subdivision (c) if it:

(1) Has reason to believe, based on information available to it, that an app-based driver has sexually assaulted any person, or engaged in sexual misconduct, while providing rideshare services or delivery services.

(2) Receives a report through its online-enabled application or platform, or by any other company-approved method, from any person, including a passenger, who reasonably suspects that an app-based driver has sexually assaulted any person, or engaged in sexual misconduct, while providing rideshare or delivery services, or from an app-based driver who is the victim of a sexual assault or sexual misconduct alleged to have been committed by a rider or customer while the driver was providing rideshare or delivery services.

(c) A network company subject to subdivision (b) shall:

(1) Notify law enforcement authorities in the jurisdiction in which the sexual assault or sexual misconduct is alleged to have occurred if the allegations, if true, would constitute a crime and cooperate with any law enforcement investigation.

(2) Undertake an investigation in compliance with regulations adopted by the Public Utilities Commission that ensure the privacy of victims and afford due process to drivers.

Section 7460.2 is hereby added to Article 5 of Chapter 10.5 of Division 3 of the Business and Professions Code to read as follows:

7460.2. Disclosure and Liability.

(a) A transportation network company shall owe a heightened duty of care to riders and must afford its riders the following assurances:

(1) Use of the highest care and the vigilance of a very cautious person;

(2) Exercise of all care, vigilance, and foresight they reasonably can do under the circumstances to avoid harm to passengers; and

(3) Use of reasonable skill to provide everything necessary for safe transportation, in view of the transportation used and the practical operation of the transportation network company's business.

(b) A transportation network company shall be responsible for any and all damages to a person caused by a driver's rape or sexual assault of, or sexual misconduct involving, a rider while the rider was a passenger of the transportation network company or resulting from the driver learning the whereabouts of the rider as a result of the use of the transportation network company's services, or arising from delivery services provided by the driver to a customer, regardless of whether or not the driver is categorized as an employee or independent contractor.

(c) A transportation network company shall be responsible for any and all damages to a driver caused by a customer's rape or sexual assault of, or sexual misconduct involving, a driver while the driver was providing transportation network company services if the driver is categorized as an independent contractor.

(d) A transportation network company shall, on a monthly basis, publish on its website and submit a report to the California Public Utilities Commission setting forth the total number of reports received of sexual assault or sexual misconduct involving drivers or riders using its online-enabled application or platform, disaggregated by the type of conduct reported.

(e) In any action initiated by an injured person pursuant to subdivision (b) of this section, a prevailing plaintiff shall be awarded reasonable attorneys' fees and costs.

(f) The duties, remedies, and obligations imposed by this section are cumulative to the duties, remedies, or obligations imposed under any other law and shall not be construed to relieve any person from any duties, remedies, or obligations imposed under any other law.

(g) Any contract between a transportation network company and a rider, or between a transportation network company employee or independent contractor, is voidable by the rider, employee, or independent contractor, as applicable, as against public policy if any provision within the contract attempts or purports to waive any rights specified in this section.

Section 7460.3 is hereby added to Article 5 of Chapter 10.5 of Division 3 of the Business and Professions Code to read as follows:

7460.3. Customer Notice.

A transportation network company shall disclose to customers using its online-enabled application or platform any internal rating, hazard analysis, or risk assessment of drivers related to a driver's history of sexual assault or sexual misconduct or the likelihood that a driver will engage in sexual assault or sexual misconduct. This disclosure must occur before the customer is paired with a driver and must enable the customer to refuse a ride with the driver at no cost.

SECTION 6. Amendments.

This Act may be amended so long as such amendments are consistent with and further the purposes of protecting rideshare passengers and holding rideshare companies accountable for sexual assault and sexual misconduct by a statute that is passed by over a majority vote of the members of each house of the Legislature and signed by the Governor.

SECTION 7. Severability.

The provisions of this Act are severable. If any portion, section, subdivision, paragraph, clause, sentence, phrase, word, or application of this Act is for any reason held to be invalid by a decision of any court of competent jurisdiction, that decision shall not affect the validity of the remaining portions of this Act. The People of the State of California hereby declare that they would have adopted this Act and each and every portion, section, subdivision, paragraph, clause, sentence, phrase, word, and application not declared invalid or unconstitutional without regard to whether any portion of this Act or application thereof would be subsequently declared invalid.

SECTION 8. Liberal Construction.

This Act shall be liberally construed to effectuate its purposes.

SECTION 9. Conflicting Ballot Measures.

(a) In the event that this measure and another measure protecting rideshare passengers and holding rideshare companies accountable for sexual assault and sexual misconduct appear on the same statewide election ballot, the provisions of the other measure shall be deemed to be in conflict with this measure. If this measure receives a greater number of affirmative votes than a measure deemed to be in conflict with it, the provisions of this

measure shall prevail in their entirety, and the provisions of the other measure shall be null and void.

(b) If this measure is approved by the voters but superseded in whole or in part by a conflicting measure approved by the voters at the same election, and the conflicting measure is later held to be invalid, this measure shall be self-executing and given full force and effect.