



Commonwealth of Massachusetts
Office of the State Auditor
Suzanne M. Bump

Making government work better

Official Audit Report – Issued November 23, 2021

Department of Public Utilities

For the period October 1, 2017 through August 31, 2019





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Making government work better

November 23, 2021

Mr. Matthew H. Nelson, Chair
Massachusetts Department of Public Utilities
1 South Station, Fifth Floor
Boston, MA 02110

Dear Mr. Nelson:

I am pleased to provide this performance audit of the Department of Public Utilities. This report details the audit objectives, scope, methodology, findings, and recommendations for the audit period, October 1, 2017 through August 31, 2019. My audit staff discussed the contents of this report with management of the agency, whose comments are reflected in this report.

I would also like to express my appreciation to the Department of Public Utilities for the cooperation and assistance provided to my staff during the audit.

Sincerely,

A handwritten signature in blue ink, appearing to read "SMB", written over a light blue circular background.

Suzanne M. Bump
Auditor of the Commonwealth

cc: Kathleen A Theoharides, Secretary of the Executive Office of Energy and Environmental Affairs

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LIST OF ABBREVIATIONS

API	application programming interface
CMR	Code of Massachusetts Regulations
CORI	Criminal Offender Record Information
DCJIS	Department of Criminal Justice Information Services
DPU	Department of Public Utilities
EOEEA	Executive Office of Energy and Environmental Affairs
MOU	memorandum of understanding
OSA	Office of the State Auditor
RMV	Registry of Motor Vehicles
SORI	Sex Offender Registry Information
TNC	transportation network company
WMS	Warrant Management System

EXECUTIVE SUMMARY

In accordance with Section 12 of Chapter 11 of the Massachusetts General Laws, the Office of the State Auditor has conducted a performance audit of the Department of Public Utilities (DPU) for the period October 1, 2017 through August 31, 2019. The purpose of this audit was to determine whether DPU's Transportation Network Company Division ensured that transportation network companies'¹ (TNCs') drivers were eligible to provide rideshare services² and whether the division ensured that TNCs investigated and resolved consumer complaints against rideshare drivers³ and riders.

Below is a summary of our findings and recommendations, with links to each page listed.

Finding 1a Page 14	The Transportation Network Company Division did not always perform quarterly audits.
Finding 1b Page 14	Rideshare applicants did not pass national background record checks.
Finding 1c Page 15	TNCs did not always perform six-month national background record checks.
Finding 1d Page 15	TNCs did not confirm that rideshare drivers who were not eligible to provide services had been denied access to the TNCs' digital networks.
Recommendation Page 17	The Transportation Network Company Division should establish written policies and procedures for auditing TNCs and establish a monitoring process to ensure that TNCs take appropriate actions against rideshare drivers whose Clearance Certificates have been suspended or revoked.
Finding 2 Page 23	The Transportation Network Company Division did not ensure that TNCs investigated and resolved all rideshare complaints.
Recommendations Page 24	<ol style="list-style-type: none">1. The Transportation Network Company Division should establish policies, procedures, and controls for administration of TNC complaint reports and monitoring controls to ensure that TNCs provide the required reports on schedule.2. The Transportation Network Company Division should establish a standard report format or guidelines for TNCs to follow when reporting complaints.

1. Section 1 of Chapter 159A1/2 of the General Laws defines "transportation network company" as "a corporation, partnership, sole proprietorship or other entity that uses a digital network to connect riders to drivers to pre-arrange and provide transportation."
2. A rideshare is an arrangement for an automobile trip where the passenger pays a fare to a driver who is using a privately owned vehicle, where both the passenger and the driver use a network that is accessed through a mobile software application or a website to arrange the ride.
3. Rideshare drivers are independent contractors working for TNCs to drive riders to prearranged destinations using a mobile software application.

OVERVIEW OF AUDITED ENTITY

The Department of Public Utilities (DPU), within the Executive Office of Energy and Environmental Affairs (EOEEA), was established by Chapter 19 of the Acts and Resolves of 2007. According to its website,

[DPU] oversees investor-owned electric power, natural gas, and water companies in Massachusetts. In addition, the DPU regulates the safety of bus companies, moving companies, and transportation network companies. We also oversee the safety of natural gas pipelines. . . .

The Transportation Network Company (TNC) Division of the Department of Public Utilities oversees rideshare companies, rideshare services, and rideshare drivers in Massachusetts.

DPU is overseen by the Commonwealth Utilities Commission, which has three members who are appointed by the Secretary of EOEEA.

Transportation Network Company Division

DPU's Transportation Network Company Division was created on August 5, 2016 by Chapter 187 of the Acts of 2016. Chapter 187 amended Chapter 159A of the Massachusetts General Laws by inserting Chapter 159A 1/2, which relates to the operation of transportation network companies (TNCs) in the Commonwealth. (The two largest TNCs, which accounted for more than 99% of rideshare services during our audit period, were Uber and Lyft.) The division is authorized by Chapter 187 to promulgate rules and regulations and conduct the activities necessary to administer and enforce the requirements of Chapter 159A 1/2. On November 28, 2016, the division entered into interim memoranda of understanding (MOUs) with the TNCs in the Commonwealth to establish interim regulatory oversight of the TNCs until the division could establish formal regulations. After entering into these MOUs, under the authority granted to DPU under Chapter 187, DPU promulgated Section 274 of Title 220 of the Code of Massachusetts Regulations (CMR), which became effective September 22, 2017 and superseded the aforementioned interim MOUs.

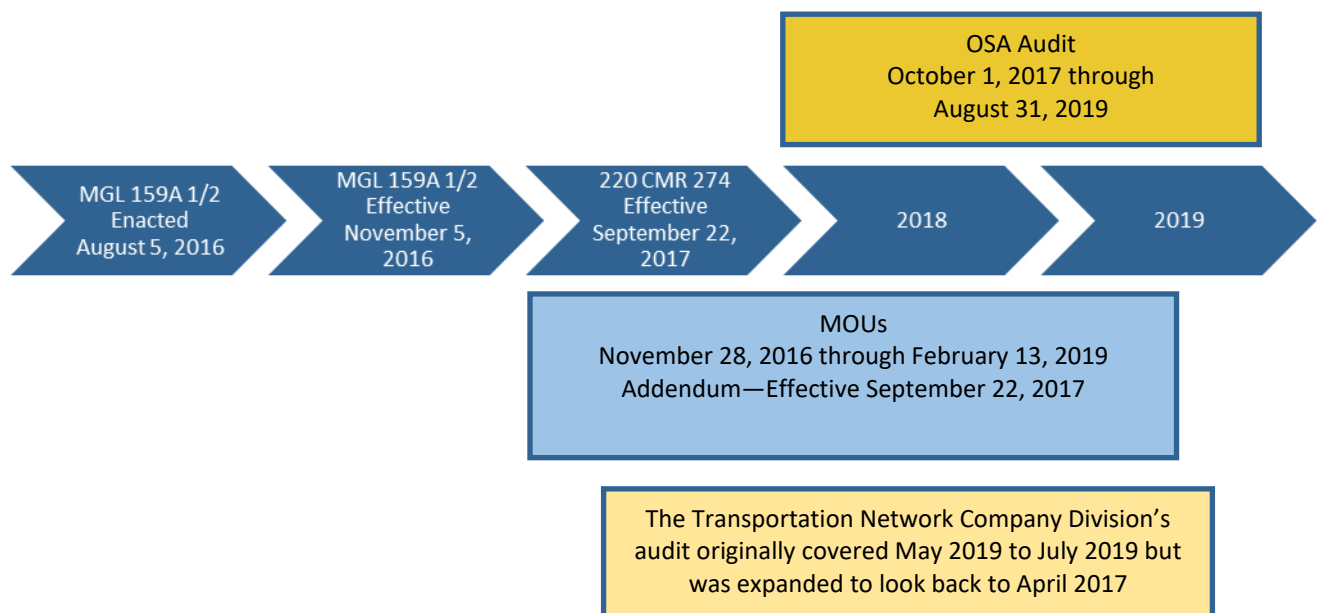
These regulations establish the rules governing DPU's oversight of TNCs, the provision of transportation network services in the Commonwealth, and suitability requirements for transportation network drivers. Specifically for this audit, we examined 220 CMR 274.06 requiring both TNCs and the Transportation Network Company Division to conduct background checks of TNC rideshare drivers, 220 CMR 274.13 requiring the division to conduct quarterly audits of each TNC's background check records, and 220 CMR

274.12(3) requiring the division to oversee and monitor the rideshare complaint process to ensure that complaints are resolved and ensure public safety. Although we did not review them during this audit, the division is also responsible under 220 CMR 274 for ensuring that rideshare drivers meet the following requirements:

- The driver must not offer or provide services for more than 12 consecutive hours in a 24-hour period.
- The driver must have a decal on the vehicle to identify when the driver is are working; the decal must be returned to the division within 14 days if the driver no longer provides services.
- The driver must have adequate automobile insurance, and all insurance documents must be submitted to the TNC (or a third party acting on the TNC’s behalf) before the driver provides services in the Commonwealth.
- The driver must be protected from unauthorized disclosure of his/her personal information that is in the TNC’s possession.

Finally, under 220 CMR 274.19, the division can waive any provision of 220 CMR 274, including 220 CMR 274.13, “on its own motion, or for good cause shown.” During our audit period, the division completed only one of its seven required quarterly audits to ensure that TNCs performed national background record checks for all rideshare drivers. However, the division did not request any waivers of any provisions during our audit period.

Timeline of Laws, Regulations, MOUs, and Audits



During the audit period, the division had 10 employees, including a director, an assistant general counsel, a program coordinator, and compliance officers.

According to the Transportation Network Division's website, there were approximately 64.8 million rideshare trips that went through TNCs' digital networks during calendar year 2017 and approximately 81.3 million rideshare trips during calendar year 2018.

TNCs

TNCs must apply for a permit from the Transportation Network Company Division to provide rideshare services in Massachusetts. In the permitting stage, a TNC applying for a permit is required to demonstrate that it has certain processes in place to protect the public. The TNC and its rideshare drivers must have insurance coverage; national background record checks of all rideshare drivers; clear and conspicuous explanations of the pricing structure posted and visible to riders; vehicles and rideshare drivers who can accommodate riders with special needs, including those with visual impairments and mobility devices; and a toll-free customer service hotline to respond to rideshare questions and complaints.

Further, each TNC must have an administrative process in place to maintain and update a roster of drivers that is certified by the TNC and then provided to the Transportation Network Company Division. TNCs, on request from the division and with appropriate legal process, provide the rosters to the Registry of Motor Vehicles (RMV) and to state and local law enforcement agencies. TNCs must maintain the driver rosters in real time and comply with all requests for information from the division regarding rosters, including information about rideshare driver background record checks.

Rideshare Driver Background Record Checks

Anyone seeking to become a rideshare driver is required to submit an application to a TNC and to give consent for the TNC to conduct a national background record check.

The TNC is required to perform this background record check, using the information in the driver's application to check information in a number of national databases to determine whether there are any disqualifying events, such as criminal offenses or motor vehicle infractions, that should prevent the applicant from becoming a rideshare driver. These manual national background record checks include online data matching including the National Sex Offender Public Website, various national criminal

search databases, and the driving records associated with the applicant's driver's license number from multiple states' departments of motor vehicles. (See [Appendix A](#) for a full list of the reviewed databases.) The checks can also include onsite visits to courthouses to manually review potential drivers' criminal records. National background record checks cover the last three to seven years (the duration depends on which database is being searched) of the applicant's criminal and driving history.

If an applicant passes the TNC's national background record check, the applicant's personal identification information is transmitted electronically to the Transportation Network Company Division, which then performs a state background record check through the Department of Criminal Justice Information Services (DCJIS). The TNCs in the state have assured the division that only applicants who have passed this national background record check have their information transmitted electronically to the division to perform the state background record checks.

In January 2017, the division developed and implemented a screener program to perform state background record checks of new driver applicants, annual background record checks for drivers who are already on the rosters, and continuous monitoring of approved drivers. TNCs forward approved rideshare drivers' applications to the screener program through an application programming interface (API). Through a separate API, the division sends drivers' personal information to a statewide system of databases operated by DCJIS that in turn conducts a statewide background record check using the following databases: the Criminal Offender Record Information (CORI) database; RMV's driver history database; the Warrant Management System, a Massachusetts Trial Court database; and the Sex Offender Registry Information database. DCJIS transmits the results of this data match to the division, which then checks for disqualifying events for each driver. (See [Appendix B](#) for a full list of disqualifying events.) Unlike national background record checks, which only include the last three to seven years, state background record checks cover an unlimited period. If DCJIS returns no criminal history, disqualifying events, warrants, or sex offenses, the screener program automatically approves the application. If DCJIS shows that the applicant is a sex offender or does not have a valid driver's license, the screener program automatically denies the application. For records marked "needs review"—for example, driver history records where the RMV driver history database indicates a driving infraction that may be a disqualifying event—the driver's application is moved into a queue for a division compliance officer to review manually. A compliance officer reviews the documentation from the state background

record matches and, if a disqualifying event has occurred, denies the application and notifies the applicant and the TNC of the denial.

An approved or denied application is transferred electronically to the TNC and the applicant. The division issues background check Clearance Certificates, which are separate from the Driver Certificates issued by TNCs, to approved drivers, indicating that the drivers have passed the state background record check and may be granted access to a TNC's digital network. If the compliance officer cannot make an eligibility determination after reviewing the background record check documents, the officer forwards the information to a supervisor to make the determination. An appeal process is available to people who have been denied Clearance Certificates or had their Clearance Certificates suspended. The appeal request must be received by the division within 30 days after the applicant receives the denial or suspension. If an applicant still does not agree with the decision after exhaustion of all administrative appeals, s/he may appeal for judicial review in the Superior Court.

After hiring a rideshare driver, a TNC is required to perform a national background record check of the driver every six months. If the driver does not pass the check, the TNC is required to suspend or revoke the driver's access to its digital network, preventing the driver from picking up passengers. The suspension may be limited to the time it will take to determine whether allowing the driver to provide services is consistent with the public interest. The driver can appeal the suspension or revocation, but it stays in place until a final appeal determination is reached.

The Transportation Network Company Division has DCJIS continuously monitor the CORI database for approved rideshare driver records to identify any disqualifying event that may have occurred since the last background record check. If a disqualifying event occurs, the division immediately suspends or revokes the Clearance Certificate and notifies the driver and the TNC. The TNC is expected to immediately suspend or revoke the Driver Certificate it has issued and remove the driver from its digital network.

TNC Digital Networks

Each TNC is responsible for its own digital network; riders download the TNC's mobile software application to gain access to it. Riders open accounts by giving TNCs personal information and credit card information, which enable TNCs to receive payment for rideshare services. An individual can open accounts with multiple TNCs.

Passengers can provide their pickup locations and destinations using TNCs' digital networks. Once a rideshare driver accepts a rideshare request, the network electronically notifies the passenger of the driver's name, vehicle type, and expected arrival time, as well as the fare. The entire rideshare transaction—from request for services to settlement of payment, reviews, and complaints—is processed within the TNC's digital network.

Monitoring of Certified Drivers

The Transportation Network Company Division conducts quarterly audits of TNCs. During an audit, the division reviews a TNC's driver certification and criminal background record check processes and determines whether the TNC has conducted the required national background record checks of rideshare applicants and drivers. An audit also allows the division to determine whether drivers whose Clearance Certificates have been suspended or revoked were promptly barred from accessing a TNC's digital network. At the end of a quarterly audit, the division issues findings for the TNC to correct. If the audit reveals noncompliance with Section 6 of Chapter 159A 1/2 of the General Laws and 220 CMR 275, it may result in an enforcement action. According to Chapter 159A 1/2 of the General Laws, in response to noncompliance, the division may issue a monetary penalty, refrain from issuing new Clearance Certificates, or revoke the TNC's permit to operate in Massachusetts.

Rideshare Complaint Process

TNCs must provide a detailed numerical accounting of all complaints by or about drivers or riders to the Transportation Network Company Division monthly. Rideshare riders and drivers may submit complaints through a TNC's mobile software application, through a TNC's website, or by phone. These complaints, compiled by TNCs, involve issues like unprofessional behavior, vehicles in poor condition, car accidents, and assaults. Additionally, TNCs have zero-tolerance policies, which encourage riders to ask a driver to pull over if they suspect that the driver is under the influence of drugs or alcohol. If this happens, the driver must allow the rider to exit the car and call the police. TNCs encourage riders to notify them of this issue. They promptly suspend a driver's TNC digital network account access when they receive a report from any person who reasonably suspects that the driver is under the influence of drugs or alcohol while providing rideshare services or delivery services.⁴ TNCs must immediately report any driver

4. A TNC may contract with businesses to provide local delivery services, such as picking up and dropping off packages, meals, and documents, and use drivers to perform those services.

suspension or revocation to the division so it can immediately suspend or revoke the driver's Clearance Certificate.

AUDIT OBJECTIVES, SCOPE, AND METHODOLOGY

In accordance with Section 12 of Chapter 11 of the Massachusetts General Laws, the Office of the State Auditor has conducted a performance audit of certain activities of the Department of Public Utilities' (DPU's) Transportation Network Company Division for the period October 1, 2017 through August 31, 2019.

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Below is a list of our audit objectives, indicating each question we intended our audit to answer; the conclusion we reached regarding each objective; and, if applicable, where each objective is discussed in the audit findings.

Objective	Conclusion
1. Do the Transportation Network Company Division's monitoring measures for rideshare drivers' eligibility prevent ineligible drivers from providing rideshare services to the general public as required by Sections 274.06 and 274.13(1-4) of Title 220 of the Code of Massachusetts Regulations (CMR)? Specifically,	
a. Does the division review and verify national background record checks of rideshare driver applicants performed by transportation network companies (TNCs)?	No; see Findings 1a and 1b
b. Does the division review and verify mandatory six-month background record checks of existing rideshare drivers performed by TNCs?	No; see Findings 1a and 1c
c. Does the division perform state background record checks of rideshare driver applicants, identifying all ineligible applicants?	Yes
d. Does the division perform state background record checks of rideshare drivers at least once a year to ensure that drivers remain eligible?	Yes
e. When the division deems rideshare drivers ineligible, does it notify the TNCs and ensure that the drivers stop operating rideshare vehicles?	No; see Findings 1a and 1d
2. Does the Transportation Network Company Division oversee and monitor the rideshare complaint process to ensure that complaints are resolved and ensure public safety as required by 220 CMR 274.12(3)?	No; see Finding 2

To achieve our objectives, we gained an understanding of the Transportation Network Company Division's internal control environment related to the objectives by reviewing the division's policies and procedures, as well as conducting inquiries with division personnel and management. We tested the controls' operating effectiveness over TNCs' national background record checks of rideshare drivers and complaint resolution reporting. We identified a control deficiency in the division's oversight of TNCs. This oversight is intended to ensure that TNCs perform national background record checks at initial application and then every six months and promptly bar ineligible drivers from accessing their digital networks to pick up riders in accordance with 220 CMR 274.13(3). (See [Finding 1a.](#))

Scope Limitation

We encountered a scope limitation with regard to Objective 1e. Specifically, when performing our testing to determine whether the Transportation Network Company Division effectively monitored the eligibility of rideshare drivers, we attempted to determine whether all rideshare drivers who had been suspended or had their Clearance Certificates revoked were denied access to their TNCs' digital networks. We requested that the division provide us with documentation that TNCs barred rideshare drivers with suspended or revoked Clearance Certificates from their digital networks.

Transportation Network Company Division officials responded that they did not maintain this documentation. We requested that the division obtain from two TNCs (Uber and Lyft) evidence of the date the drivers' access to the TNCs' digital networks was turned off. Uber and Lyft stated that they would not provide the requested screenshot to show that rideshare drivers with suspended or revoked certificates were denied access to the digital networks. Although we were able to obtain an understanding of the division's monitoring activities, we could not determine to what extent TNCs barred rideshare drivers with suspended or revoked Clearance Certificates from their digital networks. (See [Finding 1d.](#))

TNCs' Driver National Background Record Checks

To determine whether the Transportation Network Company Division ensured that TNCs performed national background record checks of potential rideshare drivers as required by 220 CMR 274.06(2)(a–e), we selected a statistical, random sample, with a 0% expected error rate, a 5% precision rate, and a 95% confidence level, of 53 of the 195,708 potential drivers who applied to TNCs during the audit period. To determine whether these 53 applicants had any disqualifying events, we obtained and

reviewed their names; their driver's license numbers; and copies of their criminal, sex offender, and driving records that indicated whether national background record checks had been performed.

To determine whether the Transportation Network Company Division monitored whether TNCs performed national background record checks of active rideshare drivers every six months, we selected a statistical, random sample, with a 0% expected error rate, a 5% precision rate, and a 95% confidence level, of 58 of the 851,334 active rideshare drivers during the audit period. For these 58 drivers, we obtained and reviewed names; driver's license numbers; and copies of criminal, sex offender, and motor vehicle records to ensure that the checks had been performed.

To determine whether the Transportation Network Company Division notified TNCs when it identified rideshare drivers who did not meet qualifying standards and should be barred from accessing the TNCs' digital networks, we interviewed management and observed an email generated by the DPU screener program. Emails are sent automatically from the screener program to both the TNC and the driver with the suspended or revoked certificate, notifying both parties that a Clearance Certificate has been suspended or revoked.

To determine whether the Transportation Network Company Division verified that TNCs barred access to their digital networks for rideshare drivers who did not meet qualifying standards for rideshare driving in the Commonwealth, we selected a statistical, random sample, with a 0% expected error rate, a 5% precision rate, and a 95% confidence level, of 60 of the 10,050 rideshare drivers with suspended or revoked Clearance Certificates during the audit period. We gave the division these 60 potential drivers' names and driver's license numbers and requested screenshots of TNC digital network files showing that the drivers no longer had access to the networks. The division did not have these documents and requested them from the TNCs. The TNCs would not provide the requested documents; this led to the previously mentioned scope limitation.

Division Driver State Background Record Checks

To determine whether the Transportation Network Company Division verified that potential rideshare drivers passed a state background record check as required by 220 CMR 274.06(3)(a–e), we selected a statistical, random sample, with a 0% expected error rate, a 5% precision rate, and a 95% confidence level, of 60 of the 154,234 potential rideshare drivers initially approved during the audit period. We gave the division these 60 drivers' names and driver's license numbers and requested record documentation

of this verification. We examined copies of the potential rideshare drivers' records from the Criminal Offender Record Information (CORI) database, the Sex Offender Registry Information (SORI) database, the Warrant Management System (WMS), and the Registry of Motor Vehicles' (RMV's) driver history database to determine whether any matches occurred. For records that did have matches, we inspected copies of the CORI, SORI, WMS, and RMV records to determine whether any of the matches was a disqualifying event that would prevent the potential rideshare driver from getting approval.

To determine whether eligible rideshare drivers passed annual state background record checks, we selected a statistical, random sample, with a 0% expected error rate, a 5% precision rate, and a 95% confidence level, of 60 of the 851,334 then-current rideshare drivers whom the Transportation Network Company Division deemed eligible during the audit period. We gave the division these 60 drivers' names and driver's license numbers and requested documentation verifying that successful subsequent annual state background record checks were performed for them. We examined copies of the rideshare drivers' records from the CORI database, the SORI database, WMS, and the RMV driver history database to determine whether any matches occurred. We inspected records that did have matches to determine whether any of the matches was a disqualifying event that would prevent the rideshare driver from performing rideshare services.

Rideshare Complaint Process

To determine whether the Transportation Network Company Division monitored monthly complaint reports as required by 220 CMR 274.12(3), we interviewed division management and determined that the division only collected the reports from TNCs and had not established a process to monitor the information in them. We obtained copies of the monthly complaint reports submitted by TNCs and identified the dates the complaints were made to TNCs, the types of complaints, and whether the complaints had been resolved. We also determined through interviews with division management that the division had not requested documentation from TNCs showing what the complaints were or evidence related to the actions TNCs took to resolve them. Uber and Lyft provided monthly complaint reports from the period January 2019 through August 2019.⁵ They contained 156,127 rider complaints about rideshare drivers and 115,364 driver complaints about riders.

5. Driver and rider monthly complaint reports compiled and resolved by the TNCs were to be provided to the Transportation Network Company Division starting in October 2017. The division did not start receiving the reports until January 2019.

Data Reliability

To gain an understanding of the screener program data system and controls, we interviewed information technology personnel who were responsible for oversight of the system. To assess the system's reliability, we tested the following general information technology controls: security management, access controls, configuration management, contingency planning, and segregation of duties.

To assess the completeness and accuracy of the applicant list and the driver list, we compared the list of applicants and drivers in the screener program data system to the list of applicants and drivers from the Transportation Network Company Division's annual report. We determined that the list of applicants and drivers was sufficiently reliable for the purposes of this audit.

To assess the reliability of the Transportation Network Company Division's rideshare driver background record checks in the screener program data system, we traced our samples of rideshare driver applicants and drivers from the screener program data system to source documents from the CORI database, the SORI database, WMS, and the RMV driver history database. We determined that the rideshare driver applicant and rideshare driver data from the screener program data system were sufficiently reliable for the purpose of this audit.

To assess the completeness of TNCs' monthly complaint reports, we interviewed Transportation Network Company Division management, determined when the division started to receive the complaint reports, and followed up with requests to obtain missing monthly reports. We determined that the data were sufficiently reliable for the purpose of this audit.

DETAILED AUDIT FINDINGS WITH AUDITEE'S RESPONSE

1. The Transportation Network Company Division did not ensure that transportation network companies conducted background record checks of their drivers and that they levied sanctions against drivers whose Clearance Certificates were suspended or revoked.

a. The Transportation Network Company Division did not always perform quarterly audits.

During our audit period, the Transportation Network Company Division did not effectively monitor transportation network companies (TNCs) to ensure that they conducted national background record checks of all rideshare drivers. We requested and reviewed reports of all quarterly audits performed by the division during the audit period and noted that the division had only performed one of the seven required quarterly audits of the national background record check information maintained by Uber and Lyft. That audit was for the period April 3, 2017 through June 30, 2019, and the division did not complete it until June 2020. As a result of these issues, the division cannot be certain that all the TNCs' rideshare drivers are qualified to work for them.

b. Rideshare applicants did not always pass national background record checks.

We selected a statistical sample of 53 of the 195,708 rideshare driver applications that were submitted to TNCs during our audit period. We reviewed copies of criminal and driving records to ensure that background record checks were conducted using each applicant's license number, name, age, and license expiration date, and we reviewed each applicant's criminal history search, multistate driving history search, and sex offender national search for disqualifying events according to the suitability standards in Appendix B of this report. Based on our test results, 2 of the 53 rideshare driver applications selected contained incidents that should have precluded the applicants from passing a national background record check. One applicant had a motor vehicle incident, and one had not had a multistate driving history search performed. Both drivers had been hired by the same TNC; there was no documentation of why the TNC had hired them. These rideshare driver applicants who passed TNCs' national background record checks had criminal records or motor vehicle incidents (such as a lack of a valid driver's license) that should have precluded them from being hired.

c. TNCs did not always perform six-month national background record checks.

We selected a statistical sample of 58 of 851,334 rideshare drivers who worked for TNCs during the audit period to ensure that a six-month background record check was conducted using each driver's name, age, and driver's license number and expiration date. We reviewed each applicant's criminal history, multistate driving history, and sex offender national search for disqualifying events according to the suitability standards in [Appendix B](#). For 20 of the 58 rideshare drivers in our sample, there was inadequate documentation that the TNC had conducted the most recent six-month national background record check. These rideshare drivers who had not had the most recent six-month background record check could present a safety risk to riders.

d. TNCs did not confirm that rideshare drivers who were not eligible to provide services had been denied access to the TNCs' digital networks.

The Transportation Network Company Division did not request any information from TNCs to determine whether they had implemented the required penalties against rideshare drivers whose Clearance Certificates the TNCs had suspended or revoked or whether ineligible drivers were denied access to the TNCs' digital networks to prevent them from picking up riders. This issue presents a safety risk to riders. (See the previously mentioned [scope limitation](#).)

Authoritative Guidance

According to Para. 5 of the TNC permit issued to Uber on February 13, 2019, which expired February 13, 2020 (Permit No. 2019-TNCDP-02),

From time to time, the Division will request information and/or records from the TNC to ensure compliance with M.G.L. c. 159A 1/2, 220 CMR 274.00, and D.P.U. 17-81-A, as well as to ensure compliance with other orders and directives issued by the Division. The TNC shall respond to such requests in timely manner and in accordance with M.G.L. c. 159A 1/2 and 220 CMR 274.00.

Section 274.06 of Title 220 of the Code of Massachusetts Regulations (CMR) states,

(2)(a) A TNC shall conduct a nationwide background check for each Driver, which shall, at a minimum, include a review of the following:

- 1. Multi-state criminal history database;*
- 2. Multi-state motor vehicle driving history database; and*

3. U.S. Department of Justice National Sex Offender Public website.

(2)(b) A TNC shall conduct a nationwide background check for each Driver not less than once every six months. . . .

(3)(d) If the Division learns of and verifies a Driver's arrest for a crime or a Driver's citation for a driving infraction that would render the Driver unsuitable to provide Services . . . the Division shall immediately suspend or revoke the Driver's Clearance Certificate and notify the relevant TNC(s). After having been so notified, the TNC shall immediately suspend or revoke the Driver Certificate until the Division determines otherwise.

The regulation 220 CMR 274.13(3) states, "The Division shall quarterly audit records relating to 220 CMR 274.06(2)." These records would include copies of criminal, sexual offender, and motor vehicle background record checks.

Reasons for Issues

In its reply to our draft audit report, management at the Department of Public Utilities (DPU) stated that it believed it was not required to perform all of the quarterly audits of TNCs in question because the final version of 220 CMR 274.13(3) was not in effect during the entire audit period:

From October 1, 2017 to February 12, 2019, the TNCs were governed by memoranda of understanding ("MOUs") between the Department of Public Utilities and the TNCs (the "MOU Period"). From February 13, 2019 to August 31, 2019 (and beyond) TNCs were governed by the permits issued by the Division pursuant [to] the recently adopted Chapter 159A 1/2 of the General Laws and associated regulations (the "Permit Period"). . . . The later adopted Permit Period regulations include a number of requirements that did not apply during the MOU Period.

However, in our opinion, the Transportation Company Division was required to comply with this regulation once it became effective on September 22, 2017, before the beginning of our audit period. Although the division had the ability to waive this regulatory requirement "on its own motion, or for good cause shown" pursuant to 220 CMR 274.19, it did not invoke this waiver provision.

In addition, the Transportation Network Company Division has not established written policies and procedures for auditing TNCs or monitoring any actions taken by TNCs against individuals whose Clearance Certificates have been suspended or revoked.

Recommendation

The Transportation Network Company Division should establish written policies and procedures for auditing TNCs and establish a monitoring process to ensure that TNCs take appropriate actions against rideshare drivers whose Clearance Certificates have been suspended or revoked.

Auditee's Response

The Transportation Network Company Division ("Division") disagrees with this generalized finding and with a number of related, subsidiary findings noted below. The [Office of the State Auditor's] incorrect assessments here result to a large degree from erroneously conflating two distinct sets of regulatory requirements for TNCs that applied during two different periods within the overall audit period. . . .

As background, when the Legislature enacted Chapter 159A 1/2 of the General Laws empowering the Division to regulate TNCs and requiring the Division to issue permits, a number of TNCs had already established substantial operations in the Commonwealth. To avoid shutting down the industry while the Division created regulations and permit requirements through the required, public regulatory process, the Legislature explicitly provided that "all transportation network drivers and transportation network companies operating in the commonwealth prior to the promulgation of regulations issued by the division . . . may continue to provide transportation network services." St. 2016, c. 187, § 13. The Legislature in fact provided that TNCs and drivers did not even have to apply for all required permits and certificates until 120 days after the effective date of the Division's regulations. Id.

In order to achieve the principal public safety benefits authorized by the TNC legislation during the period in which the development of a complete regulatory structure was underway, the Division established an interim regulatory oversight by entering into MOUs with the established TNC operators. Under the MOUs, for the first time, all drivers received a thorough secondary background check by the Division, following a primary background check by the TNCs. The MOUs were a critical interim measure to ensure public safety while we staffed the Division, established a first-in-the nation background-check system, promulgated comprehensive regulations pursuant to the procedural requirements of Chapter 30A, and went through the permit process with TNCs.

Finding 1a

The finding mistakenly states that during the audit period, the Division "only performed one of the seven required quarterly audits of the national background records checks information maintained by Uber and Lyft." Quarterly audits were not required during the MOU Period; the requirement was implemented in the Permit Period. During the period of the [Office of the State Auditor's] audit, therefore, only one quarterly audit was required. The Division conducted that audit. The Division conducted its first quarterly audit at the close of the Permit Period's first full quarter in July 2019 and, consistent with 220 CMR 274.13(3), the Division has conducted the required audits every quarter since then.

While not required, the Division determined that the TNCs' performance during the MOU Period should be examined and voluntarily conducted a single audit for that period. This audit was a larger undertaking that covered a substantially longer period and broader scope than a typical quarterly audit. The Division completed this audit in July 2020. While it showed, among other things, that the TNCs have strengthened their background check processes since 2017, the Division directed the TNCs to develop more robust internal controls of their background checks. The TNCs have since developed more standardized procedures for their background checks.

Additionally, in December 2019, the Division hired a full-time auditor. The Division's written audits of TNCs are exhaustive. As part of the Division's audit process, it establishes sampling methodologies, creates audit scopes and timelines, sets milestones, issues information requests, reviews and analyzes documentary evidence provided by TNCs, prepares a planning memo, and issues a final report. The Division is currently memorializing this existing process in comprehensive written policies and procedures.

Auditor's Reply

In its response, DPU asserts that it was not required to perform quarterly audits of TNCs' national background record checks during the memorandum of understanding (MOU) period and that the audits began in the permit period. DPU's reliance on the MOU and permit periods is flawed, as DPU concedes its response that the MOUs were put in place as interim placeholders before the promulgation of 220 CMR 274. Once 220 CMR 274 became effective, as of September 22, 2017, the regulations therein—including the requirement of 220 CMR 274.13 that "the Division shall quarterly audit records relating to 220 CMR 274.06(2)"—superseded the MOUs and the permitting process. Further, if DPU wanted to continue to operate under the MOUs and waive its obligations under 220 CMR 274.13(3) to conduct quarterly audits, 220 CMR 274.19 provides such authority. However, neither the MOUs nor subsequent addenda refer to this waiver provision, and DPU has not provided any evidence that it invoked this waiver provision. Finally, whether or not the MOUs and permitting process were in place, Section 8 of Chapter 159A 1/2 of the Massachusetts General Laws gives DPU authority to obtain records related to 224 CMR 274.06(2):

Each transportation network company or applicant for a transportation network company permit shall furnish all information and documents related to the condition, management and operation of the company upon the division's request.

Therefore, in the opinion of the Office of the State Auditor (OSA), once 220 CMR 274.13(3) became effective on September 22, 2017, the regulation required the Transportation Network Company Division to perform quarterly audits of this information, and the division should have conducted

seven such audits during our audit period. As noted above, in addition to the one quarterly audit the division conducted during our audit period, the division states in its response that in July 2020, it completed a broader "single audit" of TNCs that covered the entire MOU period back to April 2017. In OSA's opinion, auditing TNC information back to April 2017 indicates that the division believes it should have been auditing TNCs as soon as 220 CMR 274.13(3) went into effect.

Delays in quarterly audits could allow unsuitable drivers to provide rideshare services, increasing risks to riders.

Based on its response, the division is taking measures to address our concerns in this area.

Finding 1b

This finding is misleadingly stated and rests on an inaccurate assessment of the TNC initial background checks examined. The finding states that [two] drivers out of a random sampling of [53] driver applications should not have passed the initial TNC background check, due to. . . a disqualifying motor vehicle incident, and . . . an incomplete background check. As an initial matter, to be clear, none of these candidate drivers ever provided a single ride in Massachusetts. But the draft audit report's broad statement also does not reflect the actual facts of the [two] underlying cases. . . .

The . . . two candidates [OSA] identified both received a national criminal background check. Those background checks showed that neither candidate had a disqualifying criminal offense. One candidate, however, had less than the required three years of driving experience and the other did not receive a driving history search by the TNC.

Auditor's Reply

OSA acknowledges that the two applicants in question were not approved by the Transportation Network Company Division to work for a rideshare company in Massachusetts during the audit period. Our concern was that these applicants passed a national background record check by a TNC despite each having a disqualifying event in the background records. Further, we do not agree with the auditee's assertion that this audit finding is misleading or based on an inaccurate assessment of TNCs' initial (national) background record checks. As stated above, during our audit testing in this area, we found that 2 of the 53 rideshare driver applicants in our sample had disqualifying events in their records that should have prevented them from passing the background record checks.

Specifically, one of the two applicants only had seven days of driving experience instead of the mandatory 12 months, but passed the background record check. Not having the required minimum

driving experience is a disqualifying event according to 220 CMR 274.21; therefore, the TNC should have denied this application. It should be noted that, based on its background record check, the Transportation Network Company Division denied this application, which supports OSA's conclusion that the TNC should have denied it.

The second applicant's file did not have documentation indicating that the TNC had performed a background record check. The lack of such a check is a disqualifying event according to 220 CMR 274.21, so the TNC should have denied this application. Based on its background record check, the Transportation Network Company Division also denied this application, which supports OSA's conclusion that the TNC should have denied it.

Therefore, we urge the division to implement our recommendations on this matter.

Finding 1c

This finding is not correct. . . . In fact, out of the 20 drivers identified by [OSA], only one did not receive a required six-month background check within the required period. In that single case, however, that driver's background check occurred 4 days after the required six-month background check period. For the other 19 drivers in [OSA's] sample, no six-month background check was required.

The draft report's miscalculation rests on two analytical errors. First, the draft report here again improperly applies to the MOU Period standards that became applicable only during the Permit Period. Six-month background checks were not required during the MOU Period. Second, even under the regulations applicable during the Permit Period and going forward, TNCs are not required to conduct a six-month background check on a person who is not an active driver. This is because inactive drivers do not have access to the TNCs' platforms and cannot provide rides.

Of the 20 drivers identified by [OSA], 12 were under the requirements of the MOU Period, and therefore the six-month background check was not required. Four of the remaining identified drivers did not require six-month background checks because they were not active on the TNC platform. Three of the remaining four drivers were inadvertently submitted to the Division due to a data transmission error by the associated TNC that the Division identified at the time. Once informed of the error, the TNC withdrew those three submissions. Accordingly, the TNC did not provide [OSA] with the requested records because those drivers never applied to become Massachusetts TNC drivers and never provided a ride in Massachusetts. As a result, of the 20 drivers identified by [OSA], only one did not receive a timely required six-month background check. That check was only four days late.

Additionally, the Division notes that [OSA]'s methodology in calculating required timing for six-month background check[s] may have led to some mathematical inaccuracies. [OSA] appears to have calculated the six-month cadence for background checks based on 30-day months and did not consider that seven months have 31 calendar days. This miscalculation appears to have led [OSA] to conclude that certain background check cadences were off. Additionally, [OSA] appears to have assumed that both the criminal and driving record checks (the two parts of the background check) necessarily should occur at the same time. TNCs, however, start the respective checks at different intervals because some checks take longer than others to complete. This failure of [OSA]'s methodology to account for these sorts of appropriate variations appears to have led [OSA] to conclude that certain background check cadences were off when they were not.

Auditor's Reply

Contrary to what DPU asserts in its response, the audit finding is accurate. As noted above, OSA believes that the requirement that TNCs perform six-month background record checks became effective when 220 CMR 274 was enacted on September 22, 2017 and that background checks were therefore required for all 20 of the drivers in question. Also as noted above, there was inadequate documentation that the TNC had conducted the most recent six-month national background record check for these 20 drivers.

With regard to DPU's assertion that 4 of the 20 drivers in question were inactive, the software application that DPU uses to search for information on rideshare drivers only records the current driver activity and status, without an effective date for that status. This is the software we used to conduct our testing in this area, and at the time our testing was conducted, the software did not show the 4 drivers in question as inactive.

The three drivers DPU says were inadvertently submitted to the Transportation Network Company Division because of a data transmission error were never identified by the division as part of such an error. Also, during our audit, the division never informed OSA of this situation or of why it could not provide background check documentation for these three drivers.

Although the Transportation Network Company Division asserts that our method for calculating the six-month interval for national background checks is inaccurate, calculating for a 31-day month affected the same number of drivers as calculating for a 30-day month. Calculating the six-month interval for national background record checks based on a 30-day month resulted in 49 occurrences

of late reporting that affected 11 drivers. Calculating the same interval based on a 31-day month resulted in 33 occurrences of late reporting that affected the same 11 drivers.

Based on the issues we identified in this area, we again recommend that the Transportation Network Company Division develop written policies and procedures for auditing TNCs and monitoring actions taken by TNCs to ensure that they take appropriate actions against rideshare drivers whose Clearance Certificates have been suspended or revoked.

Finding 1d

This finding is formulated in a misleading way. The draft audit report states that the Division "did not request any information from [TNCs]" to determine whether drivers were prevented from accessing the TNCs' platform after the Division denied them. This is not true. During the entire audit period, the Division has required the TNCs to provide this information, and it has established formal procedures to ensure that unsuitable drivers do not have access to the TNCs' platform.

As part of normal business operations, the Division requires TNCs to provide information addressing driver suitability, including background check reports and rider/passenger feedback on the driver's performance. The Division reviews this information to determine whether driver applications and appeals should be allowed or denied. Since 2017, the Division has conducted over 5,000 appeals of applicants denied by the Division. In those appeals, the Division reviews information regularly reported by the TNCs in order to determine whether the TNC promptly prevented a person from accessing its digital network and whether the driver should continue to be prevented from accessing the TNC's platform.

Moreover, in January 2019, the Division established formal directives requiring TNCs to notify the Division of all driver deactivations to provide an additional means of assuring that TNC drivers who are not eligible to provide services have been denied practical access to drive. In January 2020, the Division began monthly driver roster checks to ensure that each TNC deactivated drivers that did not pass the Division's background check or its continuous monitoring of [driver] criminal activity. More recently, in July 2021 the Division issued an order requiring TNCs to notify the Division weekly of all drivers that are deactivated for public safety reasons. . . .

The Division has a process to monitor that TNCs are preventing drivers' access to their platforms when those drivers are suspended by the Division. First, every 24 hours the Division monitors whether a TNC has acknowledged receipt of a communication from the Division regarding an ineligible driver. Each month, the Division conducts a quality control review with all TNCs to confirm that the appropriate actions were taken based on Division communications. Further, TNCs must notify the Division every week of drivers that the TNCs have prevented from accessing their platforms due to safety reasons. The

Division reviews the information provided by the TNCs to determine whether the Division should issue suspensions as well.

Auditor's Reply

In its response, the division asserts that it obtains information from TNCs, including whether they have promptly prevented a person from accessing their digital networks, for rideshare drivers who are appealing the suspension or revocation of their Clearance Certificates. Even if this is true, in OSA's opinion, the division should have obtained this information from TNCs for all rideshare drivers who had their Clearance Certificates suspended or revoked, not just those who were appealing a certificate suspension or revocation. The division also should have ensured that the receipt of this information was properly documented.

OSA acknowledges that 220 CMR 274.06(3)(d) requires TNCs and the division to notify each other when a driver is unsuitable and denied either a DPU-issued Clearance Certificate or a TNC-issued Driver Certificate. However, as noted above, during our audit the Transportation Network Company Division could not provide evidence that it had requested and obtained documentation from TNCs that drivers it had deemed unsuitable had been barred from the TNCs' digital networks. During our audit, we asked division management for evidence to substantiate that it had requested this documentation. Management stated that division personnel confirmed by phone that TNCs had barred drivers from the networks, but did not routinely document the calls. Therefore, OSA attempted to obtain confirmation that the drivers had been barred directly from TNCs, but we were denied access to this information. (See the previously mentioned scope limitation.)

In its response, the Transportation Network Company Division asserts that it has a process in place to ensure that TNCs prevent drivers' access to their platforms when the division suspends the drivers' Clearance Certificates; however, this process was not in place during our audit period.

2. The Transportation Network Company Division did not ensure that TNCs investigated and resolved all rideshare complaints.

During our audit period, the Transportation Network Company Division did not effectively monitor TNCs' resolution of driver and rider complaints. Specifically, during the audit period the division only received 13 of the 46 required monthly complaint reports from TNCs, and it only started to receive reports in January 2019. Further, some of the monthly reports the division received were deficient and did not contain information on actions TNCs had taken to resolve the complaints. For example, one TNC only

provided 5 of 23 monthly reports; the 5 reports identified 143,387 complaints by riders against drivers and 113,084 complaints by drivers against riders. The reports did not contain information on any actions the TNC took to resolve these complaints. Without ensuring that TNCs provide all the required monthly complaint reports and information, the division cannot ensure that TNCs take the necessary actions to address complaints. This issue creates an elevated safety risk for riders and drivers.

Authoritative Guidance

The regulation 220 CMR 274.12(3) states,

A TNC shall report monthly to the Division a detailed accounting of all Driver and Rider complaints, received through any means, and the actions that the TNC has taken, if any, to resolve said complaints.

Reasons for Issue

The Transportation Network Company Division has not established policies and procedures for administration of TNC complaint reports or monitoring controls to ensure that TNCs provide the reports on schedule. Further, the division has not established a standard report format or guidelines for TNCs to follow when reporting complaints.

Recommendations

1. The Transportation Network Company Division should establish policies, procedures, and controls for administration of TNC complaint reports and monitoring controls to ensure that TNCs provide the required reports on schedule.
2. The Transportation Network Company Division should establish a standard report format or guidelines for TNCs to follow when reporting complaints.

Auditee's Response

The TNCs were not required to submit monthly complaint reports during the MOU Period. The TNCs were required to submit monthly complaint reports beginning in March 2019 after they became permitted in February 2019. Since that time the TNCs have submitted all required complaint reports. The reports themselves contained information on how the TNCs resolved the complaints. . . .

The majority of these complaints relate to payment issues, account problems, and pick-up/drop-off locations. The Division intends to pursue a stakeholder consultation process to determine if it would be helpful to establish guidelines to govern the required monthly complaint reports. The Division will use that process to determine whether any changes to the regulation requiring these reports are appropriate.

Auditor's Reply

As noted above, 220 CMR 274 became effective on September 22, 2017. It requires TNCs to report a detailed accounting of complaints monthly. Therefore, OSA believes that DPU should have required TNCs to submit monthly complaint reports to the Transportation Network Company Division throughout the audit period to ensure that TNCs had taken the necessary measures to address complaints. Based on its response, DPU is taking some measures to address our concerns in this area. We again urge DPU to implement our recommendations.

APPENDIX A

Transportation Network Company Driver Background Record Checks

Section 274.06 of Title 220 of the Code of Massachusetts Regulations (CMR) states,

2. *TNC Background Check.*
 - a. *A TNC shall conduct a nationwide background record check for each Driver, which shall, at a minimum, include a review of the following:*
 1. *Multi-state criminal history database;*
 2. *Multi-state motor vehicle driving history database; and*
 3. *U.S. Department of Justice National Sex Offender Public website. . . .*
3. *Division Background Check.*
 - a. *The Division shall conduct a Driver background check based on information that the Division receives from the Department of Criminal Justice Information Services, Sex Offender Registry Board, Warrant Management System, Registry of Motor Vehicles, and other reliable sources.*

APPENDIX B

Disqualifying Events

As of September 22, 2017, Section 274.21 of Title 220 of the Code of Massachusetts Regulations (CMR) stated,

All categories are construed as within time frames (look-back periods) during which a [rideshare] Driver shall not have a particular condition, offense, or violation. All conditions, offenses, and violations are construed to include Massachusetts law or like/similar law(s) of another state, the United States, a military, territorial or Native American tribal authority, or any other jurisdiction. All criminal disqualifying conditions, offenses, and violations include the crimes of attempt, accessory, conspiracy, and solicitation.

All look-back periods for criminal conditions, offenses, and violations commence upon the date of disposition; provided, however, that if the disposition results in incarceration in any institution, the look-back period shall commence upon release from incarceration. All look-back periods for motor vehicle conditions, offenses, and violations commence upon the date of finding of the condition, offense, or violation; provided, however, that if the violation resulted in a license suspension, the look-back period shall commence upon the termination of the suspension.

A conviction is a mandatory disqualification for all look-back periods. A continuance without a finding is a mandatory disqualification if within seven years and a presumptive disqualification if after seven years. All conditions within the present look-back period and the three-year look-back period are mandatory disqualifying conditions, offenses, and violations. A discretionary disqualification is a presumptive disqualification.

Present

Age Requirements

- (a) Must be at least 21 years old;*
- (b) If under 23 years old, must have held a valid United States driver's license for not less than three years; and*
- (c) If 23 years of age or older, must have held a valid United States driver's license for not less than one year*

Open/Unresolved Criminal Proceeding(s)

Any outstanding or unresolved criminal proceeding, the disposition for which would result in a negative determination of suitability, including but not limited to cases of active probation.

Open/Unresolved Motor Vehicle Violation(s)

Any outstanding or unresolved driving infraction that would result in a negative determination of suitability.

Open/Unresolved Criminal Warrant(s)

Any outstanding or unresolved warrant for arrest.

Sex Offender Registration

Required to register as a sex offender in any jurisdiction.

Three Years

Multiple Traffic Violations

- (a) More than four traffic violations, as defined by 211 CMR 134.00: Appendix A: **Traffic Law Violations**, and M.G.L. c. 159A 1/2, § 7; or*
- (b) Any one major traffic violation pursuant to 211 CMR 134.00: Appendix A: **Traffic Law Violations**.*

Five Years

License Suspension

Any suspension of driver's license for reasons related to the operation of a motor vehicle, including:

- (a) license suspension for three or five surchargeable incidents as defined by 211 CMR 134.00: Appendix A: **Traffic Law Violations** and subsequent failure to take the related driver retraining course within the prescribed amount of time;*
- (b) license suspension for seven surchargeable incidents as defined by 211 CMR 134.00: Appendix A: **Traffic Law Violations**;*
- (c) refusal to take a chemical breath test;*
- (d) immediate threat;*
- (e) complaint fraud; or*
- (f) racing.*

Seven Years

Felony Conviction

A conviction for an offense with an available maximum penalty of more than 2 1/2 years' imprisonment.

Felony Fraud

Including but not limited to:

M.G.L. c. 90, § 24B (counterfeiting motor vehicle documents)

M.G.L. c. 266, § 30 (larceny—over \$250 only)

M.G.L. c. 266, § 30B (unlawful possession of theft detection shielding device or deactivator)

M.G.L. c. 266, § 30C (use of counterfeit receipt with intent to defraud)

M.G.L. c. 266, § 30D (organized retail crime)

M.G.L. c. 266, § 31 (obtaining signature by false pretenses)

M.G.L. c. 266, § 32 (fraudulent conversion of property by captain of vessel)

M.G.L. c. 266, § 33 (larceny by false pretenses relating to contracts, banking transactions or credit)

M.G.L. c. 266, § 35A (false material statements in connection with mortgage lending)

M.G.L. c. 266, § 37 (uttering fraudulent checks)

M.G.L. c. 266, § 37C (fraudulent use of credit cards—felony form only)

M.G.L. c. 266, § 39 (destruction or concealment of will)

M.G.L. c. 266, § 40 (common and notorious thief)

M.G.L. c. 266, § 50 (fraud or embezzlement by state treasury employee)

M.G.L. c. 266, § 51 (fraud or embezzlement by city, town or county employee)

M.G.L. c. 266, § 52 (fraud or embezzlement by bank officer or employee)

M.G.L. c. 266, § 53A (misconduct by bank officer or employee)

M.G.L. c. 266, § 55 (embezzlement by liquidating agent or receiver)

M.G.L. c. 266, § 56 (embezzlement by broker or agent)

M.G.L. c. 266, § 57 (embezzlement by fiduciary)

M.G.L. c. 266, § 60A (buying or selling stolen trade secrets)

M.G.L. c. 266, § 66 (fraudulent issue of stock)

M.G.L. c. 266, § 67 (false entry in corporate books)

M.G.L. c. 266, § 67A (false statement in procurement)

M.G.L. c. 266, § 67B (presentation of false claims)

M.G.L. c. 266, § 67C (false entry in records relating to capital construction projects)

M.G.L. c. 266, § 73 (obtaining goods under false pretenses)

M.G.L. c. 266, § 74 (fraudulent use of corporate credit)

M.G.L. c. 266, § 75 (obtaining property by trick—over \$250 only)

M.G.L. c. 266, § 76 (gross fraud or cheat at common law)

M.G.L. c. 266, § 110 (false invoice of cargo)

M.G.L. c. 266, § 111 (false affidavit or protest)

M.G.L. c. 266, § 111A (insurance fraud)

M.G.L. c. 266, § 111B (motor vehicle insurance fraud)

M.G.L. c. 266, § 111C (fraudulently obtaining benefits under insurance contract)

M.G.L. c. 267, § 1 (false or forged records)

M.G.L. c. 267, § 2 (forged tickets)

M.G.L. c. 267, § 3 (forged seal of land court)

M.G.L. c. 267, § 4 (forged railroad company stamp)

M.G.L. c. 267, § 5 (uttering false record)

M.G.L. c. 267, § 6 (uttering forged ticket)

M.G.L. c. 267, § 7 (forged bill of credit issued by treasurer)

M.G.L. c. 267, § 8 (forged bank bill or note)

M.G.L. c. 267, § 9 (possession of ten or more counterfeit notes)

M.G.L. c. 267, § 10 (uttering counterfeit note)

M.G.L. c. 267, § 11 (common utterer)

M.G.L. c. 267, § 12 (possession of counterfeit notes)

M.G.L. c. 267, § 13 (possession of tools for counterfeiting)

M.G.L. c. 267, § 17 (possession of ten or more counterfeit coins)

M.G.L. c. 267, § 18 (possession of fewer than ten counterfeit coins)

M.G.L. c. 267, § 19 (common utterer of counterfeit coins)

M.G.L. c. 267, § 20 (tools for making counterfeit coin)

M.G.L. c. 267, § 27 (possession of worthless bank notes)

M.G.L. c. 267, § 28 (uttering worthless bank notes)

M.G.L. c. 268, § 1 (perjury)

M.G.L. c. 268, § 2 (subordination of perjury)

M.G.L. c. 268, § 3 (attempt to procure perjury)

M.G.L. c. 268, § 6 (false report before state departments)

M.G.L. c. 268, § 13 (corrupting masters, auditors, jurors, arbitrators)

M.G.L. c. 268, § 13B (willfully misleading to obstruct a criminal investigation)

M.G.L. c. 268, § 13E (tampering with record document for use in judicial proceeding)

M.G.L. c. 268, § 36 (compounding or concealing a felony)

M.G.L. c. 268, § 39 (perjury related to motor vehicle theft)

Motor Vehicle Offenses

Any offense under M.G.L. c. 90, § 24

M.G.L. c. 90B, § 8 (operating under the influence watercraft)

M.G.L. c. 90F, § 11 (operating a commercial vehicle under the influence)

Violent Crimes and Abuse-related Offenses

A "violent crime" pursuant to M.G.L. c. 127, § 133E or M.G.L. c. 140, § 121

M.G.L. c. 209A (abuse prevention or restraining order)

M.G.L. c. 258E (harassment protection order)

M.G.L. c. 265, § 13A (assault or assault and battery)

M.G.L. c. 266, § 16 (breaking and entering nighttime—felony)

M.G.L. c. 266, § 17 (entering without breaking—felony)

M.G.L. c. 266, § 18 (breaking and entering daytime—felony)

M.G.L. c. 266, § 25 (larceny from a person)

M.G.L. c. 266, § 37 (identity fraud)

M.G.L. c. 268, § 13B (witness intimidation)

M.G.L. c. 272, § 53 (indecent exposure and annoying or accosting another person)

M.G.L. c. 275, § 2 (threats)

A crime involving the illegal use or possession of weapons

Ten Years

Habitual Traffic Offender

Habitual traffic offender license suspension, by an adjudicatory body or motor vehicle licensing authority.

Indefinite

Felony Robbery

M.G.L. c. 265, § 17 (armed robbery)

M.G.L. c. 265, § 18 (assault to rob)

M.G.L. c. 265, § 19 (unarmed robbery)

M.G.L. c. 265, § 21 (stealing by confining or putting in fear)

M.G.L. c. 265, § 21A (carjacking)

M.G.L. c. 266, § 14 (armed burglary)

Multiple Driving Offenses

Two or more of the following offenses in any combination:

(a) Any form of operating under the influence;

(b) Any leaving the scene of personal injury;

(c) Any leaving the scene of property damage;

(d) Any negligent operation; or

(e) Any reckless operation.

Serious Bodily Injury Offenses

Any offense involving the serious bodily injury or death of another person, including but not limited to:

M.G.L. c. 90B, § 8A (operating under the influence causing serious bodily injury—watercraft)

M.G.L. c. 90B, § 8B (operating under the influence causing death—watercraft)

M.G.L. c. 90, § 24(2)(a 1/2)(2) (leaving the scene of an accident causing death)

M.G.L. c. 90, § 24G (motor vehicle homicide)

M.G.L. c. 90, § 24L (operating under the influence causing serious bodily injury—motor vehicle)

M.G.L. c. 265, § 13 1/2 (operating under the influence causing manslaughter)

Sexual Conduct & Abuse Related Offenses

Any "sex offense" as defined by M.G.L. c. 6, § 178C and M.G.L. c. 127, § 133E, including but not limited to:

M.G.L. c. 265, § 13B (indecent assault and battery on a child under 14 year old)

M.G.L. c. 265, § 13B 1/2 (aggravated indecent assault and battery on a child under 14 years old)

M.G.L. c. 265, § 13B 3/4 (indecent assault and battery on a child under 14 years old by a previously similarly convicted offender, adjudicated delinquent, or youthful offender)

M.G.L. c. 265, § 13F (indecent assault and battery on a mentally retarded person)

M.G.L. c. 265, § 13H (indecent assault and battery on a person age 14 years of age or older)

M.G.L. c. 265, § 13L (child endangerment)

M.G.L. c. 265, § 22 (rape)

M.G.L. c. 265, § 22A (rape of a child with force)

M.G.L. c. 265, § 22B (aggravated rape of a child under 16 years old with force)

M.G.L. c. 265, § 22C (rape of a child with force by similarly previously convicted offenders, delinquency adjudications, or youthful offenders)

M.G.L. c. 265, § 23 (rape and abuse of a child)

M.G.L. c. 265, § 23A (aggravated rape and abuse of a child)

M.G.L. c. 265, § 23B (rape and abuse of a child by similarly previously convicted offenders, delinquency adjudications, or youthful offenders)

M.G.L. c. 265, § 24 (assault with intent to commit rape)

M.G.L. c. 265, § 24B (assault of a child with intent to commit rape)

M.G.L. c. 265, § 26 (kidnapping of a child)

M.G.L. c. 265, § 43 (stalking)

M.G.L. c. 265, § 43A (criminal harassment)

M.G.L. c. 272, § 2 (enticing away a person for prostitution or sexual intercourse)

M.G.L. c. 272, § 3 (drugging persons for sexual intercourse)

M.G.L. c. 272, § 4A (inducing a minor into prostitution)

M.G.L. c. 272, § 4B (living off or sharing earnings of a minor prostitute)

M.G.L. c. 272, § 6 (owner of place inducing or suffering person to resort in such place for sexual intercourse)

M.G.L. c. 272, § 7 (support from, or sharing, earnings of prostitute)

M.G.L. c. 272, § 8 (soliciting prostitute)

M.G.L. c. 272, § 12 (procuring person to practice, or enter a place for, prostitution; employment office procuring person)

M.G.L. c. 272, § 13 (detaining, or drugging to detain, person in place for prostitution)

M.G.L. c. 272, § 16 (open and gross lewdness and lascivious behavior)

M.G.L. c. 272, § 17 (incestuous marriage or intercourse)

M.G.L. c. 272, § 28 (disseminating to a minor matter harmful to a minor)

M.G.L. c. 272, § 29A (exposing or exhibiting a child in a state of nudity)

M.G.L. c. 272, § 29B (dissemination of visual material of a child in a state of nudity or sexual conduct)

M.G.L. c. 272, § 35A (unnatural and lascivious acts with a child under 16 years old)

M.G.L. c. 272, § 39 (aggravated rape)

M.G.L. c. 272, § 105 (up skirting)

Violent Crime II

A "violent crime" pursuant to M.G.L. c. 127, sect 133E or M.G.L. c. 140 sect 121 that is punishable by ten years or more in state prison.