

Expedited Bill No. 27-06
Concerning: Taxicabs - Amendments
Revised: 10-2-06 Draft No. 5
Introduced: June 20, 2006
Expires: December 20, 2007
Enacted: October 3, 2006
Executive: _____
Effective: _____
Sunset Date: None (but see §2)
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Councilmember Perez and Council President Leventhal

AN EXPEDITED ACT to:

- (a) temporarily modify the process by which an applicant for a taxicab driver identification card may receive a temporary identification card;
- (b) temporarily suspend the application of certain provisions of law relating to the criminal background check necessary to issue a taxicab driver's identification card;
- (c) revise the schedule for issuing new taxicab passenger vehicle licenses; and
- (d) generally amend the law regulating taxicabs and taxicab drivers.

By amending

Montgomery County Code
Chapter 53. Taxicabs and Limousines
Sections 53-205, 53-306, and 53-309

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| <p>Boldface <i>Heading or defined term.</i> <u>Underlining</u> <i>Added to existing law by original bill.</i> [Single boldface brackets] <i>Deleted from existing law by original bill.</i> <u>Double underlining</u> <i>Added by amendment.</i> [[Double boldface brackets]] <i>Deleted from existing law or the bill by amendment.</i> * * * <i>Existing law unaffected by bill.</i></p> |
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The County Council for Montgomery County, Maryland approves the following Act:

- 28 Information System (CJIS) and the appropriate federal agency;
29 (4) a copy of the applicant's fingerprints taken by the County Police
30 Department or [[other]] written confirmation that the applicant's
31 fingerprints were taken by another agency approved by the
32 Department, and current photographs of the applicant of a size
33 and character required by applicable regulation;
34 (5) a driver's license valid in the applicant's state of residence, and a
35 certified copy of the applicant's driving record for a time period
36 as required by applicable regulation; and
37 (6) the applicant's statement under oath that all information
38 contained in the application is correct and complete.
39 (c) (1) An applicant who has not held an identification card, or who held
40 a card that has expired, may apply for a short-term temporary
41 identification card under applicable regulations.
42 (2) The Director must not issue a temporary identification card
43 unless the applicant has:
44 (A) properly verified his or her identity;
45 (B) a valid driver's license issued by Maryland or a bordering
46 state (including the District of Columbia);
47 (C) submitted his or her driving records, as compiled by the
48 appropriate state motor vehicle agency, for the previous 3
49 calendar years from any jurisdiction where the applicant
50 held a license to drive a motor vehicle;
51 (D) undergone a criminal background check, conducted by the
52 appropriate state agency, showing that the applicant is not
53 disqualified because of a criminal conviction, receipt of
54 probation before judgment in lieu of a conviction, or

- 55 pending criminal charge from operating a taxicab; and
- 56 (E) passed the examination required under Section 53-308.
- 57 (3) [After March 1, 2006, the] ~~[[The]]~~ After August 31, 2007, the
- 58 Director must not issue a temporary or annual identification card
- 59 unless the applicant has shown, through a complete criminal
- 60 background check, that the applicant is not disqualified for any
- 61 reason mentioned in Section 53-309(a).
- 62 (4) Any temporary identification card issued under this subsection
- 63 must differ conspicuously in style and color from the annual
- 64 identification card.
- 65 (5) A temporary identification card expires on the earlier of:
- 66 (A) 5 days after the Department receives the results of the
- 67 nationwide criminal background check; or
- 68 (B) 90 days after the card was issued.
- 69 (6) The holder of a temporary identification card must return it to the
- 70 Department, without further proceedings, on the earlier of:
- 71 (A) the day the Department issues the holder an annual
- 72 identification card under this Chapter;
- 73 (B) the 90th day after the card was issued; or
- 74 (C) 1 business day after the Department notifies the holder that
- 75 the card has expired under subsection (c)(5)(A).
- 76 (7) By accepting a temporary identification card, the holder by
- 77 operation of law waives any cause of action against the County or
- 78 any officer, employee, or agency of the County for improperly
- 79 issuing a license to the holder. By employing or leasing a taxicab
- 80 to any person who holds a temporary identification card, a
- 81 taxicab licensee by operation of law waives any cause of action

82 against the County or any officer, employee, or agency of the
83 County for improperly issuing a license to that person.

84 (d) The Director may extend the expiration date of an identification card
85 (including a temporary identification card issued under subsection (c))
86 up to 60 days if:

- 87 (1) the applicant has submitted all required documentation; and
88 (2) processing of required state or federal criminal background
89 checks has been delayed through no fault of the applicant.

90 **53-309. Criteria to deny an identification card.**

91 The Director must not issue or renew an identification card to any driver or
92 applicant:

93 (a) who, within 5 years before the application is submitted, was convicted
94 of, pled guilty or no contest to, or was placed on probation without a
95 finding of guilt for, or who when the application is submitted, has a
96 charge pending for, or who has, within 3 years before the application
97 was submitted, completed a sentence or period of probation based on a
98 charge for:

- 99 (1) any offense involving violence or a weapon;
100 (2) any sex offense;
101 (3) soliciting for prostitution;
102 (4) illegal sale or use of alcoholic beverages;
103 (5) violation of any law governing controlled dangerous substances;
104 (6) violation of any gaming law;
105 (7) any offense involving driving under the influence; or
106 (8) any act of moral turpitude;

107 (b) who has a pattern of reasonably verifiable complaints of substandard
108 customer service during the previous 24 months;

- 109 (c) whose [traffic] driving record [of “moving” offenses for] during the 3
110 years immediately before the application was submitted, [[or while
111 licensed to drive a taxicab,]] demonstrates that the applicant is not a
112 responsible, safe, or careful driver because the applicant has received
113 more than 4 points under applicable criteria defined by the state Motor
114 Vehicle Administration or the equivalent in another jurisdiction, [. This
115 record may include eyewitness] or by other reasonably verifiable
116 [[testimony]] evidence of unsafe or dangerous driving;
- 117 (d) who makes a false statement or gives a false answer to obtain, or who
118 obtains, an identification card by fraud, misrepresentation, misleading
119 statements, evasion, or suppression of material fact;
- 120 (e) who is unable to safely operate a taxicab, or who may otherwise
121 endanger the public health, safety, or welfare, or who would be unable
122 to fulfill the duties of a driver as required by applicable regulation;
- 123 (f) who has substantial delinquent debts to the County, State, or Federal
124 government; or
- 125 (g) whose record of violations of this Chapter or other laws or regulations
126 of the County, State, or any other jurisdiction indicates to the Director
127 that to protect public safety an identification card should not be issued.

128 If an identification card is denied or revoked, the applicant is not eligible to
129 reapply for [2 years] 1 year, unless the Director for good cause otherwise
130 orders.

131 **Sec. 2. Transitional provisions; alternative criminal background check.**

132 [(a) Until September 1, 2007, notwithstanding the provisions of Section 53-
133 306(c)(2)(D) and Section 53-306(c)(3) to the contrary, the Director may
134 issue a temporary identification card to an applicant for a taxicab driver
135 identification card, before the Department receives the results of any

136 criminal background check required by Section 53-306, if:

137 (1) the applicant submits an initial criminal history background
138 check, conducted within the previous 10 days by a third-party
139 vendor approved by the Director;

140 (2) this background check covers each jurisdiction in the United
141 States, and in any other country where criminal history records
142 are reasonably available to the approved vendor, where the
143 applicant resided during the previous 5 years; and

144 (3) this background check does not reveal any information that
145 would disqualify the applicant from receiving an identification
146 card under Section 53-309.]]

147 [(b) Until September 1, 2007, notwithstanding the provisions of Section 53-
148 306(c)(2)(E) to the contrary, the Director may issue a temporary
149 identification card to an applicant for a taxicab driver identification card
150 before the applicant passes the examination required under Section 53-
151 308 if the applicant registers to take the examination when the applicant
152 applies for a temporary identification card. The Director must
153 immediately suspend the temporary identification card if the applicant
154 does not take the examination as scheduled.]]

155 (a) Until September 1, 2007, notwithstanding the provisions of Section 53-
156 306(c)(2)(D) and Section 53-306(c)(3) to the contrary, the Director may
157 issue a temporary identification card to an applicant for a taxicab driver
158 identification card, before the Department receives the results of the
159 state criminal background check required by Section 53-306, if:

160 (1) the applicant submitted all information necessary to process the
161 state criminal background check required by Section 53-306 at
162 least 10 days previously and the Department has not received the

- 163 results of that background check;
164 (2) the applicant submits an initial criminal history background
165 check, conducted within the previous 10 days by a third-party
166 vendor approved by the Director;
167 (3) this third-party background check covers each jurisdiction in the
168 United States where the applicant resided during the previous 5
169 years; and
170 (4) this third-party background check does not disclose any
171 information that would disqualify the applicant from receiving an
172 identification card under Section 53-309.
173 (b) For any new passenger vehicle license issued in 2006 under County
174 Code Section 53-205(d), as amended by Section 1 of this Act, the
175 licensee must place the vehicle in taxi service not later than March 31,
176 2007.

177 **Sec. 3. Expedited Effective Date.** The Council declares that this legislation
178 is necessary for the immediate protection of the public interest. This Act takes effect
179 on the date when it becomes law.

180 *Approved:*

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George L. Leventhal, President, County Council

Date

183 *Approved:*

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Douglas M. Duncan, County Executive

Date

185 *This is a correct copy of Council action.*

186

Linda M. Lauer, Clerk of the Council

Date