COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND

By: Councilmembers Ervin and Floreen

AN EXPEDITED ACT to:

(a) allow the Department of Public Works and Transportation to issue temporary taxi driver identification cards to an applicant without obtaining both a state and federal criminal background check in certain instances; and

(b) generally amend the law regulating taxicabs and taxicab drivers.

By amending

Montgomery County Code
Chapter 53. Taxicabs and Limousines
Section 53-306

Laws of Montgomery County
2006 LMC Chapter 32
Section 2

The County Council for Montgomery County, Maryland approves the following Act:
Sec. 1. Section 53-306 is amended as follows:

53-306. Application; temporary card.

* * * * *

(c) (1) An applicant who has not held an identification card, or who held a card that has expired, may apply for a short-term temporary identification card under applicable regulations.

(2) The Director must not issue a temporary identification card unless the applicant has:

(A) properly verified his or her identity;

(B) a valid driver’s license issued by Maryland or a bordering state (including the District of Columbia);

(C) submitted his or her driving records, as compiled by the appropriate state motor vehicle agency, for the previous 3 calendar years from any jurisdiction where the applicant held a license to drive a motor vehicle;

(D) undergone a criminal background check, conducted by the appropriate state agency, showing that the applicant is not disqualified because of a criminal conviction, receipt of probation before judgment in lieu of a conviction, or pending criminal charge from operating a taxicab; and

(E) passed the examination required under Section 53-308.

(3) [After August 31, 2007, the] The Director must not issue a temporary or annual identification card unless the applicant has shown, through a complete criminal background check, that the applicant is not disqualified for any reason mentioned in Section 53-309(a).

* * * *
Sec. 2. Section 2 of 2006 Laws of Montgomery County Chapter 32 is amended as follows:

(a) Until [September 1, 2007] December 1, 2008, notwithstanding the provisions of Section 53-306(c)(2)(D) and Section 53-306(c)(3) to the contrary, the Director may issue a temporary identification card to an applicant for a taxicab driver identification card, before the Department receives the results of the state criminal background check required by Section 53-306, if:

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

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

(3) this third-party background check covers each jurisdiction in the United States where the applicant resided during the previous 5 years; and

(4) this third-party background check does not disclose any information that would disqualify the applicant from receiving an identification card under Section 53-309.

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

Marilyn J. Praisner, President, County Council

Approved:

Isiah Leggett, County Executive

This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council