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

Boldface  Heading or defined term.
Underlining  Added to existing law by original bill.
[Double boldface brackets]  Deleted from existing law by original bill.
[Double underlining]  Added by amendment.
[[Double boldface brackets]]  Deleted from existing law or the bill by amendment.
* * *  Existing law unaffected by bill.

The County Council for Montgomery County, Maryland approves the following Act:
Sec. 1. Sections 53-205, 53-306, and 53-309 are amended as follows:

53-205. Periodic issuance of new licenses.

* * *

(d) Biennial limit. During calendar year [2005] 2006 the Director must not issue more than 70 new licenses. In each later [odd-numbered] even-numbered year, the Director may issue a total number of new licenses that does not exceed 10% of the number of licenses then in effect.

* * *

53-306. Application; temporary card.

(a) A person who holds [(or who has held)] a valid identification card must apply for a renewal card not less than 30 days before the current card expires.

(b) Under procedures established by regulation, a person may obtain an identification card by applying to the Director on a form provided by the Department that at a minimum requires the person to provide:

(1) the applicant’s name, date of birth, current address, and any address where the applicant resided during the past 5 years;

(2) a statement regarding whether the applicant has any criminal case pending, has ever been convicted or plead no contest or received probation before judgment in lieu of a conviction of a crime other than a non-incarcerable traffic offense; the nature of each crime, the disposition of each matter, and the name, telephone number, and address of any parole officer or probation officer or agency that may know of the offense or the proper completion of any sentence, probation, or parole;

(3) an authorization for a [complete] state and federal criminal
background check to be conducted by the Criminal Justice Information System (CJIS) and the appropriate federal agency;

(4) a copy of the applicant’s fingerprints taken by the County Police Department or [[other]] written confirmation that the applicant’s fingerprints were taken by another agency approved by the Department, and current photographs of the applicant of a size and character required by applicable regulation;

(5) a driver’s license valid in the applicant’s state of residence, and a certified copy of the applicant’s driving record for a time period as required by applicable regulation; and

(6) the applicant’s statement under oath that all information contained in the application is correct and complete.

(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 March 1, 2006, the] [The] After August 31, 2007, 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).

(4) Any temporary identification card issued under this subsection
must differ conspicuously in style and color from the annual
identification card.

(5) A temporary identification card expires on the earlier of:
(A) 5 days after the Department receives the results of the
nationwide criminal background check; or
(B) 90 days after the card was issued.

(6) The holder of a temporary identification card must return it to the
Department, without further proceedings, on the earlier of:
(A) the day the Department issues the holder an annual
identification card under this Chapter;
(B) the 90th day after the card was issued; or
(C) 1 business day after the Department notifies the holder that
the card has expired under subsection (c)(5)(A).

(7) By accepting a temporary identification card, the holder by
operation of law waives any cause of action against the County or
any officer, employee, or agency of the County for improperly
issuing a license to the holder. By employing or leasing a taxicab to any person who holds a temporary identification card, a taxicab licensee by operation of law waives any cause of action against the County or any officer, employee, or agency of the County for improperly issuing a license to that person.

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

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

53-309. Criteria to deny an identification card.

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

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

1. any offense involving violence or a weapon;
2. any sex offense;
3. soliciting for prostitution;
4. illegal sale or use of alcoholic beverages;
5. violation of any law governing controlled dangerous substances;
6. violation of any gaming law;
(7) any offense involving driving under the influence; or
(8) any act of moral turpitude;
(b) who has a pattern of reasonably verifiable complaints of substandard
customer service during the previous 24 months;
(c) whose [traffic] driving record [of “moving” offenses for] during the 3
years immediately before the application was submitted, [[or while
licensed to drive a taxicab,]] demonstrates that the applicant is not a
responsible, safe, or careful driver because the applicant has received
more than 4 points under applicable criteria defined by the state Motor
Vehicle Administration or the equivalent in another jurisdiction, [. This
record may include eyewitness] or by other reasonably verifiable
[[testimony]] evidence of unsafe or dangerous driving;
(d) who makes a false statement or gives a false answer to obtain, or who
obtains, an identification card by fraud, misrepresentation, misleading
statements, evasion, or suppression of material fact;
(e) who is unable to safely operate a taxicab, or who may otherwise
endanger the public health, safety, or welfare, or who would be unable
to fulfill the duties of a driver as required by applicable regulation;
(f) who has substantial delinquent debts to the County, State, or Federal
government; or
(g) whose record of violations of this Chapter or other laws or regulations
of the County, State, or any other jurisdiction indicates to the Director
that to protect public safety an identification card should not be issued.

If an identification card is denied or revoked, the applicant is not eligible to
reapply for [2 years] 1 year, unless the Director for good cause otherwise
orders.
Sec. 2. Transitional provisions; alternative criminal background check.

[(a) Until September 1, 2007, 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 any criminal background check required by Section 53-306, if:

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

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

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

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

(a) Until September 1, 2007, 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.
(b) For any new passenger vehicle license issued in 2006 under County
Code Section 53-205(d), as amended by Section 1 of this Act, the
licensee must place the vehicle in taxi service not later than March 31,
2007.

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:

George L. Leventhal, President, County Council  Date

Approved:

10/4/2006

Douglas M. Duncan, County Executive  Date

This is a correct copy of Council action.

10/13/06

Linda M. Lauer, Clerk of the Council  Date