



## ARLINGTON COUNTY, VIRGINIA

### County Board Agenda Item Meeting of May 14, 2011

**DATE:** May 5, 2011

**SUBJECT:** Request to advertise a public hearing regarding amendments to the County's taxicab ordinance, Chapter 25.1 of the Arlington County Code, relating to fingerprint processing and criminal background checks.

**C.M. RECOMMENDATION:**

Authorize advertisement of a public hearing on June 11, 2011, regarding amendments to section 25.1-9 of the County Code (a portion of the County's taxicab ordinance), which would allow local law-enforcement authorities to utilize fingerprint submissions to conduct criminal history investigations on applicants for public vehicle driver's licenses.

**ISSUES:** No issues have been identified.

**SUMMARY:** The proposed amendments would clarify the authority of local law-enforcement authorities to utilize fingerprint technology to obtain criminal history record information for applicants for public vehicle driver's licenses.

**DISCUSSION:** Under the County's current ordinance, applicants for public vehicle driver's licenses must provide the County with any information pertaining to a "criminal record including, but not limited to, an FBI record check." Currently, applicants go to the Arlington County Sheriff's Office (ACSO) to have their fingerprints taken, and the applicants are then required to submit the hardcopy fingerprint cards to the Virginia State Police (VSP) and the Federal Bureau of Investigation (FBI). The Arlington County Police Department (ACPD) is then provided with the results of the criminal record queries. This process typically takes several weeks, or in some instances, months. With the enactment of the proposed amendments to § 25.1-9, ACSO will electronically submit the fingerprints directly to the VSP and FBI, and ACPD will use the results of the criminal records search in considering whether to issue public vehicle driver's licenses.

The amendments would clarify the authority of law enforcement to use existing technology to collect applicants' fingerprints and submit them electronically through the VSP's Central Criminal Records Exchange to the FBI. This new process will shorten the amount of time it takes to receive criminal history information, from days to hours. In addition to the benefit of faster processing, the storage of electronic records is much more efficient and effective than with ink fingerprints.

The proposed amendments are supported by the taxi industry and the Transportation Commission.

County Manager:

*BMD/kma*

County Attorney:

*BRC*

*[Signature]*

Staff: Brian Stout, CMO

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**FISCAL IMPACT:** None, aside from the basic advertising cost. The charge to an applicant for fingerprinting services provided by ACSO will not change as a result of the proposed amendments.

**ATTACHMENT A**

**PROPOSED AMENDMENTS TO SECTION 25.1-9**  
**OF THE ARLINGTON COUNTY CODE**

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**§ 25.1-9. Public vehicle driver's licenses.**

- (a) License required, limitations on the transporting of Passengers.
  - (1) It shall be unlawful for any person to drive a taxicab for hire from an origin within Arlington County to a destination within or outside of Arlington County except as provided in section 25.1-26 of this Chapter, unless the driver has first obtained, and has in his possession, a valid public vehicle driver's license.
  - (2) Upon the request of the Taxicab Inspector, his designated agent, or any law-enforcement officer, a driver shall produce to the Taxicab Inspector, his designated agent, or law-enforcement officer, the public vehicle driver's license, a current motor vehicle operator's license and any other requested identification.
  - (3) The public vehicle driver's license is valid only during such time as the driver is operating a taxicab authorized by a certificate. The public vehicle driver's license is not valid during such time as the driver is operating a taxicab authorized, licensed, or having a certificate issued from any other jurisdiction.
  - (4) Each public vehicle driver's license is the property of the County. Each driver to which a license has been issued shall immediately surrender such license to the County Manager, or his designated agent, when such license is suspended or revoked.
  - (5) This Chapter does not prohibit a driver from transporting passengers into Arlington County if the trip originated in a jurisdiction where the driver and taxicab are authorized to operate.
  - (6) Except to the extent expressly permitted by federal or state law, unless a person has a valid public vehicle driver's license issued pursuant to this Chapter, such person shall not solicit business or pick up and transport a passenger in Arlington County, provided that a passenger may hire a taxicab to transport such passenger into Arlington County, wait for that passenger, and then transport such passenger to another location.
- (b) Application for a public vehicle driver's license.
  - (1) Application for a public vehicle driver's license shall be made in person, under oath, to the County Manager or his designated agent.
  - (2) The applicant shall provide the following information and supporting documents with the application:
    - i. Required personal data.

- ii. Physical condition of applicant.
  - iii. Traffic record (excluding parking citations) for ten (10) years immediately prior to the date of the application.
  - ~~iv. Criminal record including, but not limited to, an FBI record check.~~
  - iv. Prior driving experience, and
  - vi. Four (4) copies of a recent photograph of the applicant, of size and manner prescribed by the County Manager or his designated agent.
- (c) The Applicant shall permit the County to make a record of his or her fingerprints, which the County will forward through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining criminal history record information regarding such applicant, in accordance with Code of Virginia § 15.2-1503.1. If the applicant is denied a license because of the information appearing in his or her criminal history record, the County Manager or his or her designated agent shall notify the applicant that information obtained from the Central Criminal Records Exchange caused or contributed to the denial. The information obtained by the County from the Central Criminal Records Exchange shall not be disseminated except as provided in Code of Virginia § 15.2-1503.1.
- (d) The applicant shall successfully complete a written examination concerning the laws, rules and regulations governing the operation of taxicabs, the County street system, and the location of prominent buildings and landmarks in Arlington County.
- (e) Investigation of Applicant. The County Manager, or his designated agent, will cause to have an investigation made of the facts stated in an application for a public vehicle driver's license and of other relevant matters. Unless otherwise prohibited by law, documents containing such investigation will be available to the applicant, for inspection, upon written request.
- (f) Issuance of public vehicle driver's license.
- (1) If the County Manager, or his designated agent, determines that the applicant satisfies the requirements of this Chapter, then the County Manager will issue a public vehicle driver's license to the applicant.
- (2) The County Manager, or his designated agent, may refuse to issue a public vehicle driver's license to an applicant for, among other things, any of the following reasons:
- i. Repeated and persistent violations of motor vehicle laws of any jurisdiction.
  - ii. Conviction, plea of guilty, or plea of *nolo contendere* to the violation of any law involving: the commission of a felony; any sex offense;

solicitation of prostitution; alcohol; marijuana; any drugs classified as controlled substances under federal or state laws; gambling; larceny; theft; assault; battery; burglary; disorderly conduct; drunk in public or related charge; impaired driving; driving while intoxicated or under the influence; reckless driving; or a crime involving moral turpitude.

- iii. Applicant is on parole or probation for a criminal or traffic offense.
  - iv. Applicant is younger than twenty-one (21) years of age.
- (g) A public vehicle driver's license shall not be issued to any person who has less than six (6) months' experience as a licensed driver of a motor vehicle anywhere in the United States or any of its possessions.
  - (h) Form of license, term, non-transferable, surrender, renewal.
  - (1) The form of the public vehicle driver's license shall be prescribed by the County Manager, or his designated agent. The public vehicle driver's license shall bear a recent photograph of the public vehicle driver's license holder.
  - (2) The public vehicle driver's license shall be valid for one (1) year from the date of issuance. A public vehicle driver's license may be renewed for a two (2) year period, provided that the investigation by the County Manager, or his designated agent, of the driver's traffic and criminal record reveals no criminal or traffic violations during the period of the expiring public vehicle driver's license, and further provided that the applicant meets all other relevant requirements of this Chapter. If the investigation reveals such violations, and if the public vehicle driver's license is permitted to be renewed, it may be renewed for a one (1) year period. Temporary public vehicle driver's licenses may be issued by the Taxicab Inspector, or his designated agent, and shall not be valid for more than sixty (60) calendar days.
  - (3) The public vehicle driver's license is the property of the County and is not transferable.
  - (4) Such license immediately shall be surrendered by the driver to the County Manager, or his designated agent, upon such driver's ceasing to drive a taxicab in Arlington County and upon other instances required by this Chapter.
  - (5) Renewal of public vehicle driver's license. An application for a renewal of a public vehicle driver's license shall conform to the procedures set forth in subsections (a) through (g) above.
  - (i) Public vehicle driver's license fees:
    - (1) For each original application for a public vehicle driver's license the fee shall be: sixty-five dollars (\$65.00).
    - (2) For each renewal application for a public vehicle driver's license the fee shall be: forty dollars (\$40.00).

- (3) For each retest application for a public vehicle driver's license the fee shall be: thirty dollars (\$30.00).
- (4) For each replacement public vehicle driver's license the fee shall be: twenty dollars (\$20.00).
- (j) It shall be unlawful to operate a taxicab without the driver's public vehicle driver's license being conspicuously displayed so as to be clearly visible at all times to passengers.
- (k) Suspension, revocation and surrender of a public vehicle driver's license
- (l) The County Manager, or his designated agent, may suspend, for a period of one (1) to sixty (60) calendar days, or revoke, the public vehicle driver's license of any driver licensed under this Chapter for any of the following reasons:
  - i. Repeated violations of motor vehicle laws of any jurisdiction;
  - ii. Conviction of the crime of reckless driving;
  - iii. Failure to report, to the Taxicab Inspector, any accident, however slight, involving a taxicab and the license holder;
  - iv. Driving of any taxicab not in good order or repair;
  - v. A violation of this Chapter, regulations adopted hereunder, or any other applicable federal, state or County laws or ordinances;
  - vi. A consistent pattern of reasonably verified complaints against the license holder or driver within any twelve (12) month period, or a reasonably verified complaint involving a threat to health, safety or welfare related to the provision of taxicab service;
  - vii. Conviction, plea of guilty, or plea of *nolo contendere* to the violation of any law involving: the commission of a felony; any sex offense; solicitation of prostitution; alcohol; marijuana; any drugs classified as controlled substances under federal or state laws; gambling; larceny; theft; assault; battery; burglary; disorderly conduct; drunk in public or related charge; impaired driving; driving while intoxicated or under the influence; or a crime involving moral turpitude;
  - viii. Creating or maintaining an incomplete, inaccurate, or false manifest; or
  - ix. Failure to comply with the requirements of any applicable taxicab reciprocity agreement approved by the Board.
- (2) Notice of such revocation or suspension shall be given by the County Manager, or his designated agent, in person, or in writing to the public vehicle driver's license holder and shall be effective on the date indicated on such written notice or the date of the in-person delivery.

- (3) If any public vehicle driver's license has been expired for a period of six (6) months or less, then the Driver may thereafter obtain authorization to operate a Taxicab in Arlington County by completing a renewal application. If any public vehicle driver's license has been expired for a period of greater than six (6) months, then the driver may thereafter obtain authorization to operate a taxicab in Arlington County by completing the application process in subsection (b) above.
- (l) The public vehicle driver's license of any driver shall automatically become void and shall be immediately surrendered by the driver to the County Manager, or his designated agent, whenever the driver's applicable permit or license to drive issued by the Commonwealth of Virginia or any other licensing jurisdiction has been revoked, suspended, or interrupted for any reason. Thereafter, a public vehicle driver's license may only be obtained by such person upon making application therefore and satisfying the applicable requirements of this Chapter.
- (m) Revocation of a public vehicle driver's license. The public vehicle driver's license of any driver shall automatically be revoked, without the necessity of any action by the County, and such license immediately shall be surrendered to the Taxicab Inspector, or his designated agent, by the driver upon such driver's conviction of, or a plea of, guilty or *nolo contendere*, to the violation of any law involving any:
- (1) Commission of a felony;
  - (2) Sex offense;
  - (3) Prostitution or solicitation thereof;
  - (4) Narcotics; or
  - (5) Revocation of driving permits issued by the Commonwealth of Virginia.
- (n) When an application for a public vehicle driver's license has been denied or a license revoked, the applicant or licensee may not reapply for a new license for a period of two (2) years after the date of application denial or license revocation.

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