

INTRODUCED: September 9, 2019

AN ORDINANCE No. 2019-256

To amend City Code §§ 29-114, 29-116 and 29-117, concerning the denial and revocation of permits issued to drivers of taxicabs in the city, for the purpose of reflecting the enactment of Va. Code § 46.2-2011.33.

\_\_\_\_\_  
Patron – Mayor Stoney

\_\_\_\_\_  
Approved as to form and legality  
by the City Attorney  
\_\_\_\_\_

PUBLIC HEARING: OCT 14 2019 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That sections 29-114, 29-116, and 29-117 of the Code of the City of Richmond (2015) be and are hereby **amended** and reordained as follows:

**Sec. 29-114. Application.**

- (a) Application for a taxicab driver’s permit shall show the following:
  - (1) The full name of the applicant.
  - (2) Present address.
  - (3) Age and place of birth.
  - (4) Places of previous address and employment for the past five years.

AYES: 9 NOES: 0 ABSTAIN: \_\_\_\_\_

ADOPTED: OCT 14 2019 REJECTED: \_\_\_\_\_ STRICKEN: \_\_\_\_\_

(5) Height, weight, color of eyes, color of hair, and sex.

(6) Whether or not the applicant is in good physical condition.

(7) Whether or not the applicant has good hearing and good eyesight.

(8) Whether or not the applicant is or has been, within the period of two years last past, addicted to the use of intoxicating liquors, drugs or other forms of narcotics and, if so, to what extent.

(9) Whether or not the applicant has ever been convicted of, pleaded guilty to, or entered a plea of nolo contendere to any larceny, robbery, assault, battery, crime of moral turpitude, felony, or operating a vehicle while under the influence of alcohol or drugs and, if so, such other information as may be required by the Chief of Police.

(10) The record of the applicant with respect to traffic offenses connected with the operation of motor vehicles and other offenses affecting the suitability of the applicant as a person who should be permitted to operate a taxicab, including violations of this article or the provisions of any other law in this Commonwealth governing the operation of taxicabs or other for-hire vehicles.

(11) Whether or not the applicant has previously been employed or licensed as a chauffeur and, if so, whether or not any license or permit issued for such purpose has ever been revoked or suspended for any reason.

(12) What experience, if any, the applicant has had in the operation of motor vehicles.

(13) The name and address of the owner of the taxicab to be operated by the applicant and, if different, the name and address of the company for whom the applicant will be driving.

(14) Whether or not the applicant is required to register with the Sex Offender and Crimes against Minors Registry or is listed on the U. S. Department of Justice's National Sex Offender Public Website, and, if so, under what name the applicant is registered or listed.

(b) Each applicant shall apply for a driver's permit in person and shall have fingerprints taken, which fingerprints shall constitute a part of the application. Each applicant shall have filed with the application two recent personal photographs of a size designated by the Chief of Police, one of which shall be attached to and shall become a part of the application and the other of which shall be attached to the permit, if issued, in such a manner that no other photograph may be substituted therefor without probability of detection.

**Sec. 29-116. Denial.**

Subject to Section 29-91, the Chief of Police shall refuse to issue a taxicab driver's permit to a person who has filed an application as set forth in Section 29-115 if, based upon the application and after investigation, the Chief finds any of the following:

(1) The applicant has been convicted of, pleaded guilty to, or pleaded nolo contendere within the past three years to any felony.

(2) The applicant has been convicted of, pleaded guilty to, or pleaded nolo contendere within the past 12 months to any larceny, assault, battery, crime of moral turpitude or illegal possession of controlled substances where such crime is other than a felony.

(3) The applicant has been convicted of, pleaded guilty to, or pleaded nolo contendere within the past 12 months to operating a motor vehicle while under the influence of alcohol or drugs.

(4) The applicant has been convicted of, pleaded guilty to, or pleaded nolo contendere within the past 12 months to three or more moving violations under the motor vehicle laws of this Commonwealth other than those involving operating a motor vehicle while under the influence of alcohol or drugs.

(5) The applicant has been convicted of, pleaded guilty to, or pleaded nolo contendere within the past 12 months to three or more violations of this article or of any other local law in the Commonwealth governing the operation of taxicabs or other for-hire vehicles.

(6) The applicant has ever been convicted of, pleaded guilty to, or pleaded nolo contendere to any felony involving violence or to distribution of a controlled substance, or to any other felony or combination of felonies which indicates to the Chief of Police that the applicant is of unfit or unworthy character. The Chief shall consider the period of time that has passed since the conviction, plea, etc., as well as any other mitigating circumstances presented by the applicant.

(7) The applicant knowingly made or caused to be made, either directly or indirectly, any false statement on the application.

(8) The applicant otherwise lacks the following minimum physical or mental qualifications:

a. Drivers shall have no mental, nervous, organic or functional disease likely to interfere with safe driving.

b. Drivers shall have no loss or impairment of use of foot, leg, fingers, hand or arms or other structural defect or limitation likely to interfere with safe driving.

c. Drivers shall in any and all other respects satisfy the minimum mental and physical requirements for issuance of a driver's license by the State Department of Motor Vehicles.

(9) The applicant is less than 18 years of age.

(10) The applicant does not possess a valid and current driver's license issued by the State Department of Motor Vehicles.

(11) The applicant is prohibited by Code of Virginia, § 46.2-2011.33 from operating a taxicab for the transportation of passengers for remuneration over the highways of the Commonwealth.

**Sec. 29-117. Revocation.**

(a) Subject to section 29-91, the permit of any driver of a taxicab shall immediately become void and shall be immediately surrendered upon the occurrence of any of the following:

(1) The driver is convicted of, pleads guilty to, or pleads nolo contendere to any felony;

(2) The driver is convicted of, pleads guilty to, or pleads nolo contendere to any larceny, assault, battery, crime of moral turpitude or illegal possession of controlled substances where such crime is other than a felony;

(3) The driver is convicted of, pleads guilty to, or pleads nolo contendere to operating a motor vehicle while under the influence of alcohol or drugs;

(4) The driver is convicted of, pleads guilty to, or pleads nolo contendere within a 12-month period to three or more moving violations under the motor vehicle laws of this commonwealth other than those involving operating a motor vehicle while under the influence of alcohol or drugs;

(5) The driver is convicted of, pleads guilty to, or pleads nolo contendere within a 12-month period to three or more violations of this article or of any other local law in this Commonwealth governing the operation of taxicabs or other for-hire vehicles;

(6) The Chief finds, after investigation, that the driver, within a three-year period, has on two or more occasions made a charge above or below the rates prescribed by section 29-34;

(7) The Chief finds, after investigation, that the driver knowingly made or caused to be made, either directly or indirectly, any false statement on the application for a permit which was issued;

(8) The Chief finds, after investigation, that the driver no longer possesses the physical or mental qualifications prescribed in section 29-116(8); [ø]

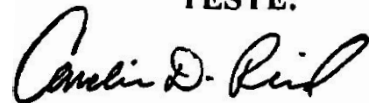
(9) The driver no longer possesses a valid and current driver's license issued by the state department of motor vehicles; or

(10) The Chief finds, after investigation, that Code of Virginia, § 46.2-2011.33 prohibits the driver from operating a taxicab for the transportation of passengers for remuneration over the highways of the Commonwealth.

(b) All drivers and certificate holders shall notify the Chief of Police within 15 days of the occurrence of any event enumerated in subsection (a)(1), (2), (3), (4), (5) [ø] , (9), or (10) of this section.

§ 2. This ordinance shall be in force and effect upon adoption.

**A TRUE COPY:  
TESTE:**



**Carolin D. Reed  
City Clerk**



CITY OF RICHMOND
INTRACITY CORRESPONDENCE

O & R REQUEST
4-9024
AUG 05 2019
Office of the Chief Administrative Officer

O&R REQUEST

DATE: August 1, 2019

RECEIVED

TO: The Honorable Members of City Council

SEP 03 2019

THROUGH: The Honorable Levar M. Stoney, Mayor

Handwritten signature and date 8/30/19, stamp OFFICE OF THE CITY ATTORNEY

THROUGH: Selena Cuffee-Glenn, Chief Administrative Officer

FROM: Colonel William Smith, Chief of Police

Handwritten signature of Colonel William Smith

RE: AMENDMENT TO CITY CODE REGARDING TAXICAB DRIVERS

ORD. OR RES. No. \_\_\_\_\_

PURPOSE:

To amend Sections 29-116 and 29-117 of the Richmond City Code, concerning the denial and revocation of taxicab driver's permits, for the purpose of reflecting amendments to the Code of Virginia.

REASON:

House Bill 2300 of the 2019 Session of the General Assembly amended the Code of Virginia, prohibiting registered sex offenders from operating a taxicab for hire. City Code Sections 29-116 and 29-117 must be updated to reflect this prohibition.

RECOMMENDATION:

The City Administration recommends adoption of this ordinance.

BACKGROUND:

In order to operate a taxicab for hire, a person must first obtain a driver's permit from the Chief of Police. Pursuant to City Code Section 29-116, the Chief of Police shall deny the driver's

permit application if the applicant has been convicted of certain crimes or otherwise fails to meet the requirements for a taxicab driver. Similarly, under Section 29-117 of the City Code, a driver's permit shall automatically be revoked upon the occurrence of specific events, including the conviction of certain crimes. Under the current City Code, applicants who are required to register for a sexually violent offense are not necessarily barred from obtaining a taxicab driver's permit.

House Bill 2300 of the 2019 Session of the General Assembly added § 46.2-2011.33 to the Code of Virginia. Under the new law, no person who is required to register with the Sex Offender and Crimes Against Minors Registry for a sexually violent offense or who is listed on the U.S. Department of Justice's National Sex Offender Public Website for an offense similar to a sexually violent offense shall be allowed to operate a taxicab for hire over the highways of Virginia.

City Code Sections 29-116 and 29-117 must be amended to reflect the prohibitions of Virginia Code § 46-2011.33.

**FISCAL IMPACT/COST:** None

**FISCAL IMPLICATIONS:** None

**BUDGET AMENDMENT NECESSARY:** No

**REVENUE TO CITY:** None

**DESIRED EFFECTIVE DATE:** Upon adoption

**REQUESTED INTRODUCTION DATE:** September 9, 2019

**CITY COUNCIL PUBLIC HEARING DATE:** October 14, 2019

**REQUESTED AGENDA:** Consent Agenda

**RECOMMENDED COUNCIL COMMITTEE:** Public Safety Standing Committee

**CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES:** None

**AFFECTED AGENCIES:** City of Richmond Police Department

**RELATIONSHIP TO EXISTING ORD. OR RES.:** Richmond City Code Sections 29-116, 29-117

**REQUIRED CHANGES TO WORK PROGRAM(S):** None

**ATTACHMENTS:** HB 2300 of the 2019 Session of the General Assembly, Richmond City Code Sections 29-116, 29-117



**STAFF:**

David Mitchell  
Office of General Counsel  
Richmond Police Department  
804-646-4467

## 2019 SESSION

## CHAPTER 480

*An Act to amend the Code of Virginia by adding a section numbered 46.2-2011.33, relating to operation of certain motor vehicles; sex offenders.*

[H 2300]

Approved March 18, 2019

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 46.2-2011.33 as follows:

*§ 46.2-2011.33. Prohibition on taxicab operators; registered sex offender.*

*No person who is required to register with the Sex Offender and Crimes Against Minors Registry pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1 for a sexually violent offense, as defined in subsection E of § 9.1-902, or who is listed on the U.S. Department of Justice's National Sex Offender Public Website for an offense that is similar to a sexually violent offense may operate a taxicab for the transportation of passengers for remuneration over the highways of the Commonwealth.*

## Sec. 29-116. - Denial.

Subject to Section 29-91, the Chief of Police shall refuse to issue a taxicab driver's permit to a person who has filed an application as set forth in Section 29-115 if, based upon the application and after investigation, the Chief finds any of the following:

- (1) The applicant has been convicted of, pleaded guilty to, or pleaded nolo contendere within the past three years to any felony.
- (2) The applicant has been convicted of, pleaded guilty to, or pleaded nolo contendere within the past 12 months to any larceny, assault, battery, crime of moral turpitude or illegal possession of controlled substances where such crime is other than a felony.
- (3) The applicant has been convicted of, pleaded guilty to, or pleaded nolo contendere within the past 12 months to operating a motor vehicle while under the influence of alcohol or drugs.
- (4) The applicant has been convicted of, pleaded guilty to, or pleaded nolo contendere within the past 12 months to three or more moving violations under the motor vehicle laws of this Commonwealth other than those involving operating a motor vehicle while under the influence of alcohol or drugs.
- (5) The applicant has been convicted of, pleaded guilty to, or pleaded nolo contendere within the past 12 months to three or more violations of this article or of any other local law in the Commonwealth governing the operation of taxicabs or other for-hire vehicles.
- (6) The applicant has ever been convicted of, pleaded guilty to, or pleaded nolo contendere to any felony involving violence or to distribution of a controlled substance, or to any other felony or combination of felonies which indicates to the Chief of Police that the applicant is of unfit or unworthy character. The Chief shall consider the period of time that has passed since the conviction, plea, etc., as well as any other mitigating circumstances presented by the applicant.
- (7) The applicant knowingly made or caused to be made, either directly or indirectly, any false statement on the application.
- (8) The applicant otherwise lacks the following minimum physical or mental qualifications:
  - a. Drivers shall have no mental, nervous, organic or functional disease likely to interfere with safe driving.
  - b. Drivers shall have no loss or impairment of use of foot, leg, fingers, hand or arms or other structural defect or limitation likely to interfere with safe driving.
  - c. Drivers shall in any and all other respects satisfy the minimum mental and physical requirements for issuance of a driver's license by the State Department of Motor Vehicles.

- (9) The applicant is less than 18 years of age.
- (10) The applicant does not possess a valid and current driver's license issued by the State Department of Motor Vehicles.

(Code 1993, § 30-44; Code 2004, § 110-65)

Sec. 29-117. - Revocation.

- (a) Subject to Section 29-91, the permit of any driver of a taxicab shall immediately become void and shall be immediately surrendered upon the occurrence of any of the following:
  - (1) The driver is convicted of, pleads guilty to, or pleads nolo contendere to any felony;
  - (2) The driver is convicted of, pleads guilty to, or pleads nolo contendere to any larceny, assault, battery, crime of moral turpitude or illegal possession of controlled substances where such crime is other than a felony;
  - (3) The driver is convicted of, pleads guilty to, or pleads nolo contendere to operating a motor vehicle while under the influence of alcohol or drugs;
  - (4) The driver is convicted of, pleads guilty to, or pleads nolo contendere within a 12-month period to three or more moving violations under the motor vehicle laws of this commonwealth other than those involving operating a motor vehicle while under the influence of alcohol or drugs;
  - (5) The driver is convicted of, pleads guilty to, or pleads nolo contendere within a 12-month period to three or more violations of this article or of any other local law in this Commonwealth governing the operation of taxicabs or other for-hire vehicles;
  - (6) The Chief finds, after investigation, that the driver, within a three-year period, has on two or more occasions made a charge above or below the rates prescribed by Section 29-34;
  - (7) The Chief finds, after investigation, that the driver knowingly made or caused to be made, either directly or indirectly, any false statement on the application for a permit which was issued;
  - (8) The Chief finds, after investigation, that the driver no longer possesses the physical or mental qualifications prescribed in Section 29-116(8); or
  - (9) The driver no longer possesses a valid and current driver's license issued by the state Department of Motor Vehicles.
- (b) All drivers and certificate holders shall notify the chief of police within 15 days of the occurrence of any event enumerated in subsection (a)(1), (2), (3), (4), (5) or (9) of this section.

(Code 1993, § 30-45; Code 2004, § 110-66; Ord. No. 2015-198-205, § 1, 11-9-2015)