

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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SENATE DRS15140-LU-33 (3/7)

Short Title: Require Drug Test Before Licensure/Cab Driver. (Public)

Sponsors: Senator Hoyle.

Referred to:

A BILL TO BE ENTITLED

AN ACT REQUIRING A TAXICAB DRIVER TO PASS A CONTROLLED
SUBSTANCE EXAMINATION BEFORE BEING LICENSED AS A TAXICAB
DRIVER IN THIS STATE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-304(a) reads as rewritten:

"(a) A city may by ordinance license and regulate all vehicles operated for hire in the city. The ordinance may require that the drivers and operators of taxicabs engaged in the business of transporting passengers for hire over the public streets shall obtain a license or permit from the city; provided, however, that the license or permit fee for taxicab drivers shall not exceed fifteen dollars (\$15.00). As a condition of licensure, the city may require an applicant for licensure to pass a controlled substance examination.

The ordinances may also specify the types of taxicab services ~~which~~that are legal in the municipality; provided, that in all cases shared-ride services as well as exclusive-ride services shall be legal. Shared-ride service is defined as a taxi service in which two or more persons with either different origins or with different destinations, or both, occupy a taxicab at one time. Exclusive-ride service is defined as a taxi service in which the first passenger or party requests exclusive use of the taxicab. In the event the applicant is to be subjected to a national criminal history background check, the ordinance shall specifically authorize the use of FBI records. The ordinance shall require any applicant who is subjected to a national criminal history background check to be fingerprinted.

The Department of Justice may provide a criminal record check to the city for a person who has applied for a license or permit through the city. The city shall provide to the Department of Justice, along with the request, the fingerprints of the applicant, any additional information required by the Department of Justice, and a form signed by the applicant consenting to the check of the criminal record and to the use of the fingerprints and other identifying information required by the State or national

1 repositories. The applicant's fingerprints shall be forwarded to the State Bureau of
2 Investigation for a search of the State's criminal history record file, and the State Bureau
3 of Investigation shall forward a set of the fingerprints to the Federal Bureau of
4 Investigation for a national criminal history check. The city shall keep all information
5 pursuant to this subsection privileged, in accordance with applicable State law and
6 federal guidelines, and the information shall be confidential and shall not be a public
7 record under Chapter 132 of the General Statutes.

8 The Department of Justice may charge each applicant a fee for conducting the
9 checks of criminal history records authorized by this subsection.

10 The following factors shall be deemed sufficient grounds for refusing to issue a
11 permit or for revoking a permit already issued:

- 12 (1) Conviction of a felony against this State, or conviction of any offense
13 against another state which would have been a felony if committed in
14 this State;
- 15 (2) Violation of any federal or State law relating to the use, possession, or
16 sale of alcoholic beverages or narcotic or barbiturate drugs;
- 17 (3) Addiction to or habitual use of alcoholic beverages or narcotic or
18 barbiturate drugs;
- 19 (4) Violation of any federal or State law relating to prostitution;
- 20 (5) Noncitizenship in the United States;
- 21 (6) Habitual violation of traffic laws or ordinances.

22 The ordinance may also require operators and drivers of taxicabs to display prominently
23 in each taxicab, so as to be visible to the passengers, the city taxi permit, the schedule of
24 fares, a photograph of the driver, and any other identifying matter that the council may
25 deem proper and advisable. The ordinance may also establish rates that may be charged
26 by taxicab operators, may limit the number of taxis that may operate in the city, and
27 may grant franchises to taxicab operators on any terms that the council may deem
28 advisable."

29 **SECTION 2.** This act is effective when it becomes law.