

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

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SENATE BILL 557

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

Sponsors: Senators Hoyle; and Smith.

Referred to: Commerce.

March 27, 2003

1 A BILL TO BE ENTITLED
2 AN ACT REQUIRING A TAXICAB DRIVER TO PASS A CONTROLLED
3 SUBSTANCE EXAMINATION BEFORE BEING LICENSED AS A TAXICAB
4 DRIVER IN THIS STATE.

5 The General Assembly of North Carolina enacts:

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

7 "(a) A city may by ordinance license and regulate all vehicles operated for hire in
8 the city. The ordinance may require that the drivers and operators of taxicabs engaged in
9 the business of transporting passengers for hire over the public streets shall obtain a
10 license or permit from the city; provided, however, that the license or permit fee for
11 taxicab drivers shall not exceed fifteen dollars (\$15.00). As a condition of licensure, the
12 city may require an applicant for licensure to pass a controlled substance examination.
13 The ordinances may also specify the types of taxicab services ~~which~~that are legal in the
14 municipality; provided, that in all cases shared-ride services as well as exclusive-ride
15 services shall be legal. Shared-ride service is defined as a taxi service in which two or
16 more persons with either different origins or with different destinations, or both, occupy
17 a taxicab at one time. Exclusive-ride service is defined as a taxi service in which the
18 first passenger or party requests exclusive use of the taxicab. In the event the applicant
19 is to be subjected to a national criminal history background check, the ordinance shall
20 specifically authorize the use of FBI records. The ordinance shall require any applicant
21 who is subjected to a national criminal history background check to be fingerprinted.

22 The Department of Justice may provide a criminal record check to the city for a
23 person who has applied for a license or permit through the city. The city shall provide to
24 the Department of Justice, along with the request, the fingerprints of the applicant, any
25 additional information required by the Department of Justice, and a form signed by the
26 applicant consenting to the check of the criminal record and to the use of the
27 fingerprints and other identifying information required by the State or national
28 repositories. The applicant's fingerprints shall be forwarded to the State Bureau of
29 Investigation for a search of the State's criminal history record file, and the State Bureau

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

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

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

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

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

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