



CHARLOTTESM

Passenger Vehicle For Hire ("PVH") Ordinance Revision September 2018

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Presentation Outline

- Recap
- Background
- Purpose & Intent
- Review of Committee Memo
- Action Requested
- Questions/Comments



Recap

- Why?
 - Staff reviewed ordinance's implementation after one year
- What?
 - Staff proposed revisions to PVH Ordinance
 - Committee received August 2018 memo with revisions
- When?
 - Committee adopted several revisions in August 2018
- Why again?
 - Staff seeks further revisions that were not discussed previously with the Committee

Background

Section 22-200(a) directs the PVH Manager to deny, suspend, or revoke a license for the following specific criminal acts:

- Any violation relating to the use, possession, manufacturer or sale of alcoholic beverages or any substance regulated by the North Carolina Controlled Substances Act, G.S. 90-86 et seq., or the North Carolina Toxic Vapors Act, G.S. 90-113.8A et seq.
- A habitual user of alcoholic beverages or any substance regulated by the North Carolina Controlled Substances Act, G.S. 90-86 et seq., or the North Carolina Toxic Vapors Act, G.S. 90-113.8A et seq.
- Any criminal act by a Person against another Person which may be classified as a felony. For example, but not limited to, murder, voluntary manslaughter, involuntary manslaughter; felony death by vehicle; felonious assaults and/or batteries; robbery; rape and other sex offenses.

Background . . . continued

- Prostitution, any sex offense, or offense involving moral turpitude.
- Any criminal assault involving the For-Hire Service.
- Felonious drug offenses.
- A violation of the Federal Immigration Act.
- Any felony where citizenship rights have not been restored as provided by state law.
- A violation pertaining to the public health, safety, welfare, morals, or the protection of life.
- Any comparable provisions of federal, territory or possession of the United States of America, other state, or other local law for Section 22-200(a).

Background . . . continued

- Section 22-200(a1)
 - establishes mitigating factors
 - directs the PVH Manager to consider these factors
 - allows for applicant to demonstrate rehabilitation
 - allow applicant to show PVH Manager that applicant is not a threat to public safety
 - Committee previously approved staff's recommendation in August 2018 to amended Section 22-200(a1) to apply to any application, not only the initial application

Purpose & Intent

- Previous criteria severely restricted PVH Manager from issuing licenses to individuals who demonstrated rehabilitation and were not a current threat to public safety.
- Proposed revisions enlarge the eligible criteria for showing the applicant is not a threat to public safety.
- Proposed revisions take into account if:
 - no criminal activity has occurred recently.
 - an applicant has good character or acknowledges criminal past
 - any restitution has been paid.
 - an applicant assisted law enforcement agencies or prosecutors after being charged.
 - an applicant has entered into a drug/alcohol treatment program.
 - a victim over 16 years of age consents or voluntarily participates.

Review of Committee Memo



Action Requested

- approve proposed amendments
 - staff is recommending this option
 - full Council vote would be October 8th
- maintain status quo
 - proposed amendments would be rejected
 - PVH ordinance operates as currently written
- defer action
 - staff would present at a subsequent meeting
 - amendments are neither approved or rejected

- QUESTIONS/COMMENTS?

