



**Memorandum**

TO: Community Safety Committee  
FROM: Kim Eagle, Assistant City Manager  
Thomas E. Powers III, Senior Assistant City Attorney  
Officer Daniel Buckley, Charlotte-Mecklenburg Police Department  
DATE: September 26, 2018  
RE: Proposed Revision To PVH Ordinance

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This memo highlights one proposed amendment to the Passenger Vehicle For Hire (“PVH”) Ordinance. New language will be underlined while deleted language will have double strikethrough. All highlighted changes will include an explanation for the change such as *revised language, new requirement, deleted & renumbered remaining subsections, corrected reference, or relocated from another section.*

**I. Division 5: DENIAL/SUSPENSION/REVOCAATION**

- Section 22-200(a1). *Revised language.*
  - (a1)The PVH Manager shall consider the following mitigating factors when evaluating an ~~initial~~ application for a Company Operating Certificate, Vehicle Operating Permit, and/or Driver’s Permit under Section 22-200(a). The presence of one or more mitigating factors may demonstrate that a Person is not a threat to public safety. If the PVH Manager denies the ~~initial~~ application pursuant to Section 22-200(a), then the PVH Manager shall document the reasons why the mitigating factor(s) was outweighed by other considerations. ~~These mitigating factors shall not be considered for all subsequent applications by the same Person.~~ Mitigating factors include:
    - (1) Completing all probationary requirements.
    - (2) Having the Person’s citizenship rights restored as provided by state law.
    - (3) Not committing any additional criminal offenses listed in Section 22-200(a).
    - (4) Engaging in mentor or volunteer programs aimed at reducing crime or lowering recidivism.
    - (5) Being released from incarceration at least two (2) years prior to the date of application.
    - (6) Being charged or convicted at least ~~twenty-five (25)~~ twenty (20) prior to the date of application for any criminal offense listed in Section 22-200(a).
    - (7) The applicant committed any offense set forth in Section 22-200(a) under duress, coercion, threat, mental capacity, or compulsion that significantly reduced the applicant's culpability.
    - (8) The applicant has made substantial or full restitution to the victim.
    - (9) The victim was more than 16 years of age and was a voluntary participant in the applicant's conduct or consented to it.

- (10) The applicant aided in the apprehension of another felon or testified truthfully on behalf of the prosecution in another prosecution of a felony.
- (11) Prior to arrest or at an early stage of the criminal process, the applicant voluntarily acknowledged wrongdoing in connection with the offense to a law enforcement officer.
- (12) The applicant has been a person of good character or has had a good reputation in the community in which the defendant lives.
- (13) The applicant has accepted responsibility for the applicant's criminal conduct.
- (14) The applicant has entered and is currently involved in or has successfully completed a drug treatment program or an alcohol treatment program.
- (15) Any other mitigating factor reasonably related to the purposes of sentences.