

CHAPTER 287  
FORMERLY  
SENATE BILL NO. 199  
AS AMENDED BY  
SENATE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO TAXICAB AND LIMOUSINE DRIVERS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Subchapter V Title 21 of the Delaware Code by making insertions as shown by underlining as follows:

Subchapter V. Taxicab and Limousine Driver.

§2761. Licensing of taxicab and limousine operators.

No person shall drive any taxicab or limousine as defined under Chapter 18 of Title 2 upon any highway of this State unless such person, upon application, has been licensed as a taxicab or limousine operator by the Department under this chapter.

§2762. License endorsed for taxicab and limousine.

The Department shall endorse on the driver's license of the applicant an authorization to operate a taxicab and limousine.

§2763. Qualifications for taxicab and limousine license.

~~(a) A taxicab authorization or endorsement shall not be issued to any person who~~ To qualify for a taxicab and limousine endorsement an applicant must meet all of the following requirements:

~~(1) Is under the age of 18 years~~ Be at least 18 years of age with 1 year of driving experience;

~~(2) Does not m~~ Meet the requirements of §2707 of this title;

~~(3) Has been convicted of a criminal offense of murder, rape or robbery~~ Never have been convicted of any of the following crimes under the laws of this State or any other jurisdiction:

a. Any crime constituting the manufacture, delivery or possession of a controlled substance or a counterfeit controlled substance classified as such in Schedule I, II, III, IV or V of Chapter 47 of Title 16;

b. Any crime against a child;

c. Any crime constituting a class A or B felony;

d. Any crime constituting a felony homicide, including, but not limited to, murder, manslaughter and vehicular homicide;

e. Any crime constituting a felony sexual offense;

f. Any crime constituting a felony offense against public administration involving bribery, improper influence or abuse of office; or

g. Any crime, other than those listed in this paragraph, constituting a felony for which the person has not been pardoned or for which less than 5 years have passed since the person fully discharged all imposed sentences. As used herein, the term "sentence" includes, but is not limited to, all periods of modification of a sentence, probation, parole or suspension, and all forms of fines, restitution or community service; or

(4) Has had that person's driver's license suspended, revoked, or disqualified in this State or any other jurisdiction for moving violations during the immediate preceding 5 years.

(b) Any taxicab and limousine authorization or endorsement issued shall automatically be rescinded by the Director of the Division of Motor Vehicles if the applicant has not shown evidence of having satisfactorily completed, within 30 days of the date of issuing the authorization or endorsement, a defensive driving course approved by the Director of the Division of Motor Vehicles.

(c) The Department may conduct a criminal history background check pursuant to the procedures set forth in Chapter 85 of Title 11 for the purposes of issuing a taxicab and limousine authorization or endorsement pursuant to this section. This check shall include a national criminal history background check, in addition to a review of the applicant's Delaware-based criminal history, a fingerprinting of applicants who are to be subjected to a national criminal history background check, and expressly authorizes the use of records of the Federal Bureau of Investigation for screening the applicants.

§2765. Out-of-state taxi and limousine drivers; qualifications.

(a) Out-of-state taxi and limousine drivers shall meet the requirements of their home state for driving a taxi or limousine and meet the qualification requirements as defined in §2763 of this title before operating a taxi or limousine upon the highways of this State.

(1) An out-of-state taxi or limousine driver shall:

a. Upon first employment, and thereafter annually, provide to the driver's employer a current copy of the driver's home state driving record;

b. Upon first employment, and upon re-employment following separation, provide to the driver's employer a current copy of the driver's criminal history background check; and

c. Inform the driver's employer any time his/her driver license is suspended or revoked.

(2) The employer of an out-of-state taxi or limousine driver shall:

a. Maintain on file a current copy of the driver's driving records;

b. Annually update and review the driver's driving records using the same qualification criteria as found in §2763 of this title; and

c. Maintain on file a current copy of the driver's criminal history background check.

(3) An employer of an out-of-state taxi or limousine driver shall not knowingly permit a driver to operate a taxi or limousine upon the highways of this State when the employer is aware of any disqualifying crimes or motor vehicle violations as defined in §2763 of this title.

Section 2. The Division of Motor Vehicles shall promulgate regulations to carry out the administrative provisions of this bill.

Section 3. This bill shall become effective 90 days from the date it is signed into law.

Approved June 28, 2012