



# ADMINISTRATION AND REGULATORY AFFAIRS DEPARTMENT

## Transportation Section Policy

Subject: **Vehicle-for-Hire Provisional Criminal History Background Check**

Policy No.  
**VFH - 008**

Effective Date:  
**Upon Approval**

### 1. AUTHORITY

1.1 Chapter 46, Houston Code of Ordinances

### 2. PURPOSE

2.1 The purpose of the policy is to establish guidelines for the acceptance of a third-party criminal history background check in order to provisionally authorize a driver to operate a vehicle-for-hire for 30 days as allowed by Section 46-7(b) of the City of Houston Code of Ordinances as a part of the vehicle-for-hire driver license application process.

### 3. POLICY STATEMENT

3.1 The City of Houston regulates all vehicles-for-hire to ensure the health and safety of the riding public and to encourage the operation of professional transportation services in the Houston area. To this end, the City requires all vehicle-for-hire drivers to undergo a criminal history background check.

In August 2014, City Council approved a regulatory framework for new categories of vehicles-for-hire. As a result, the number of new vehicle-for-hire driver applicants is expected to grow exponentially. In the interest of expediting the application process, and recognizing that many of the applicants may very well transition out after only one trip, City Council amended Chapter 46 so that drivers may be provisionally authorized to operate a vehicle-for-hire for 30 days. To be provisionally authorized, the driver must successfully meet all the requirements for a vehicle-for-hire license applicant, as well as submit himself/herself to a provisional criminal history background check which would include a search of a national criminal history database and a national sex offender database. The provisional criminal history background check must be conducted by a company approved by ARA. Based on the requirements set out in §46-7 of the City of Houston Code of Ordinances, the criteria for a third-party provisional criminal history background check are set out below.

### 4. PROCEDURES

4.1 The policy will be effective from the date of signature and expire upon date of any replacing or overriding Ordinance provision and/or new Director's Rule and Regulation.

4.2 This policy is for all industry applicants seeking to be provisionally authorized to operate a vehicle-for-hire in the City of Houston.

4.3 City of Houston vehicle-for-hire driver's license applicants may obtain the application for the license at ARA's offices located at 1002 Washington Ave. or on the website: <http://www.houstontx.gov/ara/regaffairs/transportation.html>.

4.4 The Director may authorize an entity or several entities to conduct a provisional criminal history background check.

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4.5 The provisional criminal history background check must include a search of a national criminal history database. The review shall be comprehensive and must include and highlight the following offenses:

- a) Any offense involving fraud or theft;
- b) Any offense involving forgery;
- c) Any offense involving the unauthorized use of a motor vehicle;
- d) Any violation of state or federal laws regulating firearms;
- e) Any offense involving violence to any person except for conduct that is classified as no greater than a Class C misdemeanor under the laws of Texas;
- f) Any offense involving prostitution or promotion of prostitution;
- g) Any offense involving rape, sexual abuse, sexual assault, rape of a child, sexual abuse of a child, indecency with a child, or resulting in designation of the individual as a "registered sex offender" by any state or by the federal government;
- h) Any offense involving the use of or sale of drugs;
- i) Any offense involving driving a motor vehicle while intoxicated, whether under the influence of alcohol or drugs, or both.

4.6 The provisional criminal history background check must also determine whether the applicant is listed as a registered sex offender via search of a national sex offender database.

4.7 The provisional criminal history background check shall also cover moving violations for the applicants. The check should be for this state or any other state or U.S. territory if such violations occurred within the two years preceding the application for or renewal of the license.

4.8 ARA shall provisionally authorize a driver to operate only in conjunction with proof that the applicant has no criminal background that is disallowed under this policy as determined by a provisional criminal history background check conducted in accordance with this policy, until such time within 30 days of authorization the applicant can get an appointment with an entity approved under VFH-009 (Vehicle-for-Hire Criminal History Check) and the results submitted to ARA. The proof submitted must be in the form of a document signed by the contact person or customer service liaison for the permittee or registrant. The document must have the following statement:

"I certify, to the best of my knowledge, provided by XXXX, contracted by XXX (permittee or registrant name), that the above referenced applicant has had a provisional criminal history background check in accordance with Policy VFH-008 (Vehicle-for-Hire Licensee Provisional Criminal History Check) and is eligible to be provisionally authorized to operate a vehicle-for-hire for 30 days. The applicant will submit himself/herself to be fingerprinted at a location designated by the Director to obtain the full criminal history background check as required by Chapter 46 and Chapter 1 of the City of Houston Code of Ordinances. The results of the full criminal history background check will be submitted directly to ARA."

4.9 The documented proof must be submitted by the applicant at the time the application is provisionally authorized to operate. Incomplete applications will not be accepted.