



## **IOWA CITY TAXICAB ADMINISTRATIVE RULE # AR - 3**

### **Administrative Rules for Approval of Metered and Network Drivers by Police Chief**

**Date: January 2017**

If there is a preponderance of evidence that the applicant has engaged in criminal activity as defined in the Iowa Code sections listed below, or a similar statute in another jurisdiction, within the specified time frames, the Police Chief or designee will determine that authorization to drive a taxicab will be detrimental to the safety, health or welfare of residents of the city, as shown by the word "reject." The issue is whether there is a preponderance of evidence that the act(s) occurred, regardless of whether there has been an arrest, finding of guilt, or a conviction.

#### **1) OWI HISTORY**

- OWI act (defined as an act prohibited by Iowa Code Chapter 321J) within the past three (3) years - **REJECT**
- Three (3) or more OWI's acts (defined as an act prohibited under Iowa Code Chapter 321J) within ten (10) years) – **REJECT**

#### **2) PUBLIC INTOXICATION**

- Two or more of Public Intoxication (defined as an act prohibited by Iowa Code Section 123.46) within last two (2) years – **REJECT**

#### **3) HISTORY OF VIOLENCE**

Definition: Any act prohibited under Iowa Code Chapters:

- 236, Domestic Assault Abuse
- 706, Conspiracy
- 708, Assault
- 709, Sexual Abuse
- 710, Kidnapping
- 711, Robbery
- 712, Arson
- 713, Burglary
- 719, Obstructing Justice
- 723, Public Disorder
- 723A, Criminal Street Gangs
- 724, Weapons
- 726, Protection of the Family and Dependent Persons
- 728, Obscenity

- A) *Except as specifically* provided in Section B below,
- One act of violence within three (3) years – **REJECT**
  - Two acts of violence within past five (5) years – **REJECT**
  - Three or more acts of violence within the past seven (7) years – **REJECT**
- B) An act of violence as defined in any of the following specific provisions will serve as a reason for rejection, but will always be reviewed.
- o 706A, Ongoing Criminal Conduct
  - o 707, Homicide and Related Crimes
  - o 707A, Assisting Suicide
  - o 708.1(3), Assault with a Dangerous Weapon
  - o 708.2(c) Assault in Violation of Individual Rights
  - o 708.3, Assault while Participating in a Felony
  - o 708.4, Willful Injury
  - o 708.5, Administering Harmful Substance
  - o 708.6, Intimidation with a Dangerous Weapon
  - o 708.7 (1a).2 Harassment with a simulative device
  - o 708.7 (2a) Harassment in the First Degree
  - o 708.7(3a) Harassment in the Second Degree
  - o 708.8, Going Armed with Intent
  - o 708.9, Spring guns and traps
  - o 708A, Terrorism
  - o 708B, Biological agents, diseases
  - o 709, Sexual Abuse
  - o 709A, Contributing to the Delinquency of a Minor
  - o 710, Kidnapping and Related Offenses
  - o 710A, Human Trafficking
  - o 711, Robbery and Extortion
  - o 712, Arson
  - o 713.3, Burglary in the First Degree
  - o 713.4, Attempted Burglary in the First Degree
  - o 713.5, Burglary in the Second Degree
  - o 713.6, Attempted Burglary in the Second Degree
  - o 719.6, Assisting Prisoner to Escape
  - o 723A, Criminal Street Gangs
  - o 724, Weapons
  - o 726.6, Child Endangerment
  - o 728.2, Dissemination and Exhibition of Obscene Materials to Minors
  - o 728.12, Sexual Exploitation of a Minor
  - o 728.14, Commercial Film and Photographic Print Processor Reports of Depictions of Minors Engaged in Prohibited Sex Acts
  - o 728.15, Telephone Dissemination of Obscene Materials to Minors
  - o 729A, Violation of Individual Rights-Hate Crimes
  - o Listed on a sex offender registry in Iowa or any other jurisdiction

The review will consider all relevant circumstances, such as the seriousness of the act(s) and mitigating circumstances that impact the safety, health and welfare of residents of the City.

**4) PROPERTY CRIMES HISTORY**

Definition: Acts involving the taking of or damage to the property of another under Iowa

Code Chapters 711, 712, 713, 714, 715A, 716

- One or more acts within the prior year – **REJECT**
- Three or more acts within the five (5) prior years – **REJECT**

**5) TRAFFIC VIOLATIONS**

- Three moving violations and/or accidents within twelve (12) months are a basis to reject but will always be reviewed.
- Ten or more moving violations and/or accidents within five (5) years are a basis to reject but will always be reviewed.
- Three seatbelt violations within twelve (12) months is a basis to reject but will always be reviewed.
- The review will consider all relevant circumstances, such as the seriousness of the act(s) and mitigating circumstances, that impact the safety, health and welfare of residents of the City.

**6) CONTROLLED SUBSTANCE**

- Any act of possession of a controlled substance under Chapter 124 within the last one (1) year – **REJECT**
- One act of delivery of a controlled substance under Chapter 124 within the last two (2) years – **REJECT**
- Two or more acts of delivery of a controlled substance under Chapter 124 within five (5) years- **REJECT**

**7) HISTORY OF NON-COMPLIANCE WITH TAXI REGULATIONS**

Examples: smoking, operating taxi without a license, unsafe vehicle citations.

- Two or more acts within twelve (12) months – **REJECT**

**8) OTHER BASIS TO REJECT**

- In addition to the specific reasons set forth above, the Chief or designee may reject an application if it is determined that the applicant's authorization to drive a taxicab would be detrimental to the safety, health or welfare of residents of the City.

- 9)** The application shall include the following a record of arrests / charges of misdemeanors and/or felonies, including traffic offenses, and certified state of Iowa criminal history and certified state of Iowa driver's record for each owner. If the owner is not a resident of Iowa, certified criminal history of that state and certified driver's record of that state. Above records must be not be more than 30 calendar days old at the time of application.