



Legislation Text

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**File #:** Res 0595-2004, **Version:** \*

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Res. No. 595

Resolution calling upon the Legislature of the State of New York to amend the Vehicle and Traffic Law to require national background checks and fingerprinting of all applicants to drive limousines, for-hire cars and taxicabs licensed by the New York City Taxi and Limousine Commission.

By Council Members Vallone, Liu, Comrie, Fidler, Gennaro, Gerson, Jackson, Nelson, Sanders, Sears and Lanza

Whereas, In order for an applicant to become a licensed limousine driver in New York City, he or she must pass a Department of Motor Vehicles defensive driving test; be at least 19 years of age and have both a New York, New Jersey, Connecticut or Pennsylvania chauffeur's driver's license and an original Social Security card; and

Whereas, An applicant's fingerprints must also be taken and sent to the New York State Division of Criminal Justice Services, which conducts a criminal background check that is confined to detecting convictions or arrests that occur in New York State; and

Whereas, As reported on August 10, 2004 in the *New York Daily News* in an article by Michael Saul entitled "Hole You Could Drive a Limo Thru; Out-of-State Thugs Can Get Chauffeur's Licenses," applicants are checked only for crimes committed in New York State; and

Whereas, People with convictions in other states who move to New York State would not be detected unless they told their parole officer they were moving to NYS; and

Whereas, An applicant might even have a conviction for a major felony, such as murder or rape, in the United States outside of New York State, but the current criminal background check reportedly would not necessarily catch that person; and

Whereas, Current procedures for processing applicants to drive for-hire cars and taxicabs licensed by the New York City Taxi and Limousine Commission (TLC) would not enable city investigators to flag a terrorist or criminal on the Federal Bureau of Investigation's (FBI's) watch list; and

Whereas, Despite the possibility that terrorists may use limousines to carry bombs, the Daily News claimed to find "glaring holes in the Taxi and Limousine Commission's security checks that would-be terrorists could easily exploit"; and

Whereas, The New York State legislature has the authority and the capability to conduct FBI background checks, such as in the case of applicants for Civil Service jobs in New York City and applicants for any job with the City's Department of Education; and

Whereas, On Friday, August 6, 2004 the FBI sent a bulletin to police and other government officials nationwide warning that terrorists have considered using rental vehicles, singling out for-hire cars, to conceal bombs; and

Whereas, According to the FBI, the limousines would not attract as much suspicion as a cargo van, but would have enough trunk space to hold a sizable bomb capable of doing considerable damage; and

Whereas, Applicants seeking to drive for-hire cars and taxicabs licensed by the TLC, like limousine drivers, also do not undergo FBI background checks and only their New York State criminal arrests and convictions can be investigated; and

Whereas, Expanding TLC's authority to include FBI background checks would require approval from the New York State Legislature; now, therefore, be it

Resolved, that the Legislature of the State of New York amend the Vehicle and Traffic Law to require national background checks and fingerprinting of all applicants to drive limousines, for-hire cars and taxicabs licensed by the New York City Taxi and Limousine Commission.