



# ADMINISTRATION AND REGULATORY AFFAIRS DEPARTMENT

## Transportation Section Policy

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

Policy No. **VFH - 009**

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 criminal history background checks as allowed by Section 46-6(c), of the City of Houston Code of Ordinances.

### 3. POLICY STATEMENT

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 vehicle-for-hire services in the Houston area. To this end, the City requires all vehicle-for-hire drivers to undergo 10-year, fingerprint-based, criminal history background checks. The United States Office of the Attorney General recommends that all background checks be supported by biometric information, such as fingerprints, in order to substantially reduce the twin risks posed by false positives and false negatives. The FBI has found that name-based checks alone are simply not as effective. Accordingly, Chapter 46 allows for only fingerprint-based, criminal history background checks.

ARA anticipates more growth in the number of applicants for vehicle-for-hire driver licenses. To manage the growth while maintaining acceptable service levels in our licensing process, the City may authorize an entity or several entities to conduct criminal history background checks based on specific criteria set out by ARA to ensure customer privacy and data security. The criteria for authorization 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 a vehicle-for-hire industry specific City of Houston issued driver license, permit, or certificate of registration.

4.3 City of Houston vehicle-for-hire driver 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>.

Approved:

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- 4.4 The Director may authorize an entity or several entities to conduct a criminal history background check.
- 4.5 The criminal history background check must be fingerprint-based. The use of name-based or social security-based checks alone will not be authorized.
- 4.6 The period covered by the criminal history record check must be no less than 10 years.
- 4.7 The criminal history background check must include a State of Texas criminal history record review along with all data equivalent to what is provided in an FBI Identity History Summary. The data equivalent shall include a national criminal history database covering 50 states, all U.S. territories and the 94 federal districts. A criminal history background check that does not cover all 50 states, all U.S. territories and the 94 federal districts will not be authorized. The check shall cover and review for the following disallowed items:
- 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.
- 4.8 The criminal history background check must also check for registered sex offenders via a national sex offender database. This check must go back 10 years.
- 4.9 The criminal history background check shall also cover moving violations for the applicants. The check should report any violations in the State of Texas and any violations occurring in another state or U.S. territory within the two years preceding the application for or renewal of the license.
- 4.10 The results of the criminal history background check must be submitted directly to ARA via a secure web portal to certify that the results have not been tampered with or manipulated. The results should be formatted in such a way that offenses and dates can be easily identified by ARA.

4.11 Each authorized entity shall provide each applicant with a receipt containing, without limitation, the following information:

- a) The name of the entity authorized to conduct the background check
- b) The name of the permittee or registrant for whom the applicant intends to work

4.12 The license, permit, or certificate of registration issued by ARA shall be issued only in conjunction with proof that the applicant has no criminal background that is disallowed under this policy as determined by a criminal history background check conducted in accordance with this policy.