

..Number

121063

..Version

PROPOSED SUBSTITUTE

..Reference

..Sponsor

ALD. WITKOWSKI

..Title

A substitute ordinance relating to the waiver of testing requirements for a public passenger vehicle driver's license applicants under certain circumstances.

..Sections

100-54-2-d am

100-54-2-e am

100-54-7 am

100-54-2-f-1 am

100-54-11-a am

100-54-11-c am

100-54-12-a am

..Analysis

This ordinance provides that an applicant for a public passenger vehicle driver's license shall be exempt from various testing requirements as follows:

1. Defensive driving and safety course – the applicant shall be exempt from the requirement to take this course if, at any time within the 2-year period prior to the date of filing the application with the city clerk, the applicant held a city-issued public passenger vehicle driver's license for motorized vehicles.
2. Passenger assistance techniques training program – this requirement is waived if, at any time within the 2-year period prior to the date of filing the application with the city clerk, the applicant held a city-issued public passenger driver's license for handicapped-elderly vehicles.
3. A test regarding knowledge of city streets, major buildings, facilities and city regulations regarding public passenger vehicles – this requirement is waived if, at any time within the 2-year period prior to the date of filing the application with the city clerk, the applicant held a city-issued public passenger vehicle driver's license for taxicabs.

This ordinance also provides that an applicant who has held a public passenger vehicle driver's license in the past 12 months shall be required to file a renewal application. If more than 12 months have elapsed since the date of license expiration, the applicant may file either a new application or a renewal application, except that any application filed after the expiration date of the license period following the license period for which the license was issued shall be considered a new license application.

In addition, this ordinance provides that the chief of police shall object to the issuance of a new license or renewal license if the license applicant has been convicted of 3 or more moving violations within the preceding 2 years or most recent licensing period, respectively.

Finally, this ordinance provides that, based on evidence presented at the licensing committee regarding a license applicant's driving record, the common council may direct the city clerk to withhold issuance of a license until the applicant provides the city clerk with documentation indicating the applicant has successfully retaken and completed a defensive driving and safety course.

..Body

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 100-54-2-d, e and f-1 of the code is amended to read:

100-54. Public Passenger Vehicle Driver's License.

2. QUALIFICATIONS.

d. If a driver of motorized vehicles, have successfully completed within 3 years prior to the date of any original application a defensive driving and safety course approved by the police department [~~or have retaken the course if convicted of more than 4 moving violations within one licensing period~~]. The defensive driving course requirement is waived for drivers of non-motorized vehicles. >>The defensive driving course requirement shall also be waived if, at any time within the 2-year period prior to the date of filing the application with the city clerk, the applicant held a public passenger vehicle driver's license for motorized vehicles issued under this chapter<< .

e. If a driver of handicapped-elderly vehicles, have successfully completed within 3 years prior to the date of any original application a passenger assistance techniques training program approved by the commissioner of health. >>This requirement shall be waived if, at any time within the 2-year period prior to the date of filing the application with the city clerk, the applicant held a public passenger vehicle driver's license for handicapped-elderly vehicles issued under this chapter.<<

f-1. To satisfy this requirement, the applicants for licenses to operate taxicabs must, within 3 years prior to the date of any original application, pass a test established and administered by the city clerk regarding knowledge of city streets, major buildings, facilities and city regulations regarding public passenger vehicles. >This testing requirement shall be waived if, at any time within the 2-year period prior to the date of filing the application with the city clerk, the applicant held a public passenger vehicle driver's license for taxicabs issued under this chapter.<<

Part 2. Section 100-54-7 of the code is amended to read:

7. INVESTIGATION. Each application shall be referred to the chief of police who shall cause an investigation of the applicant's criminal history for the preceding 10 years >>and motor vehicle driving history for the preceding 2 years<< to be made >>.<< and report the findings to the city clerk. >>The chief of police may object to issuance of the license based on the applicant's criminal history and shall object to issuance of the license if the applicant has been convicted of 3 or more moving violations, as defined in s. 343.01(2)(cg), Wis. Stats., within the preceding 2 years.<<

Part 2. Section 100-54-11-a and c of the code is amended to read:

11. RENEWAL AND NON-RENEWAL.

a. Procedure for Renewal. Applications for renewal shall be made to the city clerk. The clerk shall refer the application to the chief of police for review. >>The chief of police may object to renewal of the applicant's license based on the applicant's criminal history and shall object to renewal of the license if the applicant has been convicted of 3 or more moving violations, as defined in s. 343.01(2)(cg), Wis. Stats., within the most recent licensing period.<< If the chief of police indicates that the applicant still meets the licensing qualifications, the city clerk shall issue the license unless a written objection has been filed with the city clerk at least 45 days prior to the date on which the license expires. This objection may be filed by any interested person. If a written objection is filed, or if a determination by the city clerk or a designee of the city clerk is made that the applicant no longer meets the licensing qualifications, the application shall be forwarded to the licensing committee for its recommendation to the common council.

c. >>An applicant who has held a public passenger vehicle driver's license in the past 12 months shall be required to file a renewal application. If more than 12 months have elapsed since the date of license expiration, the applicant may file either a new application or a renewal application, except that any<< ~~[[Any]]~~ application filed after the expiration date of the license period following the license period for which the license was issued shall be considered a new license application and is subject to the requirements for an original license provided in sub. 2.

Part 4. Section 100-54-12-a of the code is amended to read:

12. PROCEDURES FOR NON-RENEWAL, SUSPENSION OR REVOCATION.

a. Any license issued under this section may be subject to non-renewal, suspension or revocation for cause by the common council after notice to the licensee and a hearing. >>In addition, based on evidence presented at the licensing committee regarding a license applicant's driving record, the common council may direct the city clerk to withhold issuance of a license until the applicant provides the city clerk with documentation indicating the applicant has retaken and successfully completed a defensive driving and safety course.<<

..LRB
APPROVED AS TO FORM

Legislative Reference Bureau
Date:_____

..Attorney
IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFORCEABLE

Office of the City Attorney
Date:_____

..Requestor

..Drafter
LRB143939-4
Jeff Osterman
02/06/2013