

Applying for a TLC License – How the TLC's New Fitness Rules May Affect You

The TLC recently made some changes to its license application process to make it easier and more efficient for applicants and the TLC.

In the past, applicants sometimes had to attend “fitness hearings” at which they had to provide additional information and demonstrate to an Administrative Law Judge that, despite troubles they may have had in the past, they deserve to hold a TLC license. The Administrative Law Judge would in turn make a recommendation to the TLC Chairperson or the Deputy Commission for Licensing whether the person should receive a license. This process was time consuming, and not as flexible or efficient as these new rules.

Some of the major changes to the Fitness rules:

- 1) Under these new rules, when an application leaves questions about the applicant’s fitness to hold the license, instead of being referred to a “fitness hearing”, TLC licensing staff will ask the applicant for the necessary information. Instead of an in-person “fitness hearing”, TLC staff will request the information in a way that’s easier for applicants, such as by letter, e-mail, telephone call, or personal interview. This will make the process faster and more efficient.
- 2) Second, these new rules create specific standards and clearly identify the reasons for which an application will be rejected. After going through many previous fitness decisions, we were able to see the serious situations that will make it highly unlikely for an application to be granted. By serious situations, we mean the potential for an applicant to pose an unreasonable risk to public safety and welfare, or when they are not fit to hold a TLC license for other reasons. For example, the TLC will reject applications when the following things have happened during a certain period of time:
 - *any acts of fraud or material misrepresentation or omission;*
 - *a poor driving record, including the use of alcohol or drugs while operating a motor vehicle;*
 - *use of illegal drugs;*
 - *failure to comply with TLC rules, as demonstrated by license revocation;*

- *acts of actual, threatened or potential violence, including possession of weapons; and,*
- *unlicensed driving, including driving without a required state license and driving for hire without a required TLC license.*

These new rules create one-, two-, and three-year application bans depending on the conduct. For example, a driver license application will not be accepted for three years after the revocation of a previous TLC license. The TLC will reject or deny applications that are submitted within these ban periods.

- 3) These new rules will let a potential applicant avoid the time and expense of preparing and submitting an application that will be denied. When someone can't be given a license under these rules, TLC staff will reject the application upon submission whenever possible, with no license fees charged. Please note that, where TLC staff can't determine that an application should be rejected at submission, and the application is accepted, license fees are non-refundable.

These new rules make three other changes to the license application process:

- They make the long-standing practice clear that an applicant must be responsible for proving that they are fit to hold a TLC license,
- They clarify which drugs the TLC tests for, and
- They eliminate a number of minor differences among license types.

Finally, these rules make two other changes:

- They clarify that final decisions issued by the Chairperson create the examples for deciding later cases that involve similar facts or issues, and
- They require drivers to surrender their licenses within 30 days of license revocation and establish a \$1,000 fine for drivers who fail to do so.

The attached rules will be published in the City Record on August 11. The effective date of the rules will be September 10 (Saturday), and will affect applications filed the following Monday, September 12. Any application filed before Tuesday, January 3, 2012 will be decided under the old hearing process. Any application filed on or after Tuesday, January 3, 2012, will be decided under the new information gathering (interview) process as outlined in the new Fitness rules.