

House Bill 1025

By: Representatives Buck of the 135th, Royal of the 164th, Sims of the 167th, Jamieson of the 22nd and Heard of the 89th

A BILL TO BE ENTITLED
AN ACT

To amend Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to exemptions from state sales and use tax, so as to change certain provisions regarding the exemption with respect to urban transit systems; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to exemptions from state sales and use tax, is amended by striking paragraph (5) and inserting in its place a new paragraph (5) to read as follows:

"(5)(A) Fares and charges, except charges for charter and sightseeing service, collected by an urban transit system for the transportation of passengers.

(B) As used in this paragraph, the term:

(i) 'Public transit system primarily urban in character' shall include a transit system operated by any entity which provides passenger transportation services by means of motor vehicles having passenger-carrying capacity within or between standard metropolitan areas and urban areas, as those terms are defined in Code Section 32-2-3, of this state.

(ii) 'Urban transit system' means a public transit system primarily urban in character which is operated by a street railroad company or a motor common carrier, is subject to the jurisdiction of the ~~Georgia Public Service Commission~~ Department of Motor Vehicle Safety, and whose fares and charges are regulated by the ~~commission~~ Department of Motor Vehicle Safety, or is operated pursuant to a franchise contract with a municipality of this state so that its fares and charges are regulated by or are subject to the approval of the municipality. An urban transit system certificate shall be issued by the ~~Public Service Commission~~ Department of Motor Vehicle Safety, or by the municipality which has regulatory authority, upon an affirmative showing that

1 the applicant operates an urban transit system. The certificate shall be obtained and
2 filed ~~annually~~ with the commissioner and shall continue in effect so long as the holder
3 of such certificate qualifies as an urban transit system. Any urban transit system
4 certificate granted by the Department of Motor Vehicle Safety prior to January 1,
5 2002, shall be deemed valid as of the date it was issued;".

6 **SECTION 2.**

7 This Act shall become effective upon its approval by the Governor or upon its becoming law
8 without such approval.

9 **SECTION 3.**

10 All laws and parts of laws in conflict with this Act are repealed.