

House Bill 1643

By: Representatives Benfield of the 67th, Parham of the 122nd, Powell of the 23rd and Reed of the 52nd

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 40-16-2 of the Official Code of Georgia Annotated, relating to
2 primary responsibilities of the Department of Motor Vehicle Safety, so as to provide for
3 enforcement of certain provisions; to amend Title 46 of the Official Code of Georgia
4 Annotated, relating to public utilities and public transportation, so as to provide for the
5 regulation of taxicabs by the Department of Motor Vehicle Safety; to define terms; to provide
6 for permits; to provide for eligibility requirements; to provide for administrative remedies
7 for certain violations; to provide for authority of municipalities to impose additional
8 regulations on taxicabs; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 SECTION 1.

11 Code Section 40-16-2 of the Official Code of Georgia Annotated, relating to primary
12 responsibilities of the Department of Motor Vehicle Safety, is amended by striking paragraph
13 (6) of subsection (a) and inserting in lieu thereof the following:

14 "(6) Administration and enforcement anywhere in the state of laws and regulations
15 relating to motor carriers, limousine carriers, taxicabs, and hazardous material carriers as
16 provided for in Chapters 7, 7A, and 11 of Title 46;"

17 SECTION 2.

18 Title 46 of the Official Code of Georgia Annotated, relating to public utilities and public
19 transportation, is amended by inserting a new chapter to read as follows:

20 "CHAPTER 7A

21 46-7A-1.

22 As used in this chapter, the term:

23 (1) 'Commissioner' means the commissioner of motor vehicle safety.

1 (2) 'Department' means the Department of Motor Vehicle Safety.

2 (3) 'Taxicab' means a vehicle, except a limousine or bus, that is equipped with a
3 taximeter and that is for hire to transport passengers within this state.

4 (4) 'Taxicab driver permit' means a permit issued by the commissioner authorizing a
5 person to operate a taxicab within this state.

6 46-7A-2.

7 (a) No person shall operate a taxicab in this state for the transportation of passengers for
8 compensation except in accordance with the provisions of this chapter.

9 (b) Pursuant to rules and regulations prescribed by the commissioner, each driver of a
10 taxicab shall secure a taxicab driver permit. A taxicab driver permit shall be issued in a
11 form prescribed by the commissioner and shall bear thereon a distinguishing number
12 assigned to the permit holder, the full name and a photograph of the permit holder, and
13 such other information or identification as is required by the commissioner. The
14 commissioner shall prescribe a fee for a taxicab driver permit, which fee shall accompany
15 any application for such permit.

16 (c) Every operator of a taxicab shall have his or her taxicab driver permit in his or her
17 immediate possession at all times while operating a taxicab.

18 (d) A taxicab driver permit shall be valid for 24 months from the date of issuance.

19 46-7A-3.

20 (a) In order to secure a taxicab driver permit, an applicant must complete an application
21 therefor provided by the commissioner and attest that he or she:

22 (1) Is at least 18 years of age;

23 (2) Possesses a valid Georgia driver's license which is not limited as provided in Code
24 Section 40-5-64; and

25 (3) Has not been convicted, been on probation or parole, or served time on a sentence for
26 the five-year period preceding the date of the application for the violation of any of the
27 following criminal offenses of this state or any other state or of the United States:
28 homicide, rape, aggravated battery, mayhem, burglary, aggravated assault, kidnaping,
29 robbery, driving a motor vehicle while under the influence of intoxicating beverages or
30 drugs, child molestation, any sex related offense, leaving the scene of an accident,
31 criminal solicitation to commit any of the foregoing, any felony in the commission of
32 which a motor vehicle was used, perjury or false swearing in making any statement under
33 oath in connection with the application for a taxicab driver permit, or any offense
34 involving violence, theft, or the possession, sale, or distribution of narcotic drugs,
35 barbituric acid derivatives, or central nervous system stimulants; provided, however, that

1 all applicants shall be entitled to the full benefits of Article 3 of Chapter 8 of Title 42,
2 relating to first offender probation.

3 (b)(1) If, at the time of application, the applicant is charged with any of the offenses
4 prescribed in paragraph (3) of subsection (a) of this Code section, consideration of the
5 application shall be suspended until the entry of a plea or verdict or dismissal. For
6 purposes of this paragraph, a plea of nolo contendere to any of the offenses set out in
7 paragraph (3) of subsection (a) of this Code section shall constitute a conviction.

8 (2) If, after the issuance of a permit, the permit holder is charged with any of the offenses
9 prescribed in paragraph (3) of subsection (a) of this Code section, the permit shall be
10 suspended pending disposition of the charges. If the permit holder is convicted of any
11 of the charges set out in paragraph (3) of subsection (a) this Code section, the permit shall
12 be revoked. For purposes of this paragraph, a plea of nolo contendere to any of the
13 offenses set out in paragraph (3) of subsection (a) of this Code section shall constitute a
14 conviction.

15 46-7A-4.

16 The commissioner may cancel, revoke, or suspend any taxicab driver permit for violation
17 of any of the provisions of this chapter.

18 46-7A-5.

19 This chapter shall not prohibit municipalities from adopting ordinances imposing additional
20 regulations upon taxicabs which operate within their corporate boundaries."

21 **SECTION 3.**

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