

House Bill 437

By: Representative Benfield of the 56th, Post 1

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 relating to taxicabs; to amend Title 46 of the Official Code
4 of Georgia Annotated, relating to public utilities and public transportation, so as to provide
5 for the regulation of taxicabs by the Department of Motor Vehicle Safety; to define terms;
6 to provide for permits; to provide for eligibility requirements; to provide for administrative
7 remedies for certain violations; to provide for judicial review; to provide for rules and
8 regulations; to provide for authority of municipalities to impose additional regulations on
9 taxicabs; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

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

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

18 **SECTION 2.**

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

"CHAPTER 7A

1

2 46-7A-1.

3 As used in this chapter, the term:

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

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

6 (3) 'Taxicab' means a vehicle, except a limousine or bus, that is equipped with a
7 taximeter and that is for hire to transport passengers within this state.8 (4) 'Taxicab driver permit' means a permit issued by the commissioner authorizing a
9 person to operate a taxicab within this state.

10 46-7A-2.

11 (a) No person shall operate a taxicab in this state for the transportation of passengers for
12 compensation except in accordance with the provisions of this chapter.13 (b) Pursuant to rules and regulations prescribed by the commissioner, each driver of a
14 taxicab shall secure a taxicab driver permit. A taxicab driver permit shall be issued in a
15 form prescribed by the commissioner and shall bear thereon a distinguishing number
16 assigned to the permit holder, the full name and a photograph of the permit holder, and
17 such other information or identification as is required by the commissioner. The
18 commissioner shall prescribe a fee for a taxicab driver permit, which fee shall accompany
19 any application for such permit.20 (c) Every operator of a taxicab shall have his or her taxicab driver permit in his or her
21 immediate possession at all times while operating a taxicab.

22 (d) A taxicab driver permit shall be valid for 12 months from the date of issuance.

23 46-7A-3.

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

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

27 (2) Possesses a valid Georgia driver's license which is not limited as provided in Code
28 Section 40-5-64; and29 (3) Has not been convicted, been on probation or parole, or served time on a sentence for
30 the five-year period preceding the date of the application for the violation of any of the
31 following criminal offenses of this state or any other state or of the United States:
32 homicide, rape, aggravated assault, kidnapping, robbery, driving a motor vehicle while
33 under the influence of intoxicating beverages or drugs, child molestation, any sex related
34 offense including without limitation pimping, leaving the scene of an accident, criminal

1 solicitation to commit any of the foregoing, any felony in the commission of which a
2 motor vehicle was used, perjury or false swearing in making any statement under oath in
3 connection with the application for a taxicab driver permit, or any offense involving
4 violence, theft, or the possession, sale, or distribution of narcotic drugs, barbituric acid
5 derivatives, or central nervous system stimulants; provided, however, that all applicants
6 shall be entitled to the full benefits of Article 3 of Chapter 8 of Title 42, relating to first
7 offender probation.

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

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

20 46-7A-4.

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

23 46-7A-5.

24 Any person aggrieved by any action of the commissioner under this chapter may obtain
25 judicial review thereof in accordance with Chapter 13 of Title 50, the 'Georgia
26 Administrative Procedure Act.'

27 46-7A-6.

28 The commissioner shall promulgate such rules and regulations as are necessary to
29 effectuate and administer the provisions of this chapter.

30 46-7A-7.

31 This chapter shall not prohibit municipalities from adopting ordinances or resolutions on
32 or after the effective date of this chapter or enforcing ordinances or resolutions adopted

1 prior to the effective date of this chapter, which ordinances or resolutions impose additional
2 regulations upon taxicabs which operate within their corporate boundaries.”

3 **SECTION 3.**

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