

House Bill 1462

By: Representatives Geisinger of the 48th, Lindsey of the 54th, and Wilkinson of the 52nd

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 60 of Title 36 of the Official Code of Georgia Annotated, relating to
2 general provisions applicable to counties and municipal corporations, so as to provide for
3 legislative findings; to provide for the transferability of certificates of public necessity and
4 convenience and medallions for taxicabs; to provide for certain uses of such certificates and
5 medallions with regard to loans; to provide certain procedures that must be met before
6 increasing the number of such certificates and medallions; to provide for related matters; to
7 repeal conflicting laws; and for other purposes.

8 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

9 **SECTION 1.**

10 Chapter 60 of Title 36 of the Official Code of Georgia Annotated, relating to general
11 provisions applicable to counties and municipal corporations, is amended by adding a new
12 Code Section 36-60-24 to read as follows:

13 "36-60-24.

14 (a) Each county and municipal corporation that has required the owner or operator of a
15 taxicab or vehicle for hire to obtain a certificate of public necessity and convenience or
16 medallion in order to operate such taxicab or vehicle for hire within the boundaries of the
17 county or municipal corporation, that has exercised its authority under subsection (a) and
18 paragraph (3) of subsection (b) of Code Section 48-13-9 to require such owners or
19 operators to pay a regulatory fee to the county or municipal corporation, and that has
20 limited the number of outstanding certificates of public necessity and convenience or
21 medallions shall comply with the provisions of this Code section. The General Assembly
22 finds and declares that any county or municipality described in this Code section is
23 legitimately concerned with the qualifications and records of drivers of taxicabs and other
24 vehicles for hire; with the location, accessibility, and insured state of companies operating
25 taxicabs and other vehicles for hire; and with the safety and comfort of taxicabs and other

1 vehicles for hire as the Georgia Court of Appeals held in the case of Hadley v. City of
2 Atlanta, 232 Ga. App. 871, 875 (1998).

3 (b) Each certificate of public necessity and convenience or medallion issued at any time
4 by a county or municipal corporation described in subsection (a) of this Code section shall
5 be fully transferable pursuant to a purchase, gift, bequest, or acquisition of the stock or
6 assets of a corporation. Each such certificate of public necessity and convenience may be
7 used as collateral to secure a loan or to satisfy capital or surplus requirements for an
8 insurer. A lending institution making such loans shall have all rights of secured parties
9 with respect to such loans.

10 (c) Prior to increasing the number of authorized or outstanding certificates of public
11 necessity and convenience or medallions by more than five percent in a calendar year, any
12 county or municipal corporation described in subsection (a) of this Code section shall first
13 conduct a market study to determine the effects of such an increase. Prior to any such
14 increase, such market study must demonstrate, at a minimum, that anticipated increased
15 ridership justifies the increase and that such increase will not result in:

16 (1) An oversupply of taxis or vehicles for hire, low driver wages, inadequately insured
17 vehicles, unsafe vehicles, or low quality service;

18 (2) Significant diminution in the location, accessibility, and insured state of additional
19 taxicabs or other vehicles for hire; or

20 (3) Significant devaluation of existing outstanding certificates of public necessity and
21 convenience or medallions to the detriment of any owner of any certificate of public
22 necessity and convenience or medallion or financial institution relying on the value of
23 such certificate of public necessity and convenience or medallion for collateral or
24 regulatory compliance."

25 SECTION 2.

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