

House Bill 389 (AS PASSED HOUSE AND SENATE)

By: Representatives Lewis of the 15th, Ehrhart of the 36th, and Levitas of the 82nd

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 46 of the Official Code of Georgia Annotated, relating to public utilities and
2 public transportation, so as to change the definition of motor common carrier and limousine
3 carrier; to provide that the Public Service Commission is not authorized to set, adjust, or
4 change rates or charges for transportation of passengers or property by certain vehicles
5 managed or operated by a limousine carrier; to provide that any existing tariff regulating such
6 rates or charges is void; to provide for inclusion of the motor carrier authorization number
7 in any advertising for a limousine carrier; to require commercial liability and indemnity
8 insurance for limousine carriers; to provide for enforcement of such advertising and
9 insurance requirements; to provide that the provisions and powers of the Public Service
10 Commission relating to limousines shall apply to all vehicles of specified types that are
11 managed or operated by limousine carriers; to provide for related matters; to repeal
12 conflicting laws; and for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

14 style="text-align:center">**SECTION 1.**

15 Title 46 of the Official Code of Georgia Annotated, relating to public utilities and public
16 transportation, is amended by revising subparagraph (B) of paragraph (9) and division
17 (9)(C)(xiii) of Code Section 46-1-1, relating to definitions relative to public utilities and
18 public transportation, as follows:

19 "(B) 'Motor common carrier' means every person owning, controlling, operating, or
20 managing any motor propelled vehicle, and the lessees, receivers, or trustees of such
21 person, used in the business of transporting for hire of persons or property, or both,
22 otherwise than over permanent rail tracks, on the public highways of Georgia as a
23 common carrier. The term includes, but is not limited to, limousine carriers as defined
24 in paragraph (5) of Code Section 46-7-85.1."

25 ~~"(xiii) Vehicles, except limousines, transporting not more than ten persons for hire,~~
26 ~~except that any operator of such a vehicle is required to register the exempt operation~~

1 ~~with the state revenue commissioner, register and identify any of its vehicles, and~~
 2 ~~become subject to the state revenue commissioner's liability insurance and vehicle~~
 3 ~~safety rules~~ Vehicles, owned or operated by the federal or state government, or by any
 4 agency, instrumentality, or political subdivision of the federal or state government,
 5 or privately owned and operated for profit or not for profit, capable of transporting not
 6 more than ten persons for hire when such vehicles are used exclusively to transport
 7 persons who are elderly, disabled, en route to receive medical care or prescription
 8 medication, or returning after receiving medical care or prescription medication. For
 9 the purpose of this division, elderly and disabled persons shall have the same meaning
 10 as in division (iv) of this paragraph;"

11 SECTION 2.

12 Said title is further amended by revising paragraph (5) of Code Section 46-7-85.1, relating
 13 to definitions relative to limousine carriers, as follows:

14 "(5) 'Limousine carrier' means any person operating a prearranged service regularly
 15 rendered to the public by furnishing transportation as a motor common carrier for hire,
 16 not over fixed routes, by means of one or more unmetered:

17 (A) limousines, or Limousines;

18 (B) extended, Extended limousines;

19 (C) Sedans;

20 (D) Extended sedans;

21 (E) Sport utility vehicles;

22 (F) Extended sport utility vehicles;

23 (G) Other vehicles with a capacity for transporting no more than 10 persons for hire;

24 or

25 (H) Any combination of subparagraphs (A) through (G) of this paragraph

26 on the basis of telephone contract or written contract. A limousine carrier shall not use per
 27 capita rates or charges."

28 SECTION 3.

29 Said title is further amended by revising Code Section 46-7-85.12, relating to tariffs of
 30 limousine carriers, as follows:

31 "46-7-85.12.

32 (a) A limousine carrier operating under a certificate issued by the commission shall be
 33 required to file with the commission a tariff of rates and charges. Notwithstanding the
 34 powers granted to the commission regarding tariffs of other common carriers or contract
 35 carriers, the commission is not authorized to set, adjust, or change rates or charges for

1 transportation of passengers, property, or passengers and property by a vehicle of a type
 2 listed in paragraph (5) of Code Section 46-7-85.1 that is managed, operated, owned, leased,
 3 rented, or controlled by a limousine carrier.

4 (b) Any tariff issued by the commission that exists as of June 30, 2007, that regulates the
 5 rates or charges for transportation of passengers, property, or passengers and property by
 6 a vehicle of a type listed in paragraph (5) of Code Section 46-7-85.1 that is managed,
 7 operated, owned, leased, rented, or controlled by a limousine carrier shall be void."

8 SECTION 4.

9 Said title is further amended by adding new Code sections to read as follows:

10 "46-7-85.18.

11 In any advertisement for a limousine carrier, whether by print, radio, television, other
 12 broadcast, or electronic media including but not limited to Internet advertising and any
 13 listing or sites on the World Wide Web, the limousine carrier shall include the motor
 14 carrier authorization number issued to it by the Public Service Commission.

15 46-7-85.19.

16 Each limousine carrier shall obtain and maintain commercial indemnity and liability
 17 insurance with an insurance company authorized to do business in this state which policy
 18 shall provide for the protection of passengers and property carried and of the public against
 19 injury proximately caused by the negligence of the limousine carrier, its servants, and its
 20 agents. The commission shall determine and fix the amounts of such insurance and shall
 21 prescribe the provisions and limitations of such insurance.

22 46-7-85.20.

23 The commission is authorized to enforce Code Sections 46-7-85.18 and 46-7-85.19 in
 24 accordance with the provisions of Code Section 46-7-90 and Article 5 of Chapter 2 of this
 25 title. Additionally, the commission may hear a petition by a third party asserting that a
 26 limousine carrier has violated Code Section 46-17-85.18 or 46-7-85.19 and may impose
 27 the penalties and seek the remedies set out in Code Section 46-7-90 and Article 5 of
 28 Chapter 2 of this title if the commission finds such a violation.

29 46-7-85.21.

30 The provisions of this article and the powers granted to the commission by this article to
 31 regulate limousines and limousine carriers shall apply to every vehicle of a type listed in
 32 paragraph (5) of Code Section 46-7-85.1 that is managed, operated, owned, leased, rented,
 33 or controlled by a limousine carrier."

- 1 **SECTION 5.**
- 2 All laws and parts of laws in conflict with this Act are repealed.