

Senate Bill 373

By: Senators Mullis of the 53rd, Jackson of the 24th, Unterman of the 45th, Hill of the 32nd,
Stoner of the 6th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 36-60-25 of the Official Code of Georgia Annotated, relating to
2 certificates of public necessity and convenience and medallions for vehicles for hire, so as
3 to provide for authority to operate vehicles for hire equipped to transport passengers in
4 wheelchairs throughout the state; to provide for an exemption from public necessity and
5 convenience and medallions requirements for vehicles for hire equipped to transport
6 passengers in wheelchairs; to provide for the authority of county and municipal corporations
7 to create distinctive decals to identify vehicles for hire equipped to transport passengers in
8 wheelchairs; to provide for requirements for classification as a vehicle for hire equipped to
9 transport passengers in wheelchairs; to provide for related matters; to repeal conflicting laws;
10 and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

13 Code Section 36-60-25 of the Official Code of Georgia Annotated, relating to certificates of
14 public necessity and convenience and medallions for taxicabs, is amended as follows:

15 "36-60-25.

16 (a) Each county and municipal corporation may require the owner or operator of a taxicab
17 or vehicle for hire to obtain a certificate of public necessity and convenience or medallion
18 in order to operate such taxicab or vehicle for hire within the unincorporated areas of the
19 county or within the corporate limits of the municipal corporation, respectively, and may
20 exercise its authority under Code Section 48-13-9 to require such owners or operators to
21 pay a regulatory fee to the county or municipal corporation. The General Assembly finds
22 and declares that any county or municipality exercising the powers granted in this Code
23 section is legitimately concerned with the qualifications and records of drivers of taxicabs
24 and other vehicles for hire; with the location, accessibility, and insured state of companies
25 operating taxicabs and other vehicles for hire; and with the safety and comfort of taxicabs
26 and other vehicles for hire. Without limitation, each such county or municipality may

27 exercise the powers granted in this Code section by ordinance to the same extent as the
28 ordinances reviewed by the Georgia Court of Appeals in the case of Hadley v. City of
29 Atlanta, 232 Ga. App. 871, 875 (1998), and each certificate of public convenience and
30 necessity issued under those ordinances shall remain in full force and effect.

31 (b) Each certificate of public necessity and convenience or medallion issued at any time
32 by a county or municipal corporation shall be fully transferable pursuant to a purchase, gift,
33 bequest, or acquisition of the stock or assets of a corporation to any person otherwise
34 meeting the requirements of the applicable local ordinance. Each such certificate of public
35 necessity and convenience or medallion may be used as collateral to secure a loan and each
36 lending institution making such a loan shall have all rights of secured parties with respect
37 to such loan.

38 (c)(1) The owner or operator of a vehicle for hire equipped to provide services to
39 individuals utilizing wheelchairs shall be authorized to operate in any county or
40 municipal corporation so long as such vehicle is regulated under subsection (a) of this
41 Code section by at least one county or municipality.

42 (2) A county or municipal corporation that requires a certificate of public necessity and
43 convenience or medallion may issue a distinctive decal or other marking for display on
44 vehicles for hire equipped to provide services to individuals utilizing wheelchairs to
45 identify the county or municipal corporation exercising regulatory authority over such
46 vehicle.

47 (3) For the purposes of this subsection, vehicles equipped to provide services to
48 individuals utilizing wheelchairs shall be equipped with wheelchair lifts or fold out
49 ramps."

50 **SECTION 2.**

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