

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

AS PASSED SENATE

**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 a one-time exemption from public necessity
5 and convenience and medallions requirements outside the original county of operations for
6 vehicles for hire equipped to transport passengers in wheelchairs when the destination county
7 or municipality has no such similar vehicles for hire registered; to provide for limitations on
8 the number of pick ups by exempt vehicles for hire; to provide for the issuance of distinctive
9 decals to identify vehicles for hire equipped to transport passengers in wheelchairs; to
10 provide for the maintenance of records by vehicles for hire equipped to transport passengers
11 in wheelchairs; to provide for penalties; to provide for requirements for classification as a
12 vehicle for hire equipped to transport passengers in wheelchairs; to provide for automatic
13 repeal; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

15 **SECTION 1.**

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

18 "36-60-25.

19 (a) Each county and municipal corporation may require the owner or operator of a taxicab
20 or vehicle for hire to obtain a certificate of public necessity and convenience or medallion
21 in order to operate such taxicab or vehicle for hire within the unincorporated areas of the
22 county or within the corporate limits of the municipal corporation, respectively, and may
23 exercise its authority under Code Section 48-13-9 to require such owners or operators to
24 pay a regulatory fee to the county or municipal corporation. The General Assembly finds
25 and declares that any county or municipality exercising the powers granted in this Code
26 section is legitimately concerned with the qualifications and records of drivers of taxicabs

27 and other vehicles for hire; with the location, accessibility, and insured state of companies
28 operating taxicabs and other vehicles for hire; and with the safety and comfort of taxicabs
29 and other vehicles for hire. Without limitation, each such county or municipality may
30 exercise the powers granted in this Code section by ordinance to the same extent as the
31 ordinances reviewed by the Georgia Court of Appeals in the case of Hadley v. City of
32 Atlanta, 232 Ga. App. 871, 875 (1998), and each certificate of public convenience and
33 necessity issued under those ordinances shall remain in full force and effect.

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

41 (c)(1) The owner or operator of a vehicle for hire equipped to provide services to
42 individuals utilizing wheelchairs shall be authorized to operate in any county or
43 municipal corporation so long as such vehicle is regulated under subsection (a) of this
44 Code section by at least one county or municipality and operated under the conditions set
45 forth in this subsection.

46 (2) The owner or operator of a vehicle for hire equipped to provide services to
47 individuals utilizing wheelchairs and regulated under subsection (a) of this Code section
48 shall be authorized to operate such vehicle in any county or municipal corporation which
49 does not regulate vehicles for hire and in those jurisdictions which regulate vehicles for
50 hire but in which there are no vehicles for hire equipped to provide services to individuals
51 utilizing wheelchairs. Owners or operators of vehicles for hire equipped to provide
52 services to individuals utilizing wheelchairs shall notify the county or municipal
53 corporation within which they are regulated of their availability to provide such services.
54 The local governing authority shall post such information in a prominent location on the
55 authority's official website or other official public information media for notification to
56 the public and other operators or owners of such vehicles.

57 (3) Vehicles for hire equipped to provide services to individuals utilizing wheelchairs
58 may originate trips in the jurisdiction under which they operate pursuant to subsection (a)
59 of this Code section, may deliver an individual utilizing a wheelchair outside their
60 regulatory jurisdiction, and may pick up customers, whether they utilize a wheelchair or
61 not, in the destination jurisdiction upon delivery of the individual utilizing a wheelchair
62 for a trip returning to the jurisdiction of the initial trip; provided, however, if the
63 destination jurisdiction regulates vehicles for hire and there are vehicles for hire equipped

64 to provide services to individuals utilizing wheelchairs in the destination jurisdiction, then
65 the vehicle for hire may only pick up customers utilizing a wheelchair in the destination
66 jurisdiction for a trip returning to the jurisdiction of the initial trip.

67 (4) A county or municipal corporation that regulates vehicles for hire shall issue a
68 distinctive decal or other marking for display on each vehicle for hire equipped to provide
69 services to individuals utilizing wheelchairs in order to identify the county or municipal
70 corporation exercising regulatory authority over such vehicle.

71 (5) Vehicles for hire equipped to provide services to individuals utilizing wheelchairs
72 shall maintain accurate origin and destination logs which shall be available for review by
73 any county, any municipality or the general public.

74 (6)(A) Failure to comply with this subsection or the applicable regulations or
75 ordinances of any county or municipal corporation which regulates vehicles for hire
76 shall subject the operator of such vehicle to warnings, penalties, and fines as set forth
77 in this paragraph.

78 (B) Upon the first instance of violation of the provisions of this subsection, a written
79 warning shall be issued by the county or municipal corporation wherein the violation
80 occurred, with a copy of the warning to be sent to the jurisdiction wherein the vehicle
81 for hire is regulated.

82 (C) Upon the second instance of violation of the provisions of this subsection, a fine
83 of \$500.00 shall be levied by the county or municipal corporation against the operator
84 of the vehicle for hire, and a copy of the documents levying such fine shall be sent to
85 the jurisdiction wherein the vehicle for hire is regulated.

86 (D) Upon any subsequent violation by the same vehicle for hire, the county or
87 municipal corporation wherein the violations occurred shall send to the offending
88 operator and the county or municipal corporation in which the vehicle for hire is
89 regulated notice setting forth the details of the offense. The county or municipal
90 corporation in which the vehicle for hire is regulated shall suspend the operating
91 certificate or medallion of the offending operator if such operator is found guilty of the
92 offenses at a hearing held in the jurisdiction where the offenses were alleged to have
93 occurred.

94 (7) For the purposes of this subsection, vehicles equipped to provide services to
95 individuals utilizing wheelchairs shall be equipped with fully functioning wheelchair lifts
96 or fold out ramps.

97 (8) This subsection shall be repealed in its entirety on July 1, 2014."

98 **SECTION 2.**

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