

The House Committee on Transportation offers the following substitute to SB 373:

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 requirements for classification as a vehicle for hire equipped
12 to transport passengers in wheelchairs; to provide for automatic repeal; to amend Chapter 80
13 of Title 36 of the Official Code of Georgia Annotated, relating to general provisions relative
14 to counties, municipal corporations, and other governmental entities, to provide for eligibility
15 for membership on airport authorities or commissions; to provide for related matters; to
16 repeal conflicting laws; and for other purposes.

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

18 **SECTION 1.**

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

21 "36-60-25.

22 (a) Each county and municipal corporation may require the owner or operator of a taxicab
23 or vehicle for hire to obtain a certificate of public necessity and convenience or medallion
24 in order to operate such taxicab or vehicle for hire within the unincorporated areas of the
25 county or within the corporate limits of the municipal corporation, respectively, and may
26 exercise its authority under Code Section 48-13-9 to require such owners or operators to

27 pay a regulatory fee to the county or municipal corporation. The General Assembly finds
28 and declares that any county or municipality exercising the powers granted in this Code
29 section is legitimately concerned with the qualifications and records of drivers of taxicabs
30 and other vehicles for hire; with the location, accessibility, and insured state of companies
31 operating taxicabs and other vehicles for hire; and with the safety and comfort of taxicabs
32 and other vehicles for hire. Without limitation, each such county or municipality may
33 exercise the powers granted in this Code section by ordinance to the same extent as the
34 ordinances reviewed by the Georgia Court of Appeals in the case of Hadley v. City of
35 Atlanta, 232 Ga. App. 871, 875 (1998), and each certificate of public convenience and
36 necessity issued under those ordinances shall remain in full force and effect.

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

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

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

60 (3) Vehicles for hire equipped to provide services to individuals utilizing wheelchairs
61 may originate trips in the jurisdiction under which they operate pursuant to subsection (a)
62 of this Code section, may deliver an individual utilizing a wheelchair outside their
63 regulatory jurisdiction, and may pick up customers, whether they utilize a wheelchair or

64 not, in the destination jurisdiction upon delivery of the individual utilizing a wheelchair
 65 for a trip returning to the jurisdiction of the initial trip.

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

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

73 (6) Failure to comply with this subsection or the applicable regulations or ordinances of
 74 any county or municipal corporation which regulates vehicles for hire shall subject the
 75 operator of such vehicle to sanctions as may be provided by ordinance or resolution of
 76 the county or municipal corporation where such violations took place.

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

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

81 **SECTION 2.**

82 Chapter 80 of Title 36 of the Official Code of Georgia Annotated, relating to general
 83 provisions relative to counties, municipal corporations, and other governmental entities, is
 84 amended by adding a new Code section to read as follows:

85 "36-80-24.

86 Notwithstanding any provision contained in local law, tenants of public airports shall be
 87 eligible for membership on an airport authority or commission."

88 **SECTION 3.**

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