

House Bill 907

By: Representatives Powell of the 32nd, Rice of the 95th, Pruett of the 149th, Stephens of the 164th, McCall of the 33rd, and others

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 regarding provisions applicable to counties and municipal corporations,
3 so as to provide for the Department of Public Safety by intergovernmental agreement to
4 regulate taxicabs in certain circumstances; to prevent local ordinances and rules and
5 regulations from prohibiting taxicabs from taking certain passengers; to amend Title 40 of
6 the Official Code of Georgia Annotated, relating to motor vehicles, so as to provide for local
7 enforcement of laws regarding limousine carriers; to authorize the Department of Public
8 Safety to enforce ordinances against staging by limousine carriers; to provide for the
9 comprehensive regulation of transportation referral service providers; to provide for
10 definitions; to provide for legislative intent; to provide for registration and licensing of such
11 providers; to provide for certain disclosures; to prohibit certain practices and to provide
12 penalties for violations; to prohibit the waiver of rights by passengers; to provide for billing
13 methods; to provide for tax decals for limousines and taxicabs in lieu of sales and use taxes
14 on fares; to amend Title 48 of the Official Code of Georgia Annotated, relating to sales and
15 use taxes, so as to provide an exemption; to provide for related matters; to provide for
16 effective dates; to repeal conflicting laws; and for other purposes.

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

18 **SECTION 1.**

19 Chapter 60 of Title 36 of the Official Code of Georgia Annotated, relating to general
20 provisions regarding provisions applicable to counties and municipal corporations, is
21 amended in Code Section 36-60-25, relating to certificates of public necessity and
22 convenience and medallions for taxicabs, by adding a new subsection to read as follows:

23 "(c) A local government may, by intergovernmental agreement between the local
24 government and the Department of Public Safety, authorize the Department of Public
25 Safety to regulate taxicabs in the jurisdiction of such local government in addition to local
26 law enforcement officers."

27 **SECTION 2.**

28 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles, is amended
29 by revising Code Section 40-1-169, relating to enforcement regarding Georgia limousine
30 carriers, as follows:

31 "40-1-169.

32 (a) The department is authorized to enforce the provisions of this part. Additionally, the
33 department may hear a petition by a third party asserting that a limousine carrier has
34 violated Code Section 40-1-152 and may impose the penalties and seek the remedies set
35 out in Code Section 40-1-56 if the department finds such a violation.

36 (b) Law enforcement officers of counties and municipalities shall also have authority to
37 enforce the provisions of this part, provided that the Department of Public Safety and the
38 local government have entered into an intergovernmental agreement to authorize such
39 enforcement."

40 **SECTION 3.**

41 Said title is further amended by revising Part 3 of Article 3 of Chapter 1, relating to Georgia
42 limousine carriers, by adding a new Code section to read as follows:

43 "40-1-171.

44 The department and law enforcement officers of counties and municipalities by
45 intergovernmental agreement between the Department of Public Safety and the local
46 government shall be authorized to issue citations for staging limousine carriers in violation
47 of state law or local ordinances."

48 **SECTION 4.**

49 Said title is further amended by adding a new part to Article 3 of Chapter 1, relating to motor
50 carriers, to read as follows:

51 "Part 4

52 40-1-190.

53 As used in this part, the term:

54 (1) 'Limousine carrier' means any limousine company or provider which is licensed with
55 the state pursuant to paragraph (5) of Code Section 40-1-151.

56 (2) 'Taximeter' means an instrument or device approved by the applicable local
57 government which is utilized for the purpose of calculating fares based upon distance,
58 time, and mileage.

59 (3) 'Taxi service' means any taxicab company or provider which utilizes a motor vehicle
 60 or similar vehicle, device, machine, or conveyance to transport passengers, uses a
 61 taximeter, and is authorized to provide taxicab services pursuant to an ordinance of a
 62 local government in this state.

63 (4) 'Transportation referral service provider' means any person or entity that books, refers
 64 clients to, collects money for, or advertises transportation services provided by limousine
 65 carriers or taxi services by telephone, through cellular telephone software, through the
 66 Internet, in person, by written instrument, or by any other means.

67 40-1-191.

68 The General Assembly finds that it is in the public interest to regulate transportation
 69 referral service providers that operate in this state for the safety and protection of the
 70 public.

71 40-1-192.

72 (a) Each transportation referral service provider doing business, operating, or providing
 73 transportation services in this state shall register with and obtain a license from the
 74 Department of Public Safety which shall be renewed on an annual basis. The department
 75 may charge a fee for such license and registration not to exceed \$100.00. Limousine
 76 carriers and taxi services, as a part of the licensure and permitting process for limousine
 77 carriers and taxi services, also may elect to register and be licensed as a transportation
 78 referral service provider under this part and shall pay the fee specified in this subsection.

79 (b) Each transportation referral service provider doing business, operating, or providing
 80 transportation services in this state shall file and keep current with the Department of
 81 Public Safety all contracts which it has with limousine carriers and taxi services to provide
 82 transportation services in this state. As trade secrets, such contracts shall not be subject to
 83 inspection or disclosure under Article 4 of Chapter 18 of Title 50.

84 (c) In order to register and be licensed, each transportation referral service provider subject
 85 to this part shall demonstrate to the satisfaction of the Department of Public Safety that
 86 such provider:

87 (1) Has either obtained directly or has determined that each taxi service to which it refers
 88 business possesses either a certificate of public necessity and convenience or medallion
 89 authorizing the provision of taxicab services in such local government if the certificate
 90 of public necessity and convenience or medallion is required by an ordinance of the local
 91 government where such taxi service is to be provided;

92 (2) Has either obtained directly or has determined that each taxi service to which it refers
 93 business possesses and maintains a company permit authorizing the provision of taxicab

94 services in such local government if a company permit is required by an ordinance of the
95 local government where such taxi service is to be provided;

96 (3) Has either obtained directly or has determined that each limousine carrier to which
97 it refers business is properly and currently registered and licensed pursuant to Part 3 of
98 this article;

99 (4) Has taken all necessary steps to determine that any driver directly employed by or
100 contracted with such provider and any driver either directly employed by or contracted
101 with a limousine carrier or taxi service which the provider contracts with or utilizes for
102 the provision of transportation services in this state possesses and maintains any required
103 permits or licenses required by the federal government, this state, or the local government
104 where the transportation services are to be provided;

105 (5) Has conducted or caused to be conducted a criminal background check on each driver
106 utilized by such provider in the provision of transportation services as may be required
107 by the federal government, this state, or the local jurisdiction where the transportation
108 services are to be provided, whether such driver is employed directly by the provider or
109 by a limousine or taxi service which the provider contracts with or utilizes for the
110 provision of transportation services in this state;

111 (6) Has a zero tolerance policy with regard to the use of drugs or alcohol while on duty
112 in place for drivers utilized by such provider in the provision of transportation services,
113 whether such driver is employed directly by the provider or by a limousine carrier or taxi
114 service which the provider contracts with or utilizes for the provision of transportation
115 services in this state;

116 (7) Has a primary commercial liability insurance policy in effect with respect to personal
117 injury liability, property damage liability, and personal injury protection liability benefits
118 available to drivers, passengers, pedestrians, and others with a minimum coverage of at
119 least \$1 million per incident and requires similar policies for each limousine or taxi
120 service which the provider contracts with or utilizes for the provision of transportation
121 services in this state; provided, however, that a taxi service shall be required to have only
122 the minimum amount of commercial liability insurance prescribed by the local
123 government where such taxi service is provided;

124 (8) Has, as to taxi services, complied with or ensured that any taxi service which it
125 contracts with or utilizes for the provision of transportation services complies with any
126 fare structure or regulation prescribed by ordinance of a local government where such
127 taxi service is to be provided;

128 (9) Has, as to taxi services, complied with or determined that a taxi service which it
129 contracts with or utilizes for the provision of transportation services has complied with

130 any vehicle age limits or vehicle inspection requirements prescribed by ordinance of the
 131 local government where such taxi service is to be provided;
 132 (10) Has conducted or caused to be conducted a safety inspection of each vehicle utilized
 133 in the provision of transportation services by such provider in accordance with the rules
 134 and regulations promulgated by the Department of Public Safety whether such vehicle
 135 is owned or leased by the provider or is owned or leased by a limousine carrier or taxi
 136 service which the provider contracts with or utilizes for the provision of transportation
 137 services in this state;
 138 (11) Has provided or caused to be provided driver training that is acceptable to the
 139 Department of Public Safety and to the local jurisdiction where the transportation services
 140 are to be provided, if applicable, to each driver utilized by such provider in the provision
 141 of transportation services whether such driver is employed directly by the provider or is
 142 employed by a limousine carrier or taxi service which the provider contracts with or
 143 utilizes for the provision of transportation services in this state; and
 144 (12) Has complied with or determined that the limousine carrier or taxi service with
 145 which the provider contracts with or utilizes for the provision of transportation services
 146 in this state is in compliance with any and all other applicable requirements prescribed
 147 by the laws of the state, the rules and regulations of the Department of Public Safety, and
 148 the ordinances of local governments where such transportation services are provided.
 149 (d) Failure to register according to the provisions of this Code section shall subject the
 150 violator to a civil fine not to exceed \$50,000.00 per violation.

151 40-1-193.

152 (a) No transportation referral service provider subject to this part shall contract with,
 153 utilize, or refer individuals or entities to limousine carriers or taxi services that are not
 154 properly licensed by the state or a political subdivision of this state, are not properly
 155 insured under state or local law, or which use drivers that are not properly licensed under
 156 state and local law to carry passengers for hire.

157 (b) No person shall contract with or accept referrals from a transportation referral service
 158 provider for transportation services that is not licensed under the laws of this state or a local
 159 government of this state to provide limousine services or taxi services.

160 (c) A transportation referral service provider that violates subsection (a) of this Code
 161 section shall be subject to having such provider's registration suspended or revoked by the
 162 Department of Public Safety, an administrative fine not to exceed \$5,000.00 for each
 163 violation, or both.

164 (d) A person who violates subsection (b) of this Code section shall be subject to a
165 suspension for one year or revocation of such person's driver's license, an administrative
166 fine not to exceed \$5,000.00 for each violation, or both.

167 40-1-194.

168 A transportation referral service provider doing business in this state shall include its
169 license number issued by the Department of Public Safety in any advertising in this state.
170 Failure to provide such license number shall result in the imposition of a civil penalty not
171 to exceed \$5,000.00 for each violation.

172 40-1-195.

173 (a) Taxi services utilized by a transportation referral service provider doing business in this
174 state to provide transportation services shall be billed in accordance with the fare rates
175 prescribed by the local government where such taxi services are to be provided. The use
176 of Internet or cellular telephone software to calculate rates shall not be permitted unless
177 such software complies with and conforms to the weights and measures standards of the
178 local government that licenses such taxi service.

179 (b) Limousine carriers utilized by a transportation referral service provider doing business
180 in this state to provide transportation services shall only be billed in accordance with the
181 rates of such limousine carriers on a flat fee or hourly basis and not by any metering
182 device.

183 (c) All transportation service providers utilized by transportation referral service providers
184 shall disclose to the person being transported prior to providing transportation services the
185 amount of the charge for such services or the rates under which the charge will be
186 determined.

187 (d) A violation of this Code section shall be punished by the imposition of a civil penalty
188 not to exceed \$5,000.00 for each violation.

189 40-1-196.

190 No person utilizing the services of a transportation referral service provider in this state
191 shall be required to waive any rights such person may have with regard to any
192 transportation services provided by such provider in order to utilize such provider's
193 services. Any such waiver shall be considered void as against public policy.

194 40-1-197.

195 The Department of Public Safety is authorized to promulgate such rules and regulations as
196 the department shall find necessary to implement the provisions of this part."

SECTION 5.

197
198 Said title is further amended by revising Code Section 40-2-168, relating to registration and
199 licensing of taxicabs and limousines, as follows:

200 "40-2-168.

201 (a) Owners of a taxicab or limousine, prior to commencing operation in this state, shall,
202 upon complying with the motor vehicle laws relating to registration and licensing of motor
203 vehicles, and the payment of an annual registration fee of \$25.00, be issued a distinctive
204 license plate by the commissioner. Such distinctive license plate shall be designed by the
205 commissioner and displayed on the vehicle as provided in Code Section 40-2-41. The
206 certificate of registration shall be kept in the vehicle. Revalidation decals shall be issued,
207 upon payment of fees required by law, in the same manner as provided for general issue
208 license plates. Such license plates shall be transferred from one vehicle to another vehicle
209 of the same class and acquired by the same person as provided in Code Section 40-2-42.
210 ~~The transition period shall commence on May 20, 2010, and conclude no later than~~
211 ~~December 31, 2010, for all existing registrations.~~ For all existing registrations, except
212 during the owner's registration period as provided in Code Section 40-2-21, the
213 commissioner shall exchange and replace any current and valid registration and license
214 plate at no charge to the owner. Such license plates shall not be issued to any owner of a
215 taxicab or limousine, as such term is defined in paragraph (5) of Code Section 40-1-151,
216 that is not properly licensed as such by the Department of Public Safety or a political
217 subdivision of this state.

218 (b)(1) On and after January 1, 2015, an owner of a taxicab or limousine, prior to
219 commencing operations in this state and annually thereafter, shall obtain a tax decal from
220 the Department of Revenue and shall display such decal on such taxicab or limousine at
221 all times.

222 (2) The owner of a taxicab or limousine in operation in this state on January 1, 2015,
223 shall obtain a tax decal from the Department of Revenue prior to such date and shall
224 display such decal on such taxicab or limousine at all times.

225 (3) Prior to January 1, 2015, the Department of Revenue shall be entitled to a fee of
226 \$5.00 for each tax decal issued. Such tax decal shall be subject to annual renewal.

227 (4) Beginning January 1, 2016, the fee for such decal shall be \$1,000.00 per year for
228 each such vehicle. Of this fee, 57 percent shall be retained by the state for deposit in the
229 general fund of the state treasury and 43 percent shall be forwarded to the municipality
230 in which such taxicab or limousine is based or to the county in which such taxicab or
231 limousine is based if the taxicab or limousine is based in an unincorporated area of a
232 county. Such fee shall be in lieu of the payment of any sales and use taxes on fares
233 generated by such taxicab or limousine.

234 (5) On and after January 1, 2015, an owner of a taxicab or limousine who is providing
235 transportation services without displaying a current tax decal shall be subject to a fine of
236 not more than \$1,000.00 per violation."

237 **SECTION 6.**

238 Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to exemptions from
239 sales and use taxes, is amended by revising paragraph (25), which was previously reserved,
240 as follows:

241 "(25) Reserved Fares of taxicabs and limousines which are subject to the provisions of
242 subsection (b) of Code Section 40-2-168;".

243 **SECTION 7.**

244 With the exception of Section 6, this Act shall become effective upon its approval by the
245 Governor or upon its becoming law without such approval. Section 6 of this Act shall
246 become effective on January 1, 2016.

247 **SECTION 8.**

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