

The House Committee on Public Safety and Homeland Security offers the following substitute to HB 907:

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 a review of the method of taxation of fares; to provide for related
14 matters; to provide for effective dates; to repeal conflicting laws; and for other purposes.

15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

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

21 "(c) A local government may, by intergovernmental agreement between the local
22 government and the Department of Public Safety, authorize the Department of Public
23 Safety to enforce the existing regulations of the local government relating to taxicabs in the
24 jurisdiction of such local government in addition to local law enforcement officers."

25 **SECTION 2.**

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

29 "40-1-169.

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

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

38 **SECTION 3.**

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

41 "40-1-171.

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

46 **SECTION 4.**

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

49 "Part 4

50 40-1-190.

51 As used in this part, the term:

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

54 (2) 'Ride share driver' means an individual who uses the individual's personal vehicle to
55 provide transportation for passengers arranged through a transportation referral service
56 provider as defined in paragraph (5) of this Code section.

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

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

64 (5) 'Transportation referral service provider' means:

65 (A) Any person or entity that books, refers clients to, collects money for, or advertises
 66 transportation services provided by licensed limousine carriers or taxi services by
 67 telephone, through cellular telephone software, through the Internet, in person, by
 68 written instrument, by any person, or by any other means; or

69 (B) Any person or entity that uses a digital network or Internet network to connect
 70 passengers to ride share drivers for the purpose of transportation.

71 A transportation referral service provider shall not include emergency or nonemergency
 72 medical transports.

73 40-1-191.

74 The General Assembly finds that it is in the public interest to regulate transportation
 75 referral service providers that operate in this state for the safety and protection of the
 76 public. The General Assembly fully occupies and preempts the entire field of regulation
 77 over transportation referral service providers and ride share drivers as regulated by this
 78 part.

79 40-1-192.

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

87 A transportation referral service provider that contracts with a limousine carrier or taxi
 88 service that is also licensed or registered with the Department of Public Safety as a
 89 transportation referral service provider shall not be required to register under this part,
 90 provided that the limousine carrier or taxi service discloses to the Department of Public
 91 Safety in its application that it is receiving referrals from such transportation referral

92 service provider that has not registered and provided, further, that the limousine carrier or
 93 taxi service that does register as a transportation referral service provider shall be required
 94 to comply with the requirements of this part.

95 (b) Each transportation referral service provider doing business, operating, or providing
 96 transportation services in this state shall file and keep current monthly with the Department
 97 of Public Safety all contracts which it has with limousine carriers, taxi services, and ride
 98 share drivers to provide transportation services in this state. Such contracts shall not be
 99 subject to inspection or disclosure under Article 4 of Chapter 18 of Title 50.

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

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

108 (2) Has either obtained directly or has determined that each taxi service to which it refers
 109 business possesses and maintains a company permit authorizing the provision of taxicab
 110 services in such local government if a company permit is required by an ordinance of the
 111 local government where such taxi service is to be provided;

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

115 (4) Has taken all necessary steps to determine that any driver directly employed by or
 116 contracted with such provider, including, but not limited to, ride share drivers, and any
 117 driver either directly employed by or contracted with a limousine carrier or taxi service
 118 which the provider contracts with or utilizes for the provision of transportation services
 119 in this state possesses and maintains any required permits or licenses required by the
 120 federal government, this state, or the local government where the transportation services
 121 are to be provided;

122 (5) Has conducted or caused to be conducted a criminal background check on each driver
 123 utilized by such provider in the provision of transportation services as may be required
 124 herein, whether such driver is employed directly by the provider or by a limousine or taxi
 125 service which the provider contracts with or utilizes for the provision of transportation
 126 services in this state;

127 (6) Has a zero tolerance policy with regard to the use of drugs or alcohol while on duty
 128 in place for drivers utilized by such provider in the provision of transportation services.

129 whether such driver is employed directly by the provider or by a limousine carrier or taxi
 130 service which the provider contracts with or utilizes for the provision of transportation
 131 services in this state;

132 (7) Has for each limousine carrier, taxi service, or ride share driver which the provider
 133 contracts with or utilizes for the provision of transportation services in this state a primary
 134 or excess automobile liability insurance policy in effect with respect to bodily injury
 135 liability and property damage liability with a minimum coverage:

136 (A) For limousine carriers, as provided in Code Section 40-1-166 on a per incident
 137 basis;

138 (B) For taxi services, as specified by Chapter 34 of Title 33; and

139 (C) For ride share drivers, maintained by the transportation referral service provider
 140 equal to that required of limousine carriers in subparagraph (A) of this paragraph.

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

145 (9) Has, as to taxi services, complied with or determined that a taxi service which it
 146 contracts with or utilizes for the provision of transportation services has complied with
 147 any vehicle age limits or vehicle inspection requirements prescribed by ordinance of the
 148 local government where such taxi service is to be provided;

149 (10) Has conducted or ensured that any limousine carrier, taxi service, or ride share
 150 driver which the transportation referral service provider contracts with or utilizes for the
 151 provision of transportation services in this state has conducted or caused to be conducted
 152 a safety inspection of each vehicle utilized in the provision of transportation services by
 153 such provider whether such vehicle is owned or leased by the provider or is owned or
 154 leased by a limousine carrier, taxi service, or ride share driver which the provider
 155 contracts with or utilizes for the provision of transportation services in this state, provided
 156 that a transportation referral service provider may conduct its own safety inspections to
 157 include an inspection of the vehicle's:

158 (A) Foot brakes;

159 (B) Emergency brakes;

160 (C) Steering mechanism;

161 (D) Windshield;

162 (E) Rear window and other glass;

163 (F) Windshield wipers;

164 (G) Headlights;

165 (H) Tail lights;

166 (I) Turn indicator lights;

167 (J) Brake lights;

168 (K) Front seat adjustment mechanism;

169 (L) Doors (open, close, lock);

170 (M) Horn;

171 (N) Speedometer;

172 (O) Bumpers;

173 (P) Muffler and exhaust systems;

174 (Q) Condition of tires, including tread depth;

175 (R) Interior and exterior review mirrors; and

176 (S) Safety belts for driver and passengers;

177 (11) Has complied with or ensured that any limousine carrier or taxi service which the
 178 transportation referral service provider contracts with or utilizes for the provision of
 179 transportation services in this state has provided or caused to be provided driver training
 180 that is acceptable to the Department of Public Safety and to the local jurisdiction where
 181 the transportation services are to be provided, if applicable, to each driver utilized by such
 182 provider in the provision of transportation services whether such driver is employed
 183 directly by the provider or is employed by a limousine carrier or taxi service which the
 184 provider contracts with or utilizes for the provision of transportation services in this state;
 185 and

186 (12) In the case of a transportation referral service provider as defined in
 187 subparagraph (B) of paragraph (5) of Code Section 40-1-190, has established a driver
 188 training program sufficient to ensure that each ride share driver employed by, contracted
 189 with, or utilized by such provider can safely operate his or her vehicle prior to the
 190 provider being able to use such ride share driver to provide transportation services. Such
 191 driver training program shall be submitted to the Department of Public Safety prior to
 192 being implemented. Any changes made to such program shall be submitted to the
 193 Department of Public Safety on an annual basis.

194 (e) Failure to register according to the provisions of this Code section shall subject the
 195 violation to a civil fine not to exceed \$10,000.00 per violation.

196 40-1-193.

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

202 (b) No person shall contract with or accept referrals from a transportation referral service
203 provider for transportation services that is not licensed under the laws of this state or a local
204 government of this state to provide limousine services, taxi services, or ride share drivers.
205 This subsection shall not apply to passengers.

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

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

213 40-1-194.

214 A transportation referral service provider doing business in this state shall include its
215 license number issued by the Department of Public Safety in any advertising in this state;
216 provided, however, that this Code section shall not apply to Internet advertisements.
217 Failure to provide such license number shall result in the imposition of a civil penalty not
218 to exceed \$5,000.00 for each violation.

219 40-1-195.

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

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

230 (c) A ride share driver utilized by a transportation referral service provider may offer
231 transportation services at no charge, suggest a donation, or charge a fare. If a ride share
232 driver utilized by a transportation referral service provider charges a fare, such fare shall
233 be calculated based upon time and distance.

234 (d) All transportation service providers utilized by transportation referral service providers
235 shall disclose to the person being transported prior to providing transportation services the
236 amount of the charge for such services or the rates under which the charge will be

237 determined. All transportation service providers utilized by transportation referral service
 238 providers shall accept credit cards in payment for the services rendered.

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

241 40-1-196.

242 No person utilizing the services of a transportation referral service provider in this state
 243 shall be required to waive any rights such person may have with regard to personal injuries
 244 as the result of any transportation services provided by such provider in order to utilize
 245 such provider's services. Any such waiver shall be considered void as against public
 246 policy.

247 40-1-197.

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

250 40-1-198.

251 A transportation referral service provider is authorized either:

252 (1) To register its independent contractor drivers in order for such drivers to secure a
 253 chauffeur's endorsement with the Department of Driver Services. Each such driver shall
 254 be registered under the authority of the transportation referral service provider that
 255 arranged for the independent contractor driver to receive his or her chauffeur's
 256 endorsement. A transportation referral service provider, as defined in subparagraph (A)
 257 of paragraph (5) of Code Section 40-1-190, that registers its drivers under this Code
 258 section shall provide to and maintain a list of such drivers with the Department of Public
 259 Safety. Such list of drivers shall not be subject to inspection or disclosure under Article 4
 260 of Chapter 18 of Title 50; or

261 (2) To conduct independent background checks of its independent contractor drivers and
 262 provide the Department of Driver Services the following information on all such drivers
 263 providing transportation services for such transportation referral service provider:

264 (A) Social security number trace results showing a history of past and present
 265 addresses of each driver and names associated with such addresses including alias,
 266 maiden names, nicknames, and spelling variations;

267 (B) County criminal record check results for each county of residence resulting from
 268 the social security number trace;

269 (C) National criminal record check results;

270 (D) United States Department of Justice National Sex Offender register search results;

271 (E) Results of search of booking and incarceration locations using identifiers such as
 272 date of birth and name; and
 273 (F) Driving record search results.
 274 Such information shall be provided to the Department of Driver Services within 60 days
 275 of the date that a driver begins providing transportation services on behalf of such
 276 transportation referral service provider. Such information shall not be subject to
 277 inspection or disclosure under Article 4 of Chapter 18 of Title 50.
 278 The Department of Driver Services shall notify such transportation referral service provider
 279 as soon as practicable if a driver is found not to be eligible for a chauffeur endorsement or
 280 to provide transportation services as a driver."

281 **SECTION 5.**

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

284 "40-2-168.

285 (a) Owners of a taxicab or limousine, prior to commencing operation in this state, shall,
 286 upon complying with the motor vehicle laws relating to registration and licensing of motor
 287 vehicles, and the payment of an annual registration fee of \$25.00, be issued a distinctive
 288 license plate by the commissioner. Such distinctive license plate shall be designed by the
 289 commissioner and displayed on the vehicle as provided in Code Section 40-2-41. The
 290 certificate of registration shall be kept in the vehicle. Revalidation decals shall be issued,
 291 upon payment of fees required by law, in the same manner as provided for general issue
 292 license plates. Such license plates shall be transferred from one vehicle to another vehicle
 293 of the same class and acquired by the same person as provided in Code Section 40-2-42.
 294 ~~The transition period shall commence on May 20, 2010, and conclude no later than~~
 295 ~~December 31, 2010, for all existing registrations.~~ For all existing registrations, except
 296 during the owner's registration period as provided in Code Section 40-2-21, the
 297 commissioner shall exchange and replace any current and valid registration and license
 298 plate at no charge to the owner. Such license plates shall not be issued to any owner of a
 299 taxicab or limousine, as such term is defined in paragraph (5) of Code Section 40-1-151,
 300 that is not properly licensed as such by the Department of Public Safety or a political
 301 subdivision of this state.

302 (b) Prior to July 1, 2014, the Speaker of the House of Representatives shall appoint three
 303 members of the House of Representatives and the President of the Senate shall appoint
 304 three members of the Senate to study the best method of taxation for taxi services,
 305 limousine carriers, and ride share drivers, including collecting sales tax on fares, annual
 306 decals, and similar methods. The Speaker of the House of Representatives shall appoint

307 one of the House appointees to serve as cochairperson and the President of the Senate shall
308 appoint one of the Senate appointees to serve as cochairperson. The appointees shall meet
309 upon the call of the cochairpersons. Not later than July 1, 2014, the Department of
310 Revenue shall provide a report to the members estimating the number of limousine carriers,
311 taxi services, transportation referral service providers, and ride share drivers in the state;
312 the number of vehicles used by such limousine carriers, taxi services, transportation referral
313 service providers, and ride share drivers; and the amount of sales tax paid by such
314 limousine carriers, taxi services, transportation referral service providers, and ride share
315 drivers. The members shall make a report to the General Assembly on the result of their
316 findings and recommendations on or before December 1, 2014. This paragraph shall be
317 repealed by operation of law on December 31, 2014."

318 **SECTION 6.**

319 This Act shall become effective upon its approval by the Governor or upon its becoming law
320 without such approval. Section 6 of this Act shall become effective on January 1, 2016.

321 **SECTION 7.**

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