

Senate Bill 410

By: Senators Jackson of the 2nd and Harbison of the 15th

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 36 of the Official Code of Georgia Annotated, relating to local government,
2 so as to provide for authority to operate vehicles for hire equipped to transport passengers
3 in wheelchairs throughout this state; to provide for a one-time exemption from public
4 necessity and convenience and medallions requirements outside the original county of
5 operations for vehicles for hire equipped to transport passengers in wheelchairs when the
6 destination county or municipality has no such similar vehicles for hire registered; to provide
7 for limitations on the number of pick ups by exempt vehicles for hire; to provide for the
8 issuance of distinctive decals to identify vehicles for hire equipped to transport passengers
9 in wheelchairs; to provide for the maintenance of records by vehicles for hire equipped to
10 transport passengers in wheelchairs; to provide for requirements for classification as a
11 vehicle for hire equipped to transport passengers in wheelchairs; to provide for automatic
12 repeal; to provide for eligibility for membership on airport authorities or commissions; to
13 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 Title 36 of the Official Code of Georgia Annotated, relating to local government, is amended
17 by revising Code Section 36-60-25, relating to certificates of public necessity and
18 convenience and medallions for taxicabs, as follows:

19 "36-60-25.

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

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

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

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

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

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

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

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

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

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

(8) This subsection shall be repealed in its entirety on July 1, 2016."

SECTION 2.

Said title is further amended by adding a new Code section to read as follows:

"36-80-24.

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

SECTION 3.

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