

House Bill 226

By: Representatives Powell of the 32nd, Dunahoo of the 30th, Carson of the 46th, Rutledge of the 109th, Hitchens of the 161st, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Titles 36 and 40 of the Official Code of Georgia Annotated, relating to local
2 government and motor vehicles and traffic, respectively, so as to change certain terminology
3 regarding chauffeur license endorsements; to provide that drivers must have an endorsement
4 in order to carry passengers for hire; to provide for penalties; to provide for related matters;
5 to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Title 36 of the Official Code of Georgia Annotated, relating to local government, is amended
9 by revising Code Section 36-60-25, relating to certificates of public necessity and
10 convenience and medallions for taxicabs, by adding a new subsection to read as follows:

11 "(c) No person shall operate a taxicab for the purpose of carrying or transporting
12 passengers for hire or donation unless such person has a for-hire license endorsement
13 pursuant to Code Section 40-5-39. Counties and municipalities shall not impose further
14 licensing requirements on such persons."

15 **SECTION 2.**

16 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is
17 amended by revising Code Section 40-1-158, relating to limousine chauffeur authorization
18 and license endorsement, as follows:

19 "40-1-158.

20 Pursuant to rules and regulations prescribed by the commissioner of driver services, each
21 chauffeur employed by a limousine carrier shall secure from the Department of Driver
22 Services a ~~limousine chauffeur authorization and~~ for-hire license endorsement."

23 **SECTION 3.**

24 Said title is further amended by revising Code Section 40-5-39, relating to endorsement on
25 license of limousine chauffeur, requirements, and term, as follows:

26 "40-5-39.

27 (a) The department shall ~~endorse~~ provide a for-hire license endorsement for the driver's
28 license of any approved limousine chauffeur employed by a limousine carrier. In order to
29 be eligible for such endorsement, an applicant shall:

30 (1) Be at least 18 years of age;

31 (2) Possess a valid Georgia driver's license which is not limited as defined in Code
32 Section 40-5-64;

33 (3) Not have been convicted, been on probation or parole, or served time on a sentence
34 for a period of ten years previous to the date of application for any felony or any other
35 crime of moral turpitude or a pattern of misdemeanors that evidences a disregard for the
36 law unless he or she has received a pardon and can produce evidence of same. For the
37 purposes of this paragraph, a plea of nolo contendere shall be considered to be a
38 conviction, and a conviction for which a person has been free from custody and free from
39 supervision for at least ten years shall not be considered a conviction unless the
40 conviction is for a dangerous sexual offense which is contained in Code Section 42-1-12
41 or the criminal offense was committed against a victim who was a minor at the time of
42 the offense;

43 (4) Submit at least one set of classifiable electronically recorded fingerprints to the
44 department in accordance with the fingerprint system of identification established by the
45 director of the Federal Bureau of Investigation. The department shall transmit the
46 fingerprints to the Georgia Crime Information Center, which shall submit the fingerprints
47 to the Federal Bureau of Investigation for a search of bureau records and an appropriate
48 report and promptly conduct a search of state records based upon the fingerprints. After
49 receiving the report from the Georgia Crime Information Center and the Federal Bureau
50 of Investigation, the department shall determine whether the applicant may be certified;
51 ~~and~~

52 (5) Be a United States citizen, or if not a citizen, present federal documentation verified
53 by the United States Department of Homeland Security to be valid documentary evidence
54 of lawful presence in the United States under federal immigration law; and

55 (6) Provide proof of liability insurance coverage in such amounts as provided by law for
56 the class of motor vehicle being operated for hire and the requirements for limousine
57 carriers and taxi services, as applicable.

58 (b) Such endorsement shall be valid for the same term as such person's driver's license,
59 provided that each person seeking renewal of a driver's license with such endorsement shall

60 submit to a review of his or her criminal history for verification of his or her continued
61 eligibility for such endorsement prior to making application for such renewal using the
62 same process set forth in subsection (a) of this Code section. If such person no longer
63 satisfies the background requirements set forth herein, he or she shall not be eligible for the
64 inclusion of such endorsement on his or her driver's license, and it shall be renewed without
65 the endorsement.

66 (c) Every ~~chauffeur employed by a limousine carrier~~ person who operates a motor vehicle
67 to transport passengers for hire or donation in this state as a limousine carrier or taxi
68 service shall have his or her Georgia driver's license with the prescribed endorsement in
69 his or her possession at all times while operating a such motor vehicle ~~of a limousine~~
70 ~~carrier~~.

71 (d) The department is authorized to promulgate rules and regulations as necessary to
72 implement this Code section.

73 (e)(1) Any person who operates a limousine or taxicab without having obtained a for-hire
74 endorsement as provided in this Code section shall be guilty of a misdemeanor.

75 (2) Any person who violates subsection (c) of this Code section shall be guilty of a
76 misdemeanor.

77 (3) Any person who operates a limousine or taxicab without liability insurance coverage
78 in such amounts as provided by law for the class of motor vehicle being operated for hire
79 and the requirements for limousine carriers and taxi services, as applicable, shall be guilty
80 of a misdemeanor."

81 **SECTION 4.**

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