

House Bill 224

By: Representatives Powell of the 32<sup>nd</sup>, Dunahoo of the 30<sup>th</sup>, Carson of the 46<sup>th</sup>, Rutledge of the 109<sup>th</sup>, Hitchens of the 161<sup>st</sup>, 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 preserve existing certificates of public necessity and convenience and medallion  
4 systems for taxicabs and to restrict the future use thereof; to provide that operators of  
5 taxicabs have for-hire license endorsements; to prohibit the staging of certain vehicles; to  
6 amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles, so as  
7 to provide for the comprehensive regulation of transportation referral services, transportation  
8 referral service providers, ride share network services, and ride share drivers; to provide for  
9 definitions; to provide for legislative intent; to provide for registration and licensing of such  
10 providers; to provide for certain disclosures; to prohibit certain practices and to provide  
11 penalties for violations; to prohibit the waiver of rights by passengers under certain  
12 conditions; to provide for billing methods; to provide for tax decals for for-hire vehicles in  
13 lieu of sales and use taxes on fares; to provide for for-hire license endorsements; to amend  
14 Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to exemptions from  
15 sales and use taxes, so as to provide an exemption; to provide for related matters; to provide  
16 for 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 by revising subsection (a) of Code Section 36-60-25, relating to certificates of  
22 public necessity and convenience and medallions for taxicabs, and by adding new  
23 subsections to read as follows:

24 "(a) Each county and municipal corporation may require the owner or operator of a taxicab  
25 ~~or vehicle for hire~~ to obtain a certificate of public necessity and convenience or medallion  
26 in order to operate such taxicab ~~or vehicle for hire~~ within the unincorporated areas of the

27 county or within the corporate limits of the municipal corporation, respectively, and may  
 28 exercise its authority under Code Section 48-13-9 to require such owners or operators to  
 29 pay a regulatory fee to the county or municipal corporation. The General Assembly finds  
 30 and declares that any county or municipality exercising the powers granted in this Code  
 31 section is legitimately concerned with the qualifications and records of drivers of taxicabs  
 32 ~~and other vehicles for hire~~; with the location, accessibility, and insured state of companies  
 33 operating taxicabs ~~and other vehicles for hire~~; and with the safety and comfort of taxicabs  
 34 ~~and other vehicles for hire~~. Without limitation, each such county or municipality may  
 35 exercise the powers granted in this Code section by ordinance to the same extent as the  
 36 ordinances reviewed by the Georgia Court of Appeals in the case of Hadley v. City of  
 37 Atlanta, 232 Ga. App. 871, 875 (1998), and each certificate of public convenience and  
 38 necessity issued under those ordinances shall remain in full force and effect."

39 "(c) Counties and municipalities which have adopted and have valid ordinances as of  
 40 July 1, 2014, requiring taxicabs to have certificates of public necessity and convenience or  
 41 medallions to operate within each such county or municipality may continue to require  
 42 such certificates or medallions. Except as otherwise provided in this subsection, no county  
 43 or municipality shall enact, adopt, or enforce any ordinance or regulation which requires  
 44 taxicabs to have certificates of public necessity and convenience or medallions to operate  
 45 within such county or municipality.

46 (d) No person shall operate a taxicab for the purpose of carrying or transporting passengers  
 47 for hire unless such person has a for-hire license endorsement under Code Section 40-5-39.  
 48 Counties and municipalities shall not impose further licensing requirements or background  
 49 checks on such persons to operate taxicabs in their jurisdictions.

50 (e) As used in this subsection, the term 'stage' means to stop, park, or otherwise place a  
 51 vehicle for hire, other than a taxicab, in the loading or curbside area of any business when  
 52 such vehicle is not engaged in a prearranged round-trip or one-way fare. It shall be illegal  
 53 to stage limousine carriers, as defined in paragraph (5) of Code Section 40-1-151, or ride  
 54 share drivers, as defined in paragraph (2) of Code Section 40-1-190. A person who violates  
 55 this subsection shall be guilty of a misdemeanor."

## 56 SECTION 2.

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

60 "40-1-158.

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

64 **SECTION 3.**

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

67 "Part 4

68 40-1-190.

69 As used in this part, the term:

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

72 (2) 'Metering device' means an instrument or device which is utilized for the purpose of  
73 calculating for-hire fares based upon distance, time, and mileage.

74 (3) 'Ride share driver' means an individual who uses his or her personal passenger car,  
75 as defined in paragraph (41) of Code Section 40-1-1, to provide transportation for  
76 passengers arranged through a ride share network service.

77 (4) 'Ride share network service' means any person or entity that uses a digital network  
78 or Internet network to connect passengers to ride share drivers for the purpose of  
79 prearranged transportation for hire or for donation.

80 (5) 'Taxi service' means any taxicab company or provider which utilizes a motor vehicle  
81 or similar vehicle, device, machine, or conveyance to transport passengers; uses a  
82 taximeter; and is authorized to provide taxicab services pursuant to an ordinance of a  
83 local government in this state.

84 (6) 'Taximeter' means an instrument or device approved by the applicable local  
85 government which is utilized for the purpose of calculating fares based upon distance,  
86 time, and mileage.

87 (7) 'Transportation referral service' means any person or entity that books, refers clients  
88 to, collects money for, or advertises transportation services provided by a limousine  
89 carrier or taxi service by means of a telephone, through cellular telephone software,  
90 through the Internet, in person, by written instrument, by any person, or by any other  
91 means, and does not own or lease any motor vehicle required to be registered with the  
92 Department of Public Safety as a limousine carrier or a taxi service. A transportation  
93 referral service shall not include emergency or nonemergency medical transports.

94 (8) 'Transportation referral service provider' means any person or entity that books, refers  
95 clients to, collects money for, or advertises transportation services provided by a  
96 limousine carrier or taxi service by means of a telephone, through cellular telephone  
97 software, through the Internet, in person, by written instrument, by any person, or by any  
98 other means and owns or leases one or more motor vehicles required to be registered with  
99 the Department of Public Safety as a limousine carrier or a local government in this state  
100 as a taxi service. A transportation referral service provider shall not include emergency  
101 or nonemergency medical transports.

102 40-1-191.

103 The General Assembly finds that it is in the public interest to provide uniform  
104 administration and parity among ride share network services, transportation referral  
105 services, and transportation referral service providers, including taxi services, that operate  
106 in this state for the safety and protection of the public. The General Assembly fully  
107 occupies and preempts the entire field of administration and regulation over ride share  
108 network services, transportation referral services, transportation referral service providers,  
109 and taxi services as governed by this part; provided, however, that the governing authority  
110 of any county or municipal airport shall be authorized to regulate any ride share network  
111 service, transportation referral service, transportation referral service provider, and taxi  
112 service consistent with the process used for limousine carriers, as set forth in Code  
113 Section 40-1-162, who are doing business at any such airport and may establish fees as part  
114 of such regulation process; provided, further, that such fees shall not exceed the airport's  
115 approximate cost of permitting and regulating ride share network services, transportation  
116 referral services, transportation referral service providers, and taxi services; and provided,  
117 further, that such governing authorities of such airports shall accept a for-hire license  
118 endorsement issued by the Department of Driver Services to the driver and a license issued  
119 by the department pursuant to Code Section 40-1-193 as adequate evidence of sufficient  
120 criminal background investigations and shall not require any fee for any further criminal  
121 background investigation; and provided, further, that local governments may maintain  
122 certificates of public necessity and convenience and medallion requirements and company  
123 requirements for taxi services as provided in this part and may establish maximum fares  
124 for taxi services. The list of ride share network services, transportation referral services,  
125 transportation referral service providers, and taxi services on the website of the department  
126 shall be sufficient evidence that such services have licenses issued by the department.

127 40-1-192.

128 (a) A transportation referral service or transportation referral service provider that only  
 129 refers business to limousine carriers and taxi services that are licensed or registered as  
 130 transportation referral service providers shall be exempt from registration under this Code  
 131 section.

132 (b) Each transportation referral service provider doing business, operating, or providing  
 133 transportation services in this state shall register with the department. Upon receipt of  
 134 registration by the department, the department shall issue a license to such transportation  
 135 referral service provider which shall be renewed on an annual basis. The department may  
 136 charge a fee for such license and registration not to exceed \$100.00. Limousine carriers,  
 137 as a part of the licensure and permitting process for limousine carriers, shall be registered  
 138 and licensed as a transportation referral service provider under this part. A transportation  
 139 referral service provider that receives referrals from a transportation referral service or a  
 140 transportation referral service provider shall be required to disclose to the department that  
 141 it is receiving referrals from such transportation referral service or transportation referral  
 142 service provider; provided, however, that the limousine carrier or taxi service shall be  
 143 required to comply with the requirements of this part.

144 (c) Each transportation referral service provider doing business, operating, or providing  
 145 transportation services in this state shall file and keep current monthly with the department  
 146 a list of all limousine carriers and taxi services which it utilizes to provide transportation  
 147 services in this state. Such lists shall not be subject to inspection or disclosure under  
 148 Article 4 of Chapter 18 of Title 50.

149 (d) Each transportation referral service provider doing business, operating, or providing  
 150 transportation services in this state shall:

151 (1) Either obtain directly or determine that each taxi service to which it refers business  
 152 possesses either a certificate of public necessity and convenience or medallion  
 153 authorizing the provision of taxicab services in such local government if the certificate  
 154 of public necessity and convenience or medallion is required by an ordinance of the local  
 155 government where such taxi service is to be provided;

156 (2) Either obtain directly or determine that each taxi service to which it refers business  
 157 is registered with the department and possesses and maintains a permit authorizing the  
 158 provision of taxicab services in such local government if a company permit is required  
 159 by an ordinance of the local government where such taxi service is to be provided;

160 (3) Either obtain directly or determine that each limousine carrier to which it refers  
 161 business is properly and currently registered and licensed pursuant to Part 3 of this article;

162 (4) Take all necessary steps to determine that:

163 (A) Any driver either directly employed by or contracted with a limousine carrier  
164 which the limousine carrier contracts with or utilizes for the provision of transportation  
165 services in this state possesses and maintains any required permits or licenses required  
166 by the federal government or this state; and

167 (B) Any driver either directly employed by or contracted with a taxi service which the  
168 taxi service contracts with or utilizes for the provision of transportation services in this  
169 state possesses and maintains any required permits or licenses required by the federal  
170 government or the local government where the transportation services are to be  
171 provided;

172 (5) Ensure that each driver utilized by such transportation referral service provider,  
173 whether such driver is employed directly by the transportation referral service provider  
174 or by a limousine carrier or taxi service which the transportation referral service provider  
175 contracts with or utilizes for the provision of transportation services in this state, has a  
176 current for-hire license endorsement issued by the Department of Driver Services;

177 (6) Have a zero tolerance policy with regard to the use of drugs or alcohol while on duty  
178 in place for drivers utilized by such limousine carrier or taxi service in the provision of  
179 transportation services, whether such driver is employed directly by the transportation  
180 referral service provider or by a limousine carrier or taxi service which the transportation  
181 referral service provider contracts with or utilizes for the provision of transportation  
182 services in this state;

183 (7) Shall ensure that each limousine carrier with which such transportation referral  
184 service provider contracts or utilizes for the provision of transportation services in this  
185 state has the commercial indemnity and liability insurance required by Code Section  
186 40-1-166 or each taxi service with which such transportation referral service provider  
187 contracts or utilizes for the provision of transportation services in this state has the  
188 minimum amount of commercial liability insurance prescribed by the local government  
189 where such taxi service is provided or by state law, whichever is greater;

190 (8) Have, as to taxi services, complied with or ensured that any taxi service which it  
191 contracts with or utilizes for the provision of transportation services complies with any  
192 fare structure or regulation prescribed by ordinance of the local government where such  
193 taxi service is to be provided; provided, however, that any fares specified in local  
194 ordinances shall be the maximum fare which may be charged but shall not prohibit a taxi  
195 service from charging lower fares;

196 (9) Have complied with or determined that the limousine carrier or taxi service with  
197 which the provider contracts with or utilizes for the provision of transportation services  
198 in this state is in compliance with any and all other applicable requirements prescribed

199 by the laws of the state, the rules and regulations of the department, and the ordinances  
200 of local governments where such transportation services are provided; and  
201 (10) Comply with the provisions of Code Section 40-1-8. No additional vehicle  
202 inspections shall be required by local governments for taxi services.

203 (e) Failure to register according to the provisions of this Code section shall be a  
204 misdemeanor.

205 40-1-193.

206 (a) Each ride share network service doing business or operating in this state shall register  
207 with the department. Upon receipt of registration by the department, the department shall  
208 issue a license to such ride share network service which shall be renewed on an annual  
209 basis. The department may charge a fee for such license and registration not to exceed  
210 \$100.00.

211 (b) Each ride share network service doing business or operating in this state shall file and  
212 keep current monthly with the department a list of all ride share drivers that are enrolled  
213 in its network in this state. Such lists shall not be subject to inspection or disclosure under  
214 Article 4 of Chapter 18 of Title 50.

215 (c) Each ride share network service doing business or operating in this state shall:

216 (1) Take all necessary steps to determine that each driver contracted with such ride share  
217 network service possesses and maintains any required permits or licenses required by the  
218 federal government or this state;

219 (2) Ensure that each driver utilized by such ride share network service, whether such  
220 driver is employed directly by the ride share network service or operates as an  
221 independent contractor, has a current for-hire license endorsement issued by the  
222 Department of Driver Services;

223 (3) Have a zero tolerance policy with regard to the use of drugs or alcohol while on duty  
224 in place for drivers contracted with such ride share network service;

225 (4) Have for each ride share driver contracted with such ride share network service in  
226 this state insurance coverage in effect with respect to personal injury liability, property  
227 damage liability, and personal injury protection liability benefits available to drivers,  
228 passengers, pedestrians, and others in the same coverages as required by law; and

229 (5) Comply with the provisions of Code Section 40-1-8.

230 (d) Failure to register according to the provisions of this Code section shall constitute a  
231 misdemeanor.

232 40-1-194.

233 (a)(1) No transportation referral service, transportation referral service provider, or ride  
234 share network service subject to this part shall contract with, utilize, or refer individuals  
235 or entities to limousine carriers or ride share drivers that are not properly licensed by this  
236 state or are not properly insured under state law.

237 (2) No transportation referral service or transportation referral service provider subject  
238 to this part shall contract with, utilize, or refer individuals or entities to taxi services that  
239 are not registered with the department and properly licensed by the applicable political  
240 subdivision of this state, are not properly insured under local law, or use drivers that are  
241 not properly licensed under state and local law to carry passengers for hire.

242 (b)(1) No person who is not licensed under the laws of this state to provide limousine  
243 services or ride share drivers shall contract with or accept referrals from a transportation  
244 referral service, transportation referral service provider, or ride share network service for  
245 transportation services. This paragraph shall not apply to passengers.

246 (2) No person who does not have the licensing required by the appropriate local  
247 government of this state to provide taxi services shall contract with or accept referrals  
248 from a transportation referral service or transportation referral service provider for  
249 transportation services. This paragraph shall not apply to passengers.

250 (c)(1) A transportation referral service that violates subsection (a) of this Code section  
251 shall be guilty of a misdemeanor.

252 (2) A transportation referral service provider or ride share network service that violates  
253 subsection (a) of this Code section shall be guilty of a misdemeanor and additionally shall  
254 be subject to having such provider's or service's registration suspended or revoked by the  
255 department.

256 (d) A person who violates subsection (b) of this Code section shall be guilty of a  
257 misdemeanor and additionally shall be subject to a suspension for one year or revocation  
258 of such person's driver's license.

259 40-1-195.

260 Each transportation referral service provider doing business, operating, or providing  
261 transportation services in this state shall include its license number issued by the  
262 department in any advertising in this state; provided, however, that this Code section shall  
263 not apply to Internet advertisements. Limousine carriers which register as transportation  
264 referral service providers under this part shall be subject to the advertising requirements  
265 of this Code Section and not the provisions of Code Section 40-1-165. Failure to provide  
266 such license number shall result in the imposition of a civil penalty not to exceed \$5,000.00  
267 for each violation.

268 40-1-196.

269 (a) Rates for taxi services set by a local government shall constitute the maximum fare  
270 which may be charged but shall not prohibit a taxi service from charging lower fares.  
271 Transportation services provided by taxi services and arranged by a transportation referral  
272 service or transportation referral service provider doing business in this state shall be billed  
273 in accordance with the fare rates prescribed by the local government where such taxi  
274 services are to be provided. The use of Internet or cellular telephone software to calculate  
275 rates shall not be permitted unless such software complies with and conforms to the  
276 weights and measures standards of the local government that licenses such taxi service.

277 (b) Transportation services provided by limousine carriers and arranged by a transportation  
278 referral service or transportation referral service provider shall only be billed in accordance  
279 with the rates of such limousine carriers on an hourly basis or upon one or more of the  
280 following factors: distance, flat fee, base fee, waiting time, cancellation fee, stop fee, event  
281 pricing, demand pricing, or time. The charge for such transportation services shall not be  
282 calculated solely by the use of a metering device in or affixed to the motor vehicle.

283 (c) A ride share driver contracted with a ride share network service may offer  
284 transportation services at no charge, suggest a donation, or charge a fare. If a ride share  
285 driver contracted with a ride share network service charges a fare, such fare shall be  
286 calculated based upon one or more of the following factors: distance, flat fee, base fee,  
287 waiting time, cancellation fee, stop fee, event pricing, demand pricing, or time. The fare  
288 shall not be calculated solely by the use of a metering device in or affixed to the motor  
289 vehicle.

290 (d) Each transportation referral service, transportation referral service provider, and ride  
291 share network service shall make available to the person being transported prior to  
292 receiving transportation services either the amount of the charge for such services or the  
293 rates under which the charge will be determined.

294 (e) A violation of this Code section shall be a misdemeanor.

295 40-1-197.

296 The department is authorized to promulgate such rules and regulations as the department  
297 shall find necessary to implement the provisions of this part.

298 40-1-198.

299 (a) Each transportation referral service provider shall file and keep current monthly with  
300 the department a list of all drivers that such provider employs directly or as independent  
301 contractors in this state. Such lists shall not be subject to inspection or disclosure under  
302 Article 4 of Chapter 18 of Title 50.

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

305 40-1-199.

306 No waiver of any rights with regard to personal injuries as the result of any transportation  
 307 services provided by such ride share network service, transportation referral service  
 308 provider, limousine carrier, or taxi service by any person utilizing the services of a ride  
 309 share network service, transportation referral service provider, limousine carrier, or taxi  
 310 service in this state shall be valid unless such person is given written or electronic notice  
 311 of such waiver prior to receiving such services and knowingly and willfully agrees to such  
 312 waiver.

313 40-1-200.

314 This part shall not be applicable to equine drawn vehicles or nonmotorized vehicles."

315 **SECTION 4.**

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

318 "40-2-168.

319 (a) Owners of a taxicab or limousine, prior to commencing operation in this state, shall,  
 320 upon complying with the motor vehicle laws relating to registration and licensing of motor  
 321 vehicles, and the payment of an annual registration fee of \$25.00, be issued a distinctive  
 322 license plate by the commissioner. Such distinctive license plate shall be designed by the  
 323 commissioner and displayed on the vehicle as provided in Code Section 40-2-41. The  
 324 certificate of registration shall be kept in the vehicle. Revalidation decals shall be issued,  
 325 upon payment of fees required by law, in the same manner as provided for general issue  
 326 license plates. Such license plates shall be transferred from one vehicle to another vehicle  
 327 of the same class and acquired by the same person as provided in Code Section 40-2-42.  
 328 ~~The transition period shall commence on May 20, 2010, and conclude no later than~~  
 329 ~~December 31, 2010, for all existing registrations.~~ For all existing registrations, except  
 330 during the owner's registration period as provided in Code Section 40-2-21, the  
 331 commissioner shall exchange and replace any current and valid registration and license  
 332 plate at no charge to the owner. Such license plates shall not be issued to any owner of a  
 333 taxicab or limousine, as such term is defined in paragraph (4) of Code Section 40-1-151,  
 334 that is not properly licensed as such by the Department of Public Safety or a political  
 335 subdivision of this state.

336 (b)(1) As used in this subsection, the term 'for-hire vehicle' means a motor vehicle used  
 337 in this state by a limousine carrier, ride share network, ride share network driver, or taxi  
 338 service, as such terms are defined in Code Section 40-1-190, for the purpose of  
 339 transporting passengers for compensation or donation.

340 (2) On and after July 1, 2016, an owner of each for-hire vehicle, prior to commencing  
 341 operations in this state and annually thereafter, shall obtain a for-hire vehicle decal from  
 342 the department and shall display such decal on such vehicle at all times in the manner  
 343 prescribed by the department by rule or regulation.

344 (3) The owner of each for-hire vehicle in operation in this state on July 1, 2016, shall  
 345 obtain a for-hire vehicle decal from the department prior to such date and shall display  
 346 such decal on such vehicle at all times.

347 (4) The fee for such decal shall be \$300.00 per year for each such vehicle. Of this  
 348 fee, 57 percent shall be retained by the state for deposit in the general fund of the state  
 349 treasury and 43 percent shall be forwarded to the municipality in which such taxicab or  
 350 limousine is based or to the county in which such for-hire vehicle is based if the for-hire  
 351 vehicle is based in an unincorporated area of a county. Such fee shall be in lieu of the  
 352 payment of any sales and use tax on fares generated by such for-hire vehicle.

353 (5) On and after July 1, 2016, it shall be illegal for an owner of a for-hire vehicle who  
 354 is providing transportation services to fail to display a current tax decal as prescribed by  
 355 the department by rule or regulation. Any person who violates this paragraph shall be  
 356 guilty of a misdemeanor of a high and aggravated nature and additionally shall be subject  
 357 to a civil fine of not more than \$5,000.00 per violation."

### 358 **SECTION 5.**

359 Said title is further amended by revising paragraphs (9) and (11) of Code Section 40-5-1,  
 360 relating to definitions, and adding new paragraphs to read as follows:

361 "(9) ~~Reserved~~ 'For hire' means to operate a motor vehicle in this state for the purpose of  
 362 transporting passengers for compensation or donation as a limousine carrier, ride share  
 363 network or driver, or taxi service as such terms are defined in Code Section 40-1-190.

364 (9.1) 'For-hire license endorsement' means an endorsement to a driver's license pursuant  
 365 to Code Section 40-5-39 that authorizes the holder of the license to operate a motor  
 366 vehicle for the purpose of transporting passengers in this state for compensation or  
 367 donation as a limousine carrier, ride share network or driver, or taxi service as such terms  
 368 are defined in Code Section 40-1-190."

369 "(11) ~~Reserved~~ 'Limousine carrier' means any limousine company or provider which is  
 370 licensed with this state pursuant to paragraph (5) of Code Section 40-1-151."

371 "(16.01) 'Ride share driver' means an individual who uses his or her personal passenger  
 372 car, as defined in paragraph (41) of Code Section 40-1-1, to provide transportation for  
 373 passengers arranged through a ride share network service.

374 (16.02) 'Ride share network service' means any person or entity that uses a digital  
 375 network or Internet network to connect passengers to ride share drivers for the purpose  
 376 of prearranged transportation for hire or for donation."

377 "(18) 'Taxi service' means any taxicab company or provider which utilizes a motor  
 378 vehicle or similar vehicle, device, machine, or conveyance to transport passengers; uses  
 379 a taximeter; and is registered with the Department of Public Safety and, if applicable, is  
 380 authorized to provide taxicab services pursuant to an ordinance of a local government in  
 381 this state."

382 **SECTION 6.**

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

385 "40-5-39.

386 (a) No person shall operate a motor vehicle for hire in this state unless such person has a  
 387 for-hire license endorsement and has liability insurance coverage in the amounts required  
 388 by law for the class of motor vehicle being operated for hire and the requirements for  
 389 limousine carriers, ride share networks and drivers, and taxi services, as applicable. This  
 390 shall include, but not be limited to, ride share drivers and persons operating motor vehicles  
 391 for limousine carriers and taxicabs for taxi services.

392 ~~(a)(b)~~ The department shall endorse the driver's license of any approved limousine  
 393 chauffeur employed by a limousine carrier provide a for-hire license endorsement for any  
 394 qualified person under this Code section. In order to be eligible for such endorsement, an  
 395 applicant shall:

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

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

399 (3) Not have been convicted, been on probation or parole, or served time on a sentence  
 400 for a period of ten years previous to the date of application for any felony or any other  
 401 crime of moral turpitude or a pattern of misdemeanors that evidences a disregard for the  
 402 law unless he or she has received a pardon and can produce evidence of same. For the  
 403 purposes of this paragraph, a plea of nolo contendere shall be considered to be a  
 404 conviction, and a conviction for which a person has been free from custody and free from  
 405 supervision for at least ten years shall not be considered a conviction unless the  
 406 conviction is for a dangerous sexual offense which is contained in Code Section 42-1-12

407 or the criminal offense was committed against a victim who was a minor at the time of  
408 the offense;

409 (4) Submit at least one set of classifiable electronically recorded fingerprints to the  
410 department in accordance with the fingerprint system of identification established by the  
411 director of the Federal Bureau of Investigation. The department shall transmit the  
412 fingerprints to the Georgia Crime Information Center, which shall submit the fingerprints  
413 to the Federal Bureau of Investigation for a search of bureau records and an appropriate  
414 report and promptly conduct a search of state records based upon the fingerprints. After  
415 receiving the report from the Georgia Crime Information Center and the Federal Bureau  
416 of Investigation, the department shall determine whether the applicant may be certified;  
417 **and**

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

421 (6) Provide proof of liability insurance coverage in such amounts as provided by law for  
422 the class of motor vehicle being operated for hire and the requirements for limousine  
423 carriers, ride share networks and drivers, and taxi services, as applicable.

424 ~~(b)~~(c) Such endorsement shall be valid for the same term as such person's driver's license,  
425 provided that each person seeking renewal of a driver's license with such endorsement shall  
426 submit to a review of his or her criminal history for verification of his or her continued  
427 eligibility for such endorsement prior to making application for such renewal using the  
428 same process set forth in subsection ~~(a)~~ (b) of this Code section. If such person no longer  
429 satisfies the background requirements set forth herein, he or she shall not be eligible for the  
430 inclusion of such endorsement on his or her driver's license, and it shall be renewed without  
431 the endorsement.

432 ~~(e)~~(d) Every ~~chauffeur employed by a limousine carrier~~ person who operates a motor  
433 vehicle for hire in this state shall have his or her Georgia driver's license with the  
434 prescribed for-hire license endorsement in his or her possession at all times while operating  
435 a motor vehicle ~~of a limousine carrier~~ for hire in this state.

436 ~~(d)~~(e) The department is authorized to promulgate rules and regulations as necessary to  
437 implement this Code section.

438 (f) Any person who violates the provisions of this Code section shall be guilty of a  
439 misdemeanor."

440 **SECTION 7.**

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

444 "(25) Reserved Fares of for-hire vehicles which are subject to the provisions of  
445 subsection (b) of Code Section 40-2-168;".

446 **SECTION 8.**

447 Sections 2, 3, 5, and 6 of this Act shall become effective on July 1, 2015. Sections 4 and 7  
448 of this Act shall become effective on July 1, 2016. The remaining sections of this Act shall  
449 become effective upon the approval of this Act by the Governor or upon this Act becoming  
450 law without such approval.

451 **SECTION 9.**

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