

House Bill 225

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 provide for definitions; to
3 require all for-hire drivers to obtain a for-hire license endorsement before driving for hire;
4 to require that all for-hire drivers have certain insurance; to provide for penalties; to provide
5 for related matters; 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 unless such person has a for-hire license endorsement pursuant to Code
13 Section 40-5-39. Counties and municipalities shall not impose further licensing
14 requirements on such persons."

15 **SECTION 2.**

16 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic,
17 is 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 paragraphs (9) and (11) of Code Section 40-5-1,
25 relating to definitions, and adding new paragraphs to read as follows:

26 "(9) ~~Reserved~~ 'For hire' means to operate a motor vehicle in this state for the purpose of
27 transporting passengers for compensation or donation.

28 (9.1) 'For-hire license endorsement' means an endorsement to a driver's license pursuant
29 to Code Section 40-5-39 that authorizes the holder of the license to operate a motor
30 vehicle for the purpose of transporting passengers in this state for compensation or
31 donation."

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

34 "(16.01) 'Ride share driver' means an individual who uses his or her personal passenger
35 car, as defined in paragraph (41) of Code Section 40-1-1, to provide transportation for
36 passengers arranged through a ride share network service, as defined in paragraph (16.02)
37 of this Code section.

38 (16.02) 'Ride share network service' means any person or entity that uses a digital
39 network or Internet network to connect passengers to ride share drivers for the purpose
40 of prearranged transportation for hire or for donation."

41 "(18) 'Taxi service' means any taxicab company or provider which utilizes a motor
42 vehicle or similar vehicle, device, machine, or conveyance to transport passengers; uses
43 a taximeter; and is authorized to provide taxicab services pursuant to an ordinance of a
44 local government in this state."

45 **SECTION 4.**

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

48 "40-5-39.

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

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

- 59 (1) Be at least 18 years of age;
- 60 (2) Possess a valid Georgia driver's license which is not limited as defined in Code
61 Section 40-5-64;
- 62 (3) Not have been convicted, been on probation or parole, or served time on a sentence
63 for a period of ten years previous to the date of application for any felony or any other
64 crime of moral turpitude or a pattern of misdemeanors that evidences a disregard for the
65 law unless he or she has received a pardon and can produce evidence of same. For the
66 purposes of this paragraph, a plea of nolo contendere shall be considered to be a
67 conviction, and a conviction for which a person has been free from custody and free from
68 supervision for at least ten years shall not be considered a conviction unless the
69 conviction is for a dangerous sexual offense which is contained in Code Section 42-1-12
70 or the criminal offense was committed against a victim who was a minor at the time of
71 the offense;
- 72 (4) Submit at least one set of classifiable electronically recorded fingerprints to the
73 department in accordance with the fingerprint system of identification established by the
74 director of the Federal Bureau of Investigation. The department shall transmit the
75 fingerprints to the Georgia Crime Information Center, which shall submit the fingerprints
76 to the Federal Bureau of Investigation for a search of bureau records and an appropriate
77 report and promptly conduct a search of state records based upon the fingerprints. After
78 receiving the report from the Georgia Crime Information Center and the Federal Bureau
79 of Investigation, the department shall determine whether the applicant may be certified;
80 **and**
- 81 (5) Be a United States citizen, or if not a citizen, present federal documentation verified
82 by the United States Department of Homeland Security to be valid documentary evidence
83 of lawful presence in the United States under federal immigration law; and
- 84 (6) Provide proof of liability insurance coverage in such amounts as provided by law for
85 the class of motor vehicle being operated for hire and the requirements for limousine
86 carriers, ride share drivers, and taxi services, as applicable.
- 87 ~~(b)~~(c) Such endorsement shall be valid for the same term as such person's driver's license,
88 provided that each person seeking renewal of a driver's license with such endorsement shall
89 submit to a review of his or her criminal history for verification of his or her continued
90 eligibility for such endorsement prior to making application for such renewal using the
91 same process set forth in subsection ~~(a)~~ (b) of this Code section. If such person no longer
92 satisfies the background requirements set forth herein, he or she shall not be eligible for the
93 inclusion of such endorsement on his or her driver's license, and it shall be renewed without
94 the endorsement.

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

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

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

103 **SECTION 5.**

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