House Bill 225 (COMMITTEE SUBSTITUTE) (AM)

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

To amend Chapter 60 of Title 36 of the Official Code of Georgia Annotated, relating to general provisions regarding provisions applicable to counties and municipal corporations, so as to preserve existing certificates of public necessity and convenience and medallion systems for taxicabs and to restrict the future use thereof; to provide that operators of taxicabs have for-hire license endorsements; to prohibit the staging of certain vehicles; to amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles, so as to provide for the comprehensive regulation of transportation referral services, transportation referral service providers, ride share network services, and ride share drivers; to provide for definitions; to provide for legislative intent; to provide for registration and licensing of such providers; to provide for certain disclosures; to prohibit certain practices and to provide penalties for violations; to prohibit the waiver of rights by passengers under certain conditions; to provide for billing methods; to provide for master license fees for for-hire vehicles in lieu of sales and use taxes on fares; to provide for for-hire license endorsements; to amend Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to exemptions from sales and use taxes, so as to provide an exemption; to provide for related matters; to provide for effective dates; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

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

“(a) Each county and municipal corporation may require the owner or operator of a taxicab or vehicle for hire to obtain a certificate of public necessity and convenience or medallion in order to operate such taxicab or vehicle for hire within the unincorporated areas of the
county or within the corporate limits of the municipal corporation, respectively, and may
exercise its authority under Code Section 48-13-9 to require such owners or operators to
pay a regulatory fee to the county or municipal corporation. The General Assembly finds
and declares that any county or municipality exercising the powers granted in this Code
section is legitimately concerned with the qualifications and records of drivers of taxicabs
and other vehicles for hire; with the location, accessibility, and insured state of companies
operating taxicabs and other vehicles for hire; and with the safety and comfort of taxicabs
and other vehicles for hire. Without limitation, each such county or municipality may
exercise the powers granted in this Code section by ordinance to the same extent as the
ordinances reviewed by the Georgia Court of Appeals in the case of Hadley v. City of
Atlanta, 232 Ga. App. 871, 875 (1998), and each certificate of public convenience and
necessity issued under those ordinances shall remain in full force and effect.”

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

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

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

SECTION 2.

Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles, is amended
by revising Code Section 40-1-158, relating to limousine chauffeur authorization and license
endorsement, as follows:
Pursuant to rules and regulations prescribed by the commissioner of driver services, each chauffeur employed by a limousine carrier shall secure from the Department of Driver Services a limousine chauffeur authorization and for-hire license endorsement or private background check certification pursuant to Code Section 40-5-39.

SECTION 3.

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

As used in this part, the term:

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

(2) 'Metering device' means an instrument or device which is utilized for the purpose of calculating for-hire fares based upon distance, time, mileage, and administrative fees and which is not a taximeter.

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

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

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

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

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

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

40-1-191.

The General Assembly finds that it is in the public interest to provide uniform administration and parity among ride share network services, transportation referral services, and transportation referral service providers, including taxi services, that operate in this state for the safety and protection of the public. The General Assembly fully occupies and preempts the entire field of administration and regulation over ride share network services, transportation referral services, transportation referral service providers, and taxi services as governed by this part; provided, however, that the governing authority of any county or municipal airport shall be authorized to regulate any ride share network service, transportation referral service, transportation referral service provider, and taxi service consistent with the process used for limousine carriers, as set forth in Code Section 40-1-162, who are doing business at any such airport and may establish fees as part of such regulation process; provided, further, that such fees shall not exceed the airport's approximate cost of permitting and regulating ride share network services, transportation referral services, transportation referral service providers, and taxi services; and provided, further, that such governing authorities of such airports shall accept a for-hire license endorsement or private background check certification pursuant to Code Section 40-5-39 as adequate evidence of sufficient criminal background investigations and shall not require any fee for any further criminal background investigation; and provided, further, that local governments may maintain certificates of public necessity and convenience and medallion requirements and company requirements for taxi services as provided in this part and may establish maximum fares for taxi services. The list of ride share network services, transportation referral services, transportation referral service providers, and taxi services on the website of the department shall be sufficient evidence that such services have licenses issued by the department.
40-1-192.

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

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

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

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

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

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

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

(4) Take all necessary steps to determine that:
(A) Any driver either directly employed by or contracted with a limousine carrier which the limousine carrier contracts with or utilizes for the provision of transportation services in this state possesses and maintains any required permits or licenses required by the federal government or this state; and

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

(5) Ensure that each driver utilized by such transportation referral service provider, whether such driver is employed directly by the transportation referral service provider or by a limousine carrier or taxi service which the transportation referral service provider contracts with or utilizes for the provision of transportation services in this state, has a current for-hire license endorsement or current private background check certification pursuant to Code Section 40-5-39;

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

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

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

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

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by the laws of the state, the rules and regulations of the department, and the ordinances
of local governments where such transportation services are provided; and

(10) Comply with the provisions of Code Section 40-8-7. No additional vehicle
inspections shall be required for taxi services or limousine carriers.

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

40-1-193.

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

(b) Each ride share network service doing business or operating in this state shall maintain
a current list of all ride share drivers who are enrolled in its network in this state. Such lists
shall not be subject to inspection or disclosure under Article 4 of Chapter 18 of Title 50 but
shall be made available for inspection by law enforcement officers and representatives of
other government agencies upon request to ascertain compliance with this title.

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

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

(2) Ensure that each driver utilized by such ride share network service, whether such
driver is employed directly by the ride share network service or operates as an
independent contractor, has a current for-hire license endorsement or current private
background check certification pursuant to Code Section 40-5-39;

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

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

(5) Comply with the provisions of Code Section 40-8-7. No vehicle inspections shall be
required for vehicles used by ride share drivers.

(d) Each ride share driver utilized by such ride share network service, whether such driver
is employed directly by the ride share network service or operates as an independent
contractor, shall maintain on his or her smartphone digital identification containing the following information while active on the ride share network service's digital network:

1. The name and photograph of the driver;
2. The make and model of the motor vehicle being driven;
3. The license plate number of the motor vehicle being driven;
4. Certificates of insurance for the motor vehicle being driven; and
5. Such other information as may be required by the Department of Public Safety.

Upon reasonable suspicion of a law enforcement officer of improper operation by a ride share driver, the ride share driver, upon request, shall provide the law enforcement officer with access to the smartphone containing the digital information required by this subsection and the electronic record of the trips sufficient to establish that the trip in question was prearranged through digital dispatch of the ride share network service. The ride share driver shall not be required to relinquish custody of the smartphone containing the digital information required by this subsection and the electronic record of the trips arranged through digital dispatch of the ride share network service.

(e) A violation of the provisions of this Code section shall constitute a misdemeanor.

40-1-194.

(a)(1)(A) No transportation referral service or transportation referral service provider subject to this part shall contract with, utilize, or refer individuals or entities to limousine carriers that are not properly licensed by this state or are not properly insured under state law.

(B) No ride share network service subject to this part shall contract with, utilize, or refer individuals or entities to ride share drivers who are not properly licensed by this state or are not properly insured under state law.

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

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

(B) No ride share driver who does not have an appropriate driver's license and either a for-hire endorsement or current private background check certification pursuant to Code Section 40-5-39 shall contract with or accept referrals from a transportation service.
referral service, transportation referral service provider, or ride share network service for transportation services.

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

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

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

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

40-1-195.

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

(b) Each ride share driver shall display a consistent and distinctive signage or emblem that is approved by the Department of Public Safety on such ride share driver's vehicle at all times while the ride share driver is active on the ride share network service's digital network. The signage or emblem shall be:

(1) Sufficiently large and color contrasted to be readable during daylight hours from a distance of at least 50 feet;

(2) Reflective, illuminated, or otherwise visible in darkness; and

(3) Sufficient to identify a vehicle as being associated with the ride share network service with which the ride share driver is affiliated.

Any person who violates this subsection shall be guilty of a misdemeanor.
40-1-196.

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

(b) Transportation services provided by limousine carriers and arranged by a transportation referral service or transportation referral service provider shall only be billed in accordance with the rates of such limousine carriers on an hourly basis or upon one or more of the following factors: distance, flat fee, base fee, waiting time, cancellation fee, stop fee, event pricing, demand pricing, or time. The charge for such transportation services may be calculated by the use of a metering device in or affixed to the motor vehicle.

(c) A ride share driver contracted with a ride share network service may offer transportation services at no charge, suggest a donation, or charge a fare. If a ride share driver contracted with a ride share network service charges a fare, such fare shall be calculated based upon one or more of the following factors: distance, flat fee, base fee, waiting time, cancellation fee, stop fee, event pricing, demand pricing, or time. The fare may be calculated by the use of a metering device in or affixed to the motor vehicle.

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

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

40-1-197.

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

40-1-198.

(a) Each transportation referral service provider shall maintain a current list of all drivers that such provider employs directly or as independent contractors in this state. Such lists shall not be subject to inspection or disclosure under Article 4 of Chapter 18 of Title 50 but shall be made available for inspection by law enforcement officers and representatives of other government agencies upon request to ascertain compliance with this title.
(b) A violation of this Code section shall be punished by the imposition of a civil penalty not to exceed $5,000.00 for each violation.

40-1-199.
A waiver of any rights with regard to personal injuries as the result of any transportation services provided by such ride share network service, transportation referral service, transportation referral service provider, limousine carrier, or taxi service by any person utilizing the services of a ride share network service, transportation referral service, transportation referral service provider, limousine carrier, or taxi service in this state shall not be valid unless such person is given written or electronic notice of such waiver prior to receiving such services and knowingly and willfully agrees to such waiver.

40-1-200.
This part shall not be applicable to equine drawn vehicles or nonmotorized vehicles.”

SECTION 4.
Said title is further amended by revising Code Section 40-2-168, relating to registration and licensing of taxicabs and limousines, as follows:

“40-2-168.
(a) Owners of a taxicab or limousine, prior to commencing operation in this state, shall, upon complying with the motor vehicle laws relating to registration and licensing of motor vehicles, and the payment of an annual registration fee of $25.00, be issued a distinctive license plate by the commissioner. Such distinctive license plate shall be designed by the commissioner and displayed on the vehicle as provided in Code Section 40-2-41. The certificate of registration shall be kept in the vehicle. Revalidation decals shall be issued, upon payment of fees required by law, in the same manner as provided for general issue license plates. Such license plates shall be transferred from one vehicle to another vehicle of the same class and acquired by the same person as provided in Code Section 40-2-42. The transition period shall commence on May 20, 2010, and conclude no later than December 31, 2010, for all existing registrations. For all existing registrations, except during the owner's registration period as provided in Code Section 40-2-21, the commissioner shall exchange and replace any current and valid registration and license plate at no charge to the owner. Such license plates shall not be issued to any owner of a taxicab or limousine, as such term is defined in paragraph (4) of Code Section 40-1-151, that is not properly licensed as such by the Department of Public Safety or a political subdivision of this state.

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

(2) On and after July 1, 2016, an owner of each for-hire vehicle, prior to commencing operations in this state and annually thereafter, shall either obtain a for-hire vehicle master license from the department or shall elect to continue to pay sales and use taxes pursuant to Chapter 8 of Title 48 on all fares collected by such owner. If the owner elects to purchase a master license, the department shall issue a decal or certificate for each motor vehicle covered under such master license, and the owner shall display such decal on such vehicle at all times in the manner prescribed by the department by rule or regulation or shall maintain a copy of the certificate in the covered vehicle or electronically on the driver's smartphone which certificate shall be displayed to law enforcement personnel or agents of the department upon request. With regard to ride share drivers who are employed directly by a ride share network service or who operate as independent contractors for a ride share network service, the ride share network service shall be responsible for either obtaining a master license for all of its affiliated ride share drivers or for paying the sales and use tax on such fares pursuant to Chapter 8 of Title 48 on all fares collected. The obtaining of a master license shall not operate to relieve the owner of a for-hire vehicle from sales and use taxes on fares which were previously incurred.

(3) The owner of each for-hire vehicle in operation in this state on July 1, 2016, who chooses to obtain a for-hire master license in lieu of paying sales and use taxes on fares shall obtain a for-hire master license from the department prior to such date and shall obtain a decal or certificate for each motor vehicle covered under such master license, and the owner shall either display such decal on such vehicle at all times in the manner prescribed by the department by rule or regulation or shall maintain a copy of the certificate in the covered vehicle or electronically on the driver's smartphone which certificate shall be displayed to law enforcement personnel or agents of the department upon request.

(4) The annual fee for such master license shall be as follows:

(A) For 1 to 5 for-hire vehicles ........................................ $1,500.00
(B) For 6 to 59 for-hire vehicles ................................. 12,050.00
(C) For 60 to 100 for-hire vehicles ................................. 25,000.00
(D) For 101 to 150 for-hire vehicles ............................ 40,000.00
(E) For 151 to 200 for-hire vehicles ............................ 56,000.00
(F) For 201 to 250 for-hire vehicles ............................. 75,000.00
(G) For 251 to 300 for-hire vehicles .................................................. $90,000.00

(H) For 301 to 350 for-hire vehicles .................................................. $105,000.00

(I) For 351 to 500 for-hire vehicles .................................................. $150,000.00

(J) For 501 to 1,000 for-hire vehicles ................................................. $300,000.00

(K) For 1,001 and greater for-hire vehicles ........................................ $300,000.00

plus $25,000.00 for each additional 100 vehicles or fraction thereof.

Decals or certificates shall be issued in connection with the master license at no charge by the department. The number of vehicles shall be determined by adding the number of for-hire vehicles utilized by the owner during each of the preceding months in the immediately preceding 12 month period and dividing such sum by 12.

(5) Of this fee, 57 percent shall be retained by the state for deposit in the general fund of the state treasury and 43 percent shall be forwarded to the county tag agent to allocate and distribute to the county governing authority and to municipal governing authorities, the board of education of the county school system, and the board of education of any independent school system located in such county in the manner provided in this paragraph:

(A) An amount equal to one-third of such proceeds shall be distributed to the board of education of the county school system and the board of education of each independent school system located in such county in the same manner as required for any local sales and use tax for educational purposes levied pursuant to Part 2 of Article 3 of Chapter 8 of Title 48 currently in effect. If such tax is not currently in effect, such proceeds shall be distributed to such board or boards of education in the same manner as if such tax were in effect;

(B)(i) Except as otherwise provided in this subparagraph, an amount equal to one-third of such proceeds shall be distributed to the governing authority of the county and the governing authority of each qualified municipality located in such county in the same manner as specified under the distribution certificate for the joint county and municipal sales and use tax under Article 2 of Chapter 8 of Title 48 currently in effect;

(ii) If such tax were never in effect, such proceeds shall be distributed to the governing authority of the county and the governing authority of each qualified municipality located in such county on a pro rata basis according to the ratio of the population that each such municipality bears to the population of the entire county;

(iii) If such tax is currently in effect as well as a local option sales and use tax for educational purposes levied pursuant to a local constitutional amendment, an amount...
equal to one-third of such proceeds shall be distributed in the same manner as required under division (i) of this subparagraph and an amount equal to one-third of such proceeds shall be distributed to the board of education of the county school system;
(iv) If such tax is not currently in effect and a local option sales and use tax for educational purposes levied pursuant to a local constitutional amendment is currently in effect, such proceeds shall be distributed to the board of education of the county school system and the board of education of any independent school system in the same manner as required under such local constitutional amendment; and
(v) If such tax is not currently in effect and a homestead option sales and use tax under Article 2A of Chapter 8 of Title 48 is in effect, such proceeds shall be distributed to the governing authority of the county, each qualified municipality, and each existing municipality in the same proportion as otherwise required under Code Section 48-8-104; and
(C)(i) An amount equal to one-third of such proceeds shall be distributed to the governing authority of the county and the governing authority of each qualified municipality located in such county in the same manner as specified under an intergovernmental agreement or as otherwise required under the county special purpose local option sales and use tax under Part 1 of Article 3 of Chapter 8 of Title 48 currently in effect; provided, however, that this division shall not apply if division (iii) of subparagraph (B) of this paragraph is applicable;
(ii) If such tax were in effect but expired and is not currently in effect, such proceeds shall be distributed to the governing authority of the county and the governing authority of each qualified municipality located in such county in the same manner as if such tax were still in effect according to an intergovernmental agreement or as otherwise required under the county special purpose local option sales and use tax under Part 1 of Article 3 of Chapter 8 of Title 48 for the 12 month period commencing at the expiration of such tax. If such tax is not renewed prior to the expiration of such 12 month period, such amount shall be distributed in accordance with division (i) of subparagraph (B) of this paragraph; provided, however, that if a tax under Article 2 of Chapter 8 of Title 48 is not in effect, such amount shall be distributed in accordance with division (ii) of subparagraph (B) of this paragraph;
(iii) If such tax is not currently in effect in a county in which a tax is levied for purposes of a metropolitan area system of public transportation, as authorized by the amendment to the Constitution set out at Ga. L. 1964, p. 1008; the continuation of such amendment under Article XI, Section I, Paragraph IV(d) of the Constitution; and the laws enacted pursuant to such constitutional amendment, such proceeds shall be
distributed to the governing body of the authority created by local Act to operate such
metropolitan area system of public transportation; and
(iv) If such tax were never in effect, such proceeds shall be distributed in the same
manner as specified under the distribution certificate for the joint county and
municipal sales and use tax under Article 2 of Chapter 8 of Title 48 currently in
effect; provided, however, that if such tax under such article is not in effect, such
proceeds shall be distributed to the governing authority of the county and the
governing authority of each qualified municipality located in such county on a pro
rata basis according to the ratio of the population that each such municipality bears
to the population of the entire county.

(6) On and after July 1, 2016, it shall be illegal for an owner of a for-hire vehicle who
chooses to obtain a master license in lieu of paying sales and use taxes on fares and who
is providing transportation services to fail to display a current tax decal or maintain a
physical or electronic certificate in such vehicle as prescribed by this subsection and as
may be required by the department by rule or regulation. Any person who violates this
paragraph shall be guilty of a misdemeanor of a high and aggravated nature and
additionally shall be subject to a civil fine of not more than $5,000.00 per violation."

SECTION 5.

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

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

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

"(16.01) 'Ride share driver' means an individual who uses his or her personal passenger
car, as defined in paragraph (41) of Code Section 40-1-1, to provide transportation for
passengers arranged through a ride share network service.
(16.02) 'Ride share network service' means any person or entity that uses a digital
network or Internet network to connect passengers to ride share drivers for the purpose
of prearranged transportation for hire or for donation."
"(18) 'Taxi service' means any taxicab company or provider which utilizes a motor vehicle or similar vehicle, device, machine, or conveyance to transport passengers; uses a taximeter; and is registered with the Department of Public Safety and, if applicable, is authorized to provide taxicab services pursuant to an ordinance of a local government in this state."

SECTION 6.

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

40-5-39. (a) No person shall operate a motor vehicle for hire in this state unless such person:

(1) Has a for-hire license endorsement pursuant to this Code section and has liability insurance coverage in the amounts required by law for the class of motor vehicle being operated for hire and the requirements for limousine carriers, ride share networks and drivers, and taxi services, as applicable; or

(2) Has a private background check certification pursuant to this Code section and has liability insurance coverage in the amounts required by law for the class of motor vehicle being operated for hire and the requirements for limousine carriers, ride share networks and drivers, and taxi services, as applicable.

This shall include, but not be limited to, ride share drivers and persons operating motor vehicles for limousine carriers and taxicabs for taxi services.

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

(1) Be at least 18 years of age;

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

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

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

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

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

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

(e)(d) Every chauffeur employed by a limousine carrier person who operates a motor vehicle for hire in this state shall have his or her Georgia driver's license with the prescribed for-hire license endorsement in his or her possession at all times while operating a motor vehicle of a limousine carrier for hire in this state or shall have his or her Georgia driver's license and a private background check certification pursuant to subsection (e) of this Code section in his or her possession. Such driver's license with a for-hire endorsement or such driver's license and private background check certification shall be presented to a law enforcement officer upon request by such officer.

(e)(1) A person operating a motor vehicle for hire in this state may obtain a private background check in lieu of obtaining a for-hire endorsement. Such background check shall be conducted by the taxi service, limousine carrier, or ride share network service that employs such driver;
(2) The taxi service, limousine carrier, or ride share network service shall require such person to submit an application to the taxi service, limousine carrier, or ride share network service which includes, but is not limited to, information regarding such person's address, age, driver's license information and number, driving history, motor vehicle registration, automobile liability insurance, and other information necessary to complete a background check on such person.

(3) The taxi service, limousine carrier, or ride share network service shall conduct or cause to be conducted a local and national criminal background check on such person which shall include:

(A) A search of a multistate, multijurisdiction criminal records locator or similar nation-wide data base with validation or primary source search;

(B) A search of the national sex offender registry data base; and

(C) The obtaining and review of a driving history research report.

(4) The taxi service, limousine carrier, or ride share network service shall review the background check and issue a private background check certification to such person; provided, however, that no such certification shall be issued to a person whose background check discloses that such person:

(A) Has had more than three moving violations in the prior three-year period or has one major traffic violation, as such term is defined in Code Section 40-5-142, in the prior three-year period;

(B) Has been convicted within the past seven years of driving under the influence of drugs or alcohol or has been convicted at any time of fraud, a sexual offense, the use of a motor vehicle to commit a felony, a crime involving property damage, a crime involving theft, a crime involving an act of violence, or a crime involving an act of terror;

(C) Has a match on the national sex offender registry data base;

(D) Does not have a valid driver's license;

(E) If such person will be using such person's vehicle as the motor vehicle to be operated for hire, does not possess proof of registration for such vehicle;

(F) Does not possess proof of liability insurance coverage in such amounts as provided by law for the class of motor vehicle being operated for hire and the requirements for limousine carriers, ride share networks and drivers, and taxi services, as applicable; and

(G) Is not at least 18 years of age.

(5) Such private background check certification shall be issued in written form or in a form which may be displayed electronically on a smartphone. A digital identification properly issued pursuant to subsection (d) of Code Section 40-1-193 shall constitute
sufficient certification of a private background check. Such private background check
certification shall be valid for a period of five years from the date of its issuance.

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

(g) Any person who violates the provisions of this Code section shall be guilty of a
misdemeanor.”

SECTION 7.

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

“(25) Reserved Fares of for-hire vehicles for which the owners of such vehicles have
chosen to purchase a for-hire master license in lieu of paying sales and use taxes on fares
pursuant to the provisions of subsection (b) of Code Section 40-2-168. This provision
shall not relieve taxi services, limousine carriers, transportation referral services,
transportation referral service providers, or ride share service networks of sales and use
tax liability on fares incurred prior to the purchase of such for-hire master license.”

SECTION 8.

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

SECTION 9.

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