

House Bill 805

By: Representatives Powell of the 32nd, Rice of the 95th, Stephens of the 164th, Harrell of the 106th, Maxwell of the 17th, and others

A BILL TO BE ENTITLED
AN ACT

1 To revise provisions relating to the regulation of transportation for hire; to amend Title 40
2 of the Official Code of Georgia Annotated, relating to motor vehicles, so as to clarify
3 inspections of limousine carriers; to provide for the registration of taxi services; to amend
4 Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to exemptions from
5 sales and use taxes, so as to revise an exemption; to provide for related matters; to provide
6 for an effective date; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles, is amended
10 by revising Code Section 40-1-154, relating to regulation of carriers on safety of equipment
11 and annual inspections, as follows:

12 "40-1-154.

13 ~~(a) It shall be the duty of the department to regulate limousine carriers with respect to the~~
14 ~~safety of equipment.~~

15 ~~(b) The department shall require safety and mechanical inspections at least on an annual~~
16 ~~basis for each vehicle owned or operated by a limousine carrier. The department shall~~
17 ~~provide, by rule or regulation, for the scope of such inspections, the qualifications of~~
18 ~~persons who may conduct such inspections, and the manner by which the results of such~~
19 ~~inspections shall be reported to the department.~~

20 ~~(c) In addition to the requirements of this Code section, limousine Limousine carriers shall~~
21 ~~comply with the applicable provisions of Code Section 40-1-8."~~

22 **SECTION 2.**

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

24 "40-1-193.1.

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

29 (b) Each taxi service doing business or operating in this state shall maintain a current list
 30 of all drivers utilized by such taxi service in this state, whether as employees or
 31 independent contractors. Such lists shall not be subject to inspection or disclosure under
 32 Article 4 of Chapter 18 of Title 50 but shall be made available for inspection by law
 33 enforcement officers and representatives of other government agencies upon request to
 34 ascertain compliance with this title.

35 (c) Each taxi service doing business or operating in this state shall:

36 (1) Take all necessary steps to determine that each driver utilized by such taxi service,
 37 whether as an employee or independent contractor, possesses and maintains any required
 38 permits or licenses required by the federal government or this state;

39 (2) Ensure that each driver utilized by such taxi service, whether as an employee or
 40 independent contractor, has a current for-hire license endorsement or current private
 41 background check certification pursuant to Code Section 40-5-39;

42 (3) Have a zero tolerance policy with regard to the use of drugs or alcohol while on duty
 43 in place for drivers utilized by such taxi service, whether as an employee or independent
 44 contractor;

45 (4) Have for each driver utilized by such taxi service in this state, whether as an
 46 employee or independent contractor, insurance coverage in effect with respect to personal
 47 injury liability, property damage liability, and personal injury protection liability benefits
 48 available to drivers, passengers, pedestrians, and others in the same coverage amounts as
 49 required by law; and

50 (5) Comply with the provisions of Code Section 40-8-7. No vehicle inspections shall be
 51 required for vehicles used by taxi services."

52 **SECTION 3.**

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

55 "(25) On and after July 1, 2017, fares ~~Fares~~ of for-hire vehicles for which taxi services,
 56 limousine carriers, ~~and~~ ride share network services, or the owners of such vehicles have
 57 purchased a for-hire master license in lieu of paying sales and use taxes on fares pursuant
 58 to the provisions of subsection (b) of Code Section 40-2-168 networks or drivers. This
 59 provision shall not relieve taxi services, limousine carriers, transportation referral

60 services, transportation referral service providers, or ride share service networks of sales
61 and use tax liability on fares incurred prior to the ~~purchase of such for-hire master license.~~
62 ~~This paragraph shall be repealed by operation of law on July 1, 2017 effective date of this~~
63 ~~paragraph;~~ .

64 **SECTION 4.**

65 This Act shall become effective upon its approval by the Governor or upon its becoming law
66 without such approval.

67 **SECTION 5.**

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