

The House Committee on Public Safety and Homeland Security offers the following substitute to SB 320:

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 revise  
4 insurance requirements for taxi services; to revise the exemptions afforded to nonresidents  
5 who have in their immediate possession a valid driver's license issued to them in their home  
6 state or country; to remove the requirement for proof of insurance in order to obtain a for-hire  
7 endorsement; to provide for enhanced penalties for a second or subsequent conviction under  
8 Code Section 40-5-81; to provide for related matters; to provide for an effective date; to  
9 repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 style="text-align:center">**SECTION 1.**

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

15 "40-1-154.

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

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

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

25 **SECTION 2.**

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

27 "40-1-193.1.28 (a) Each taxi service doing business or operating in this state shall register with the  
29 department. Upon receipt of registration by the department, the department shall issue a  
30 license to such taxi service which shall be renewed on an annual basis. The department  
31 may charge a fee for such license and registration not to exceed \$100.00.32 (b) Each taxi service doing business or operating in this state shall maintain a current list  
33 of all drivers utilized by such taxi service in this state, whether as employees or  
34 independent contractors. Such lists shall not be subject to inspection or disclosure under  
35 Article 4 of Chapter 18 of Title 50 but shall be made available for inspection by law  
36 enforcement officers and representatives of other government agencies upon request to  
37 ascertain compliance with this title.38 (c) Each taxi service doing business or operating in this state shall:39 (1) Take all necessary steps to determine that each driver utilized by such taxi service,  
40 whether as an employee or independent contractor, possesses and maintains any required  
41 permits or licenses required by the federal government or this state;42 (2) Ensure that each driver utilized by such taxi service, whether as an employee or  
43 independent contractor, has a current for-hire license endorsement or current private  
44 background check certification pursuant to Code Section 40-5-39;45 (3) Have a zero tolerance policy with regard to the use of drugs or alcohol while on duty  
46 in place for drivers utilized by such taxi service, whether as an employee or independent  
47 contractor;48 (4) Obtain and maintain personal injury and property damage liability insurance, which  
49 shall provide for the protection of passengers and property carried and of the public  
50 against injury in the coverage amounts as required by law; and51 (5) Comply with the provisions of Code Section 40-8-7. No vehicle inspections shall be  
52 required for vehicles used by taxi services."53 **SECTION 3.**54 Said title is further amended by revising paragraph (2) of subsection (a) of Code Section  
55 40-5-21, relating to driver's license exemptions generally, as follows:56 "(2) A nonresident who has in his or her immediate possession a valid driver's license  
57 issued to him or her in his or her home state or country; provided, however, that such  
58 person would otherwise satisfy all requirements to receive a Georgia driver's license and,  
59 if such nonresident driver's license is in a language other than English, the nonresident  
60 also has in his or her immediate possession a valid international driving permit which

61 ~~conforms to and has been issued in accordance with the provisions of the Convention on~~  
 62 ~~Road Traffic, 3 U.S.T. 3008, TIAS 2487, or any similar such treaty, international~~  
 63 ~~agreement, or reciprocal agreement between the United States and a foreign nation~~  
 64 ~~concerning driving privileges of nonresidents; and provided, further, that in the case of~~  
 65 ~~a driver's license issued by the driver's licensing authority of a foreign country, a law~~  
 66 ~~enforcement officer may consult such person's passport or visa to verify the validity of~~  
 67 ~~such license, if available."~~

#### 68 SECTION 4.

69 Said title is further amended by revising subsection (b) of Code Section 40-5-39, relating to  
 70 requirements for operation of a motor vehicle for hire, for-hire license endorsements and  
 71 eligibility, term, and background checks, as follows:

72 "(b) The department shall provide a for-hire license endorsement for any qualified person  
 73 under this Code section. In order to be eligible for such endorsement, an applicant shall:

- 74 (1) Be at least 18 years of age;
- 75 (2) Possess a valid Georgia driver's license which is not limited as defined in Code  
 76 Section 40-5-64;
- 77 (3) Not have been convicted, been on probation or parole, or served time on a sentence  
 78 for a period of seven years previous to the date of application for any felony or any other  
 79 crime of moral turpitude or a pattern of misdemeanors that evidences a disregard for the  
 80 law unless he or she has received a pardon and can produce evidence of same. For the  
 81 purposes of this paragraph, a plea of nolo contendere shall be considered to be a  
 82 conviction, and a conviction for which a person has been free from custody and free from  
 83 supervision for at least seven years shall not be considered a conviction unless the  
 84 conviction is for a dangerous sexual offense which is contained in Code Section 42-1-12  
 85 or the criminal offense was committed against a victim who was a minor at the time of  
 86 the offense;
- 87 (4) Submit at least one set of classifiable electronically recorded fingerprints to the  
 88 department in accordance with the fingerprint system of identification established by the  
 89 director of the Federal Bureau of Investigation. The department shall transmit the  
 90 fingerprints to the Georgia Crime Information Center, which shall submit the fingerprints  
 91 to the Federal Bureau of Investigation for a search of bureau records and an appropriate  
 92 report and promptly conduct a search of state records based upon the fingerprints. After  
 93 receiving the report from the Georgia Crime Information Center and the Federal Bureau  
 94 of Investigation, the department shall determine whether the applicant may be certified;  
 95 and

96 (5) Be a United States citizen; or, if not a citizen, present federal documentation verified  
 97 by the United States Department of Homeland Security to be valid documentary evidence  
 98 of lawful presence in the United States under federal immigration law; and,  
 99 ~~(6) Provide proof of liability insurance coverage in such amounts as provided by law for  
 100 the class of motor vehicle being operated for hire and the requirements for limousine  
 101 carriers, ride share networks and drivers, and taxi services, as applicable."~~

#### 102 SECTION 5.

103 Said title is further amended by revising subsection (d) of Code Section 40-5-81, relating to  
 104 program optional, certification and approval of courses, and prohibited behavior by a clinic  
 105 or program, as follows:

106 "(d) It shall be unlawful for the owner, agent, servant, or employee of any driver  
 107 improvement clinic or DUI Alcohol or Drug Use Risk Reduction Program licensed by the  
 108 department to directly or indirectly offer, for purposes of the enrollment or solicitation of  
 109 any student or prospective student, any item of monetary value, including but not limited  
 110 to United States legal tender, food, gasoline cards, debit gift cards, or merchant gift cards  
 111 to any:

- 112 (1) Student or agent or legal representative of a student;
- 113 (2) Employee or agent of a private company which has contracted with a county,  
 114 municipality, or consolidated government to provide probation services pursuant to  
 115 Article 6 of Chapter 8 of Title 42;
- 116 (3) Law enforcement officer; or
- 117 (4) Officer or employee of the judicial branch or a court.

118 A violation of this subsection shall be a misdemeanor. In addition to all other penalties  
 119 available at law, any person convicted of a second or subsequent offense under this  
 120 subsection shall have his or her license to operate a driver improvement clinic or DUI  
 121 Alcohol or Drug Use Risk Reduction Program under this article revoked."

#### 122 SECTION 6.

123 This Act shall become effective on January 1, 2017.

#### 124 SECTION 7.

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