

HOUSE SUBSTITUTE TO SENATE BILL 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 **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 (d) The department or any county, municipality, or consolidated government may require
54 proof of insurance or proof of payment of such insurance in the coverage amounts as
55 required by law and may verify such insurance when issuing or renewing a certificate of
56 public necessity and convenience or medallion."57 **SECTION 3.**58 Said title is further amended by revising paragraph (2) of subsection (a) of Code Section
59 40-5-21, relating to driver's license exemptions generally, as follows:

60 "(2) A nonresident who has in his or her immediate possession a valid driver's license
 61 issued to him or her in his or her home state or country; provided, however, that such
 62 person would otherwise satisfy all requirements to receive a Georgia driver's license and,
 63 ~~if such nonresident driver's license is in a language other than English, the nonresident~~
 64 ~~also has in his or her immediate possession a valid international driving permit which~~
 65 ~~conforms to and has been issued in accordance with the provisions of the Convention on~~
 66 ~~Road Traffic, 3 U.S.T. 3008, TIAS 2487, or any similar such treaty, international~~
 67 ~~agreement, or reciprocal agreement between the United States and a foreign nation~~
 68 ~~concerning driving privileges of nonresidents; and provided, further, that in the case of~~
 69 a driver's license issued by the driver's licensing authority of a foreign country, a law
 70 enforcement officer may consult such person's passport or visa to verify the validity of
 71 such license, if available."

72

SECTION 4.

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

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

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

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

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

91 (4) Submit at least one set of classifiable electronically recorded fingerprints to the
 92 department in accordance with the fingerprint system of identification established by the
 93 director of the Federal Bureau of Investigation. The department shall transmit the
 94 fingerprints to the Georgia Crime Information Center, which shall submit the fingerprints
 95 to the Federal Bureau of Investigation for a search of bureau records and an appropriate

96 report and promptly conduct a search of state records based upon the fingerprints. After
 97 receiving the report from the Georgia Crime Information Center and the Federal Bureau
 98 of Investigation, the department shall determine whether the applicant may be certified;
 99 and
 100 (5) Be a United States citizen; or, if not a citizen, present federal documentation verified
 101 by the United States Department of Homeland Security to be valid documentary evidence
 102 of lawful presence in the United States under federal immigration law; and,
 103 ~~(6) Provide proof of liability insurance coverage in such amounts as provided by law for~~
 104 ~~the class of motor vehicle being operated for hire and the requirements for limousine~~
 105 ~~carriers, ride share networks and drivers, and taxi services, as applicable."~~

106 SECTION 5.

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

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

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

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

126 SECTION 6.

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

128 SECTION 7.

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