

Senate Bill 460

By: Senators Miller of the 49th, Hill of the 4th, Tillery of the 19th and Dugan of the 30th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 60 of Title 36 of the Official Code of Georgia Annotated, relating to
2 general provisions applicable to counties and municipal corporations, so as to provide for the
3 regulatory powers of cities and counties with certificates of public necessity and convenience
4 or medallion programs; to prohibit the operation of a taxicab in such jurisdictions without a
5 certificate of public necessity and convenience or medallion; to provide for identification of
6 taxicab operators; to authorize local governments to enforce certain provisions of law
7 regarding for-hire vehicles and services; to prohibit operation of for-hire vehicles which are
8 not properly certificated or registered; to amend Part 4 of Article 3 of Chapter 1 of Title 40
9 of the Official Code of Georgia Annotated, relating to ride share network services and
10 transportation referral services, so as to provide for definitions; to provide for the regulation
11 of the age of motor vehicles used as taxicabs by certain jurisdictions; to provide for sanctions
12 for taxi services that fail to register with the Department of Public Safety; to prohibit persons
13 from impersonating for-hire vehicle operators; to provide for decals for vehicles used to
14 provide ride share services; to provide for temporary emergency authority to operate and for
15 special events; to amend Chapter 2 of Title 40 of the Official Code of Georgia Annotated,
16 relating to registration and licensing of motor vehicles, so as to require that taxicabs and
17 limousines be properly registered and permitted before issuance of a distinctive license plate;
18 to prohibit the improper display of distinctive license plates for taxicabs and limousines; to
19 provide for related matters; to repeal conflicting laws; and for other purposes.

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

21 **SECTION 1.**

22 Chapter 60 of Title 36 of the Official Code of Georgia Annotated, relating to general
23 provisions applicable to counties and municipal corporations, is amended by revising Code
24 Section 36-60-25, relating to certificates of public necessity and convenience and medallions
25 for taxicabs, as follows:

26 "36-60-25.

27 (a) Each county and municipal corporation may require the owner or operator of a taxicab
28 to obtain a certificate of public necessity and convenience or medallion in order to operate
29 such taxicab within the unincorporated areas of the county or within the corporate limits
30 of the municipal corporation, respectively, and may exercise its authority under Code
31 Section 48-13-9 to require such owners or operators to pay a regulatory fee to the county
32 or municipal corporation. The General Assembly finds and declares that any county or
33 municipality exercising the powers granted in this Code section is legitimately concerned
34 with the qualifications and records of drivers of taxicabs; with the location, accessibility,
35 and insured state of companies operating taxicabs; and with the safety and comfort of
36 taxicabs. Without limitation, each such county or municipality may exercise the powers
37 granted in this Code section by ordinance to the same extent as the ordinances reviewed
38 by the Georgia Court of Appeals in the case of Hadley v. City of Atlanta, 232 Ga. App.
39 871, 875 (1998), and each certificate of public convenience and necessity issued under
40 those ordinances shall remain in full force and effect. Counties and municipalities that
41 require certificates of public necessity and convenience or medallions shall not be
42 authorized to impose any age limit on motor vehicles used by taxi services, limousine
43 carriers, ride share network services, transportation referral services, or transportation
44 referral service providers that is less than or equal to ten years, measured from the vehicle's
45 year of manufacture; provided, however, that such county or municipality may choose to
46 authorize and approve for use older vehicles following an inspection of any such vehicle
47 and may charge not more than \$20.00 for such inspection. Any such age limit, if imposed
48 by such county or municipality, shall apply uniformly to all taxi services, limousine
49 carriers, ride share network services, transportation referral services, and transportation
50 referral service providers operating within such county or municipality.

51 (b) Each certificate of public necessity and convenience or medallion issued at any time
52 by a county or municipal corporation shall be fully transferable pursuant to a purchase, gift,
53 bequest, or acquisition of the stock or assets of a corporation to any person otherwise
54 meeting the requirements of the applicable local ordinance. Each such certificate of public
55 necessity and convenience or medallion may be used as collateral to secure a loan and each
56 lending institution making such a loan shall have all rights of secured parties with respect
57 to such loan.

58 (c) Counties and municipalities which have adopted and have valid ordinances as of
59 July 1, 2014, requiring taxicabs to have certificates of public necessity and convenience or
60 medallions to operate within each such county or municipality may continue to require
61 such certificates or medallions. To the extent that a county or municipality elects to
62 continue to require such certificates or medallions to operate a taxicab within such county

63 or municipality, it shall be a violation of state law, in addition to any local ordinance, for
64 a person to operate a taxicab without such a certificate or medallion. Except as otherwise
65 provided in this subsection, no county or municipality shall enact, adopt, or enforce any
66 ordinance or regulation which requires taxicabs to have certificates of public necessity and
67 convenience or medallions to operate within such county or municipality.

68 (d) No person shall operate a taxicab for the purpose of carrying or transporting passengers
69 for hire unless such person has a for-hire license endorsement or private background check
70 certification pursuant to Code Section 40-5-39 and unless such person displays within full
71 view of his or her passengers in such taxicab an identification card with the name of the
72 operator, the name of the company for which the operator is driving, and a photograph of
73 the operator. Such identification card shall have been issued within the immediately
74 preceding year. Counties and municipalities shall not impose further licensing
75 requirements or background checks on such persons to operate taxicabs in their
76 jurisdictions.

77 (e) As used in this subsection, the term 'stage' means to stop, park, or otherwise place a
78 vehicle for hire, other than a taxicab, in the loading or curbside area of any business for the
79 purpose of soliciting a fare when such vehicle is not engaged in a prearranged round-trip
80 or prearranged one-way fare. It shall be illegal to stage limousine carriers, as defined in
81 paragraph (5) of Code Section 40-1-151, or ride share drivers, as defined in paragraph (3)
82 of Code Section 40-1-190. A person who violates this subsection shall be guilty of a
83 misdemeanor.

84 (f) No person shall operate a taxicab for the purpose of carrying or transporting passengers
85 for hire unless such person maintains insurance from an insurance company licensed under
86 Title 33, through a surplus line broker licensed under Title 33, or is qualified as a
87 self-insurer pursuant to Code Section 33-34-5.1.

88 (g) It shall be unlawful for a person to operate a taxicab or hold himself or herself out to
89 the public as being available for hire as a taxicab operator in a jurisdiction that requires a
90 certificate of public necessity and convenience or medallion if such taxicab does not have
91 a valid certificate of public necessity and convenience or medallion. A person who violates
92 this subsection shall be guilty of a misdemeanor of a high and aggravated nature and shall
93 be subject to a civil fine not to exceed \$10,000.00.

94 (h) Notwithstanding any provision of law to the contrary, counties and municipalities shall
95 have the authority to enforce and to perform inspections related to the enforcement of Code
96 provisions regarding the regulation of taxicabs, limousine services, ride share networks,
97 and transportation referral service providers with regard to the requirements to have valid
98 certificates of public necessity and convenience or medallions, to register with the

99 Department of Public Safety under Part 4 of Article 3 of Chapter 1 of Title 40, and to the
100 proper display of taxicab or limousine license plates or ride share decals."

101 **SECTION 2.**

102 Part 4 of Article 3 of Chapter 1 of Title 40 of the Official Code of Georgia Annotated,
103 relating to ride share network services and transportation referral services, is amended by
104 revising Code Section 40-1-190, relating to definitions, as follows:

105 "40-1-190.

106 As used in this part, the term:

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

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

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

115 (4) 'Ride share network service' means any person or entity that uses a digital network
116 or ~~Internet~~ internet network to connect passengers to ride share drivers for the purpose
117 of prearranged transportation for hire or for donation. The term 'ride share network
118 service' shall not include any corporate sponsored vanpool or exempt rideshare as such
119 terms are defined in Code Section 40-1-100, provided that such corporate sponsored
120 vanpool or exempt rideshare is not operated for the purpose of generating a profit.

121 (5) 'Soft taximeter' means a smartphone, tablet, or similar electronic device with a
122 touchscreen that an operator of a taxicab uses as a taximeter, that can be demonstrated to
123 meet local government requirements as to accuracy in both distance and time
124 measurements, and that is displayed in full view of any passenger in such taxicab.

125 ~~(5)(6)~~ (6) 'Taxi service' means any taxicab company or provider which utilizes a motor
126 vehicle or similar vehicle, device, machine, or conveyance to transport passengers; uses
127 a taximeter; and is authorized to provide taxicab services pursuant to an ordinance of a
128 local government in this state.

129 ~~(6)(7)~~ (7) 'Taximeter' means an instrument or device approved by the applicable local
130 government which is utilized by a taxi service for the purpose of calculating fares based
131 upon distance, time, and mileage, provided that no local government shall have the
132 authority to reject or prohibit the use of soft taximeters.

133 ~~(7)(8)~~ (8) 'Transportation referral service' means any person or entity that books, refers
134 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~~ 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)~~(9) '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~~ 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."

SECTION 3.

Said part is further amended by revising Code Section 40-1-191, relating to legislative findings, preemption, and ride share network service, transportation referral service, transportation referral service provider, and taxi service doing business at a county or municipal airport, as follows:

"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; and 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; and provided, further, that the governing authority of any county or municipal airport shall not be authorized to impose any age limit on vehicles for hire doing business at such airport that is less than or equal to ten years, measured from the vehicle's year of manufacture, for any vehicle used as a ride share, taxicab, or limousine; provided, however, that the governing authority of such county or municipal airport may choose to authorize and approve for use older vehicles following an inspection of such vehicle and may charge not more than \$20.00 for such inspection. 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."

SECTION 4.

Said part is further amended by in Code Section 40-1-193.1, relating to registration of taxi services and requirements to operate taxi service, by adding a new subsection to read as follows:

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

SECTION 5.

Said part is further amended in Code Section 40-1-194, relating to prohibition on contracting with carriers, drivers, or taxi services not properly licensed or insured and penalties for violations, by revising paragraph (2) of subsection (b) and by adding a new subsection to read as follows:

"(2) No person who does not have the licensing required by the state and 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."

"(e) It shall be unlawful for a person to hold himself or herself out to the public as being a ride share operator, taxi service operator, or limousine carrier operator if such person is not properly registered with the department and in compliance with the provisions of this part. A person who violates this subsection shall be guilty of a misdemeanor of a high and aggravated nature and shall be subject to a civil fine not to exceed \$10,000.00."

SECTION 6.

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

"40-1-201.

(a) When each ride share network service doing business in this state registers with the department as provided in Code Section 40-1-193 and pays the annual fee provided in this subsection, the Department of Revenue shall issue a decal for each of its listed ride share drivers which shall be displayed on the license plate of the motor vehicle used to provide ride share services. The fee for each such decal shall be \$10.00 annually. Upon the motor vehicle ceasing to be used for the provision of ride share services, such decal shall be removed from such vehicle's license plate.

(b) It shall be unlawful for a person to operate a motor vehicle to provide ride share services that does not display the decal as provided in this Code section. A person who violates this subsection shall be guilty of a misdemeanor of a high and aggravated nature and shall be subject to a civil fine not to exceed \$10,000.00.

(c) It shall be unlawful for a person to operate a motor vehicle with the ride share decal affixed to its license plate as provided in subsection (a) of this Code section if the motor vehicle is no longer being used in the provision of ride share services. A person who violates this subsection shall be guilty of a misdemeanor of a high and aggravated nature."

SECTION 7.

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

"40-1-202.

(a) Notwithstanding any other provision of law to the contrary, in order to authorize the provision of passenger service for which there is an immediate and urgent need to a point or points, or within a territory, with respect to which there is no ride share network service, limousine carrier, taxi service, transportation referral service, or transportation referral service provider capable of meeting such need, upon receipt of an application for temporary emergency authority and upon payment of the appropriate fee as fixed by statute, the department may, in its discretion and without a hearing or other prior proceeding, grant to any person temporary emergency authority for such service under this part. The order granting such authority shall contain the department's findings supporting its determination that there is an unmet immediate and urgent need for such service and shall contain such conditions as the commissioner finds necessary with respect to such authority. Temporary emergency authority, unless suspended or revoked for good cause within such period, shall be valid for such time as the department shall specify but not for more than an aggregate of 30 days. Such authority shall in no case be renewed and shall create no presumption that corresponding permanent authority will be granted thereafter,

except that, where temporary emergency authority is granted under the provisions of this Code section and the person to whom such temporary authority is granted makes application during the period of such temporary emergency authority for permanent authority corresponding to that authorized in its temporary emergency authority, the temporary emergency authority shall be extended to the finalization of the permanent authority application unless sooner suspended or revoked for good cause within the extended period.

(b) Notwithstanding any other provision of law to the contrary, in the case of special events occurring within the state for which persons authorized under this part to provide passenger transportation require additional motor vehicles to meet the demand for their services, any such person shall be authorized to secure additional motor vehicles to operate during any such special event under the authority of such person, provided that such motor vehicles are covered as additional insured vehicles or loss payees under a motor vehicle liability insurance policy."

SECTION 8.

Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to registration and licensing of motor vehicles, is amended in Code Section 40-2-168, relating to registration and licensing of motor vehicles, by designating the existing text as subsection (a) and by adding new subsections to read as follows:

"(b) It shall be unlawful for a person to operate a motor vehicle with a distinctive taxicab or limousine license plate as provided in this Code section if such motor vehicle is not a taxicab or limousine. A person who violates this subsection shall be guilty of a misdemeanor of a high and aggravated nature.

(c) It shall be unlawful for a taxi service or limousine carrier to apply for or renew a distinctive license plate as provided in subsection (a) of this Code section if the taxi service or limousine carrier is not currently registered with the Department of Public Safety under Part 4 of Article 3 of Chapter 1 of this title. A person who violates this subsection shall be guilty of a misdemeanor of a high and aggravated nature and shall be subject to a civil fine not to exceed \$10,000.00.

(d) Upon a motor vehicle ceasing to be used as a taxicab or limousine, the distinctive license plate shall be removed from such vehicle and returned to the commissioner. It shall be unlawful for a person to operate a motor vehicle with such distinctive license plate if such motor vehicle is no longer being used as a taxicab or limousine. A person who violates this subsection shall be guilty of a misdemeanor of a high and aggravated nature."

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SECTION 9.

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