

House Bill 757

By: Representatives Powell of the 32nd, Collins of the 68th, Taylor of the 173rd, Harrell of the 106th, Jackson of the 128th, and others

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 certificate of public necessity and convenience
4 or medallion programs; to provide that operation of a taxicab in such jurisdictions without
5 a certificate of public necessity and convenience or medallion is illegal; to provide for
6 identification of taxicab operators; to amend Part 4 of Article 3 of Chapter 1 of Title 40 of
7 the Official Code of Georgia Annotated, relating to ride share network services and
8 transportation referral services, so as to provide definitions; to provide for the regulation of
9 the age of motor vehicles used as taxicabs by certain jurisdictions; to provide for related
10 matters; to repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

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

17 "36-60-25.

18 (a) Each county and municipal corporation may require the owner or operator of a taxicab
19 to obtain a certificate of public necessity and convenience or medallion in order to operate
20 such taxicab within the unincorporated areas of the county or within the corporate limits
21 of the municipal corporation, respectively, and may exercise its authority under Code
22 Section 48-13-9 to require such owners or operators to pay a regulatory fee to the county
23 or municipal corporation. The General Assembly finds and declares that any county or
24 municipality exercising the powers granted in this Code section is legitimately concerned
25 with the qualifications and records of drivers of taxicabs; with the location, accessibility,
26 and insured state of companies operating taxicabs; and with the safety and comfort of

27 taxicabs. Without limitation, each such county or municipality may exercise the powers
28 granted in this Code section by ordinance to the same extent as the ordinances reviewed
29 by the Georgia Court of Appeals in the case of Hadley v. City of Atlanta, 232 Ga. App.
30 871, 875 (1998), and each certificate of public convenience and necessity issued under
31 those ordinances shall remain in full force and effect. The power of any county or
32 municipality to maintain its police power and regulatory authority over taxicabs pursuant
33 to a certificate of public necessity and convenience shall also remain in full force and
34 effect, to the extent consistent with the laws of this state, notwithstanding any registration
35 requirement that may be imposed on taxicab companies to register with the Department of
36 Public Safety.

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

44 (c) Counties and municipalities which have adopted and have valid ordinances as of
45 July 1, 2014, requiring taxicabs to have certificates of public necessity and convenience or
46 medallions to operate within each such county or municipality may continue to require
47 such certificates or medallions. To the extent that a county or municipality elects to
48 continue to require such certificates or medallions to operate a taxicab within such county
49 or municipality, it shall be a violation of state law, in addition to any local ordinance, for
50 a person to operate a taxicab without such a certificate or medallion. Except as otherwise
51 provided in this subsection, no county or municipality shall enact, adopt, or enforce any
52 ordinance or regulation which requires taxicabs to have certificates of public necessity and
53 convenience or medallions to operate within such county or municipality.

54 (d) No person shall operate a taxicab for the purpose of carrying or transporting passengers
55 for hire unless such person has a for-hire license endorsement or private background check
56 certification pursuant to Code Section 40-5-39 and unless such person shall display within
57 full view of his or her passengers in such taxicab an identification card with the name of
58 the operator, the name of the company for whom the operator is driving, and a photograph
59 of the operator. Such identification card shall have been issued within the immediately
60 preceding year. Counties and municipalities shall not impose further licensing
61 requirements or background checks on such persons to operate taxicabs in their
62 jurisdictions.

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

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

74 **SECTION 2.**

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

78 "40-1-190.

79 As used in this part, the term:

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

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

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

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

94 (5) 'Soft taximeter' means a smartphone, tablet, or similar electronic device with a
 95 touchscreen that an operator of a taxicab uses as a taximeter and that can be demonstrated
 96 to meet local government requirements as to accuracy in both distance and time
 97 measurements.

98 ~~(5)~~(6) 'Taxi service' means any taxicab company or provider which utilizes a motor
 99 vehicle or similar vehicle, device, machine, or conveyance to transport passengers; uses
 100 a taximeter; and is authorized to provide taxicab services pursuant to an ordinance of a
 101 local government in this state.

102 ~~(6)~~(7) 'Taximeter' means an instrument or device approved by the applicable local
 103 government which is utilized by a taxi service for the purpose of calculating fares based
 104 upon distance, time, and mileage, provided that no local government shall have the
 105 authority to reject or prohibit the use of soft taximeters.

106 ~~(7)~~(8) 'Transportation referral service' means any person or entity that books, refers
 107 clients to, collects money for, or advertises transportation services provided by a
 108 limousine carrier or taxi service by means of a telephone, through cellular telephone
 109 software, through the Internet, in person, by written instrument, by any person, or by any
 110 other means, and does not own or lease any motor vehicle required to be registered with
 111 the Department of Public Safety as a limousine carrier or a taxi service. A transportation
 112 referral service shall not include emergency or nonemergency medical transports.

113 ~~(8)~~(9) 'Transportation referral service provider' means any person or entity that books,
 114 refers clients to, collects money for, or advertises transportation services provided by a
 115 limousine carrier or taxi service by means of a telephone, through cellular telephone
 116 software, through the Internet, in person, by written instrument, by any person, or by any
 117 other means and owns or leases one or more motor vehicles required to be registered with
 118 the Department of Public Safety as a limousine carrier or a local government in this state
 119 as a taxi service. A transportation referral service provider shall not include emergency
 120 or nonemergency medical transports."

121 SECTION 3.

122 Said part is further amended by revising Code Section 40-1-191, relating to legislative
 123 findings, preemption, and local governing authorities authorized to provide regulation and
 124 establish fees consistent with this part, as follows:

125 "40-1-191.

126 The General Assembly finds that it is in the public interest to provide uniform
 127 administration and parity among ride share network services, transportation referral
 128 services, and transportation referral service providers, including taxi services, that operate
 129 in this state for the safety and protection of the public. The General Assembly fully
 130 occupies and preempts the entire field of administration and regulation over ride share
 131 network services, transportation referral services, transportation referral service providers,
 132 and taxi services as governed by this part; provided, however, that the governing authority
 133 of any county or municipal airport shall be authorized to regulate any ride share network

134 service, transportation referral service, transportation referral service provider, and taxi
135 service consistent with the process used for limousine carriers, as set forth in Code Section
136 40-1-162, who are doing business at any such airport and may establish fees as part of such
137 regulation process; provided, further, that such fees shall not exceed the airport's
138 approximate cost of permitting and regulating ride share network services, transportation
139 referral services, transportation referral service providers, and taxi services; and provided,
140 further, that such governing authorities of such airports shall accept a for-hire license
141 endorsement or private background check certification pursuant to Code Section 40-5-39
142 as adequate evidence of sufficient criminal background investigations and shall not require
143 any fee for any further criminal background investigation; and provided, further, that local
144 governments may maintain certificates of public necessity and convenience and medallion
145 requirements and company requirements for taxi services as provided in this part and may
146 establish maximum fares for taxi services; and provided, further, that the governing
147 authority of any county or municipal airport shall not be authorized to impose any age limit
148 on vehicles for hire doing business at such airport that is less than eight years, measured
149 from the vehicle's year of manufacture, for any vehicle used as a ride share, taxicab, or
150 limousine. The list of ride share network services, transportation referral services,
151 transportation referral service providers, and taxi services on the website of the department
152 shall be sufficient evidence that such services have licenses issued by the department."

153

SECTION 4.

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