

The House Committee on Regulated Industries offers the following substitute to HB 225:

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 regarding provisions applicable to counties and municipal corporations,
3 so as to preserve existing certificates of public necessity and convenience and medallion
4 systems for taxicabs and to restrict the future use thereof; to provide that operators of
5 taxicabs have for-hire license endorsements; to prohibit the staging of certain vehicles; to
6 amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles, so as
7 to provide for the comprehensive regulation of transportation referral services, transportation
8 referral service providers, ride share network services, and ride share drivers; to provide for
9 definitions; to provide for legislative intent; to provide for registration and licensing of such
10 providers; to provide for certain disclosures; to prohibit certain practices and to provide
11 penalties for violations; to prohibit the waiver of rights by passengers under certain
12 conditions; to provide for billing methods; to provide for master license fees for for-hire
13 vehicles in lieu of sales and use taxes on fares; to provide for for-hire license endorsements;
14 to amend Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to
15 exemptions from sales and use taxes, so as to provide an exemption; to provide for related
16 matters; to provide for effective dates; to repeal conflicting laws; and for other purposes.

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

19 Chapter 60 of Title 36 of the Official Code of Georgia Annotated, relating to general
20 provisions regarding provisions applicable to counties and municipal corporations, is
21 amended by revising subsection (a) of Code Section 36-60-25, relating to certificates of
22 public necessity and convenience and medallions for taxicabs, and by adding new
23 subsections to read as follows:

24 "(a) Each county and municipal corporation may require the owner or operator of a taxicab
25 ~~or vehicle for hire~~ to obtain a certificate of public necessity and convenience or medallion
26 in order to operate such taxicab ~~or vehicle for hire~~ within the unincorporated areas of the

27 county or within the corporate limits of the municipal corporation, respectively, and may
 28 exercise its authority under Code Section 48-13-9 to require such owners or operators to
 29 pay a regulatory fee to the county or municipal corporation. The General Assembly finds
 30 and declares that any county or municipality exercising the powers granted in this Code
 31 section is legitimately concerned with the qualifications and records of drivers of taxicabs
 32 ~~and other vehicles for hire~~; with the location, accessibility, and insured state of companies
 33 operating taxicabs ~~and other vehicles for hire~~; and with the safety and comfort of taxicabs
 34 ~~and other vehicles for hire~~. Without limitation, each such county or municipality may
 35 exercise the powers granted in this Code section by ordinance to the same extent as the
 36 ordinances reviewed by the Georgia Court of Appeals in the case of Hadley v. City of
 37 Atlanta, 232 Ga. App. 871, 875 (1998), and each certificate of public convenience and
 38 necessity issued under those ordinances shall remain in full force and effect."

39 "(c) Counties and municipalities which have adopted and have valid ordinances as of
 40 July 1, 2014, requiring taxicabs to have certificates of public necessity and convenience or
 41 medallions to operate within each such county or municipality may continue to require
 42 such certificates or medallions. Except as otherwise provided in this subsection, no county
 43 or municipality shall enact, adopt, or enforce any ordinance or regulation which requires
 44 taxicabs to have certificates of public necessity and convenience or medallions to operate
 45 within such county or municipality.

46 (d) No person shall operate a taxicab for the purpose of carrying or transporting passengers
 47 for hire unless such person has a for-hire license endorsement or private background check
 48 certification pursuant to Code Section 40-5-39. Counties and municipalities shall not
 49 impose further licensing requirements or background checks on such persons to operate
 50 taxicabs in their jurisdictions.

51 (e) As used in this subsection, the term 'stage' means to stop, park, or otherwise place a
 52 vehicle for hire, other than a taxicab, in the loading or curbside area of any business when
 53 such vehicle is not engaged in a prearranged round-trip or prearranged one-way fare. It
 54 shall be illegal to stage limousine carriers, as defined in paragraph (5) of Code Section
 55 40-1-151, or ride share drivers, as defined in paragraph (2) of Code Section 40-1-190. A
 56 person who violates this subsection shall be guilty of a misdemeanor."

57 SECTION 2.

58 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles, is amended
 59 by revising Code Section 40-1-158, relating to limousine chauffeur authorization and license
 60 endorsement, as follows:

61 "40-1-158.

62 Pursuant to rules and regulations prescribed by the commissioner of driver services, each
 63 chauffeur employed by a limousine carrier shall secure from the Department of Driver
 64 Services a ~~limousine chauffeur authorization and for-hire license endorsement or private~~
 65 background check certification pursuant to Code Section 40-5-39."

66 **SECTION 3.**

67 Said title is further amended by adding a new part to Article 3 of Chapter 1, relating to motor
 68 carriers, to read as follows:

69 "Part 4

70 40-1-190.

71 As used in this part, the term:

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

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

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

80 (4) 'Ride share network service' means any person or entity that uses a digital network
 81 or Internet network to connect passengers to ride share drivers for the purpose of
 82 prearranged transportation for hire or for donation.

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

87 (6) 'Taximeter' means an instrument or device approved by the applicable local
 88 government which is utilized by a taxi service for the purpose of calculating fares based
 89 upon distance, time, and mileage.

90 (7) 'Transportation referral service' means any person or entity that books, refers clients
 91 to, collects money for, or advertises transportation services provided by a limousine
 92 carrier or taxi service by means of a telephone, through cellular telephone software,
 93 through the Internet, in person, by written instrument, by any person, or by any other
 94 means, and does not own or lease any motor vehicle required to be registered with the

95 Department of Public Safety as a limousine carrier or a taxi service. A transportation
96 referral service shall not include emergency or nonemergency medical transports.
97 (8) 'Transportation referral service provider' means any person or entity that books, refers
98 clients to, collects money for, or advertises transportation services provided by a
99 limousine carrier or taxi service by means of a telephone, through cellular telephone
100 software, through the Internet, in person, by written instrument, by any person, or by any
101 other means and owns or leases one or more motor vehicles required to be registered with
102 the Department of Public Safety as a limousine carrier or a local government in this state
103 as a taxi service. A transportation referral service provider shall not include emergency
104 or nonemergency medical transports.

105 40-1-191.

106 The General Assembly finds that it is in the public interest to provide uniform
107 administration and parity among ride share network services, transportation referral
108 services, and transportation referral service providers, including taxi services, that operate
109 in this state for the safety and protection of the public. The General Assembly fully
110 occupies and preempts the entire field of administration and regulation over ride share
111 network services, transportation referral services, transportation referral service providers,
112 and taxi services as governed by this part; provided, however, that the governing authority
113 of any county or municipal airport shall be authorized to regulate any ride share network
114 service, transportation referral service, transportation referral service provider, and taxi
115 service consistent with the process used for limousine carriers, as set forth in Code
116 Section 40-1-162, who are doing business at any such airport and may establish fees as part
117 of such regulation process; provided, further, that such fees shall not exceed the airport's
118 approximate cost of permitting and regulating ride share network services, transportation
119 referral services, transportation referral service providers, and taxi services; and provided,
120 further, that such governing authorities of such airports shall accept a for-hire license
121 endorsement or private background check certification pursuant to Code Section 40-5-39
122 as adequate evidence of sufficient criminal background investigations and shall not require
123 any fee for any further criminal background investigation; and provided, further, that local
124 governments may maintain certificates of public necessity and convenience and medallion
125 requirements and company requirements for taxi services as provided in this part and may
126 establish maximum fares for taxi services. The list of ride share network services,
127 transportation referral services, transportation referral service providers, and taxi services
128 on the website of the department shall be sufficient evidence that such services have
129 licenses issued by the department.

130 40-1-192.

131 (a) A transportation referral service or transportation referral service provider that only
132 refers business to limousine carriers and taxi services that are licensed or registered as
133 transportation referral service providers shall be exempt from registration under this Code
134 section.

135 (b) Each transportation referral service provider doing business, operating, or providing
136 transportation services in this state shall register with the department. Upon receipt of
137 registration by the department, the department shall issue a license to such transportation
138 referral service provider which shall be renewed on an annual basis. The department may
139 charge a fee for such license and registration not to exceed \$100.00. Limousine carriers,
140 as a part of the licensure and permitting process for limousine carriers, shall be registered
141 and licensed as a transportation referral service provider under this part. A transportation
142 referral service provider that receives referrals from a transportation referral service or a
143 transportation referral service provider shall be required to disclose to the department that
144 it is receiving referrals from such transportation referral service or transportation referral
145 service provider; provided, however, that the limousine carrier or taxi service shall be
146 required to comply with the requirements of this part.

147 (c) Each transportation referral service provider doing business, operating, or providing
148 transportation services in this state shall file and keep current monthly with the department
149 a list of all limousine carriers and taxi services which it utilizes to provide transportation
150 services in this state. Such lists shall not be subject to inspection or disclosure under
151 Article 4 of Chapter 18 of Title 50.

152 (d) Each transportation referral service provider doing business, operating, or providing
153 transportation services in this state shall:

154 (1) Either obtain directly or determine that each taxi service to which it refers business
155 possesses either a certificate of public necessity and convenience or medallion
156 authorizing the provision of taxicab services in such local government if the certificate
157 of public necessity and convenience or medallion is required by an ordinance of the local
158 government where such taxi service is to be provided;

159 (2) Either obtain directly or determine that each taxi service to which it refers business
160 is registered with the department and possesses and maintains a permit authorizing the
161 provision of taxicab services in such local government if a company permit is required
162 by an ordinance of the local government where such taxi service is to be provided;

163 (3) Either obtain directly or determine that each limousine carrier to which it refers
164 business is properly and currently registered and licensed pursuant to Part 3 of this article;

165 (4) Take all necessary steps to determine that:

166 (A) Any driver either directly employed by or contracted with a limousine carrier
167 which the limousine carrier contracts with or utilizes for the provision of transportation
168 services in this state possesses and maintains any required permits or licenses required
169 by the federal government or this state; and

170 (B) Any driver either directly employed by or contracted with a taxi service which the
171 taxi service contracts with or utilizes for the provision of transportation services in this
172 state possesses and maintains any required permits or licenses required by the federal
173 government or the local government where the transportation services are to be
174 provided;

175 (5) Ensure that each driver utilized by such transportation referral service provider,
176 whether such driver is employed directly by the transportation referral service provider
177 or by a limousine carrier or taxi service which the transportation referral service provider
178 contracts with or utilizes for the provision of transportation services in this state, has a
179 current for-hire license endorsement or current private background check certification
180 pursuant to Code Section 40-5-39;

181 (6) Have a zero tolerance policy with regard to the use of drugs or alcohol while on duty
182 in place for drivers utilized by such limousine carrier or taxi service in the provision of
183 transportation services, whether such driver is employed directly by the transportation
184 referral service provider or by a limousine carrier or taxi service which the transportation
185 referral service provider contracts with or utilizes for the provision of transportation
186 services in this state;

187 (7) Shall ensure that each limousine carrier with which such transportation referral
188 service provider contracts or utilizes for the provision of transportation services in this
189 state has the commercial indemnity and liability insurance required by Code
190 Section 40-1-166 or each taxi service with which such transportation referral service
191 provider contracts or utilizes for the provision of transportation services in this state has
192 the minimum amount of commercial liability insurance prescribed by the local
193 government where such taxi service is provided or by state law, whichever is greater;

194 (8) Have, as to taxi services, complied with or ensured that any taxi service which it
195 contracts with or utilizes for the provision of transportation services complies with any
196 fare structure or regulation prescribed by ordinance of the local government where such
197 taxi service is to be provided; provided, however, that any fares specified in local
198 ordinances shall be the maximum fare which may be charged but shall not prohibit a taxi
199 service from charging lower fares;

200 (9) Have complied with or determined that the limousine carrier or taxi service with
201 which the provider contracts with or utilizes for the provision of transportation services
202 in this state is in compliance with any and all other applicable requirements prescribed

203 by the laws of the state, the rules and regulations of the department, and the ordinances
 204 of local governments where such transportation services are provided; and
 205 (10) Comply with the provisions of Code Section 40-8-7. No additional vehicle
 206 inspections shall be required for taxi services or limousine carriers.

207 (e) Failure to register according to the provisions of this Code section shall be a
 208 misdemeanor.

209 40-1-193.

210 (a) Each ride share network service doing business or operating in this state shall register
 211 with the department. Upon receipt of registration by the department, the department shall
 212 issue a license to such ride share network service which shall be renewed on an annual
 213 basis. The department may charge a fee for such license and registration not to exceed
 214 \$100.00.

215 (b) Each ride share network service doing business or operating in this state shall maintain
 216 a current list of all ride share drivers who are enrolled in its network in this state. Such lists
 217 shall not be subject to inspection or disclosure under Article 4 of Chapter 18 of Title 50 but
 218 shall be made available for inspection by law enforcement officers and representatives of
 219 other government agencies upon request to ascertain compliance with law.

220 (c) Each ride share network service doing business or operating in this state shall:

221 (1) Take all necessary steps to determine that each driver contracted with such ride share
 222 network service possesses and maintains any required permits or licenses required by the
 223 federal government or this state;

224 (2) Ensure that each driver utilized by such ride share network service, whether such
 225 driver is employed directly by the ride share network service or operates as an
 226 independent contractor, has a current for-hire license endorsement or current private
 227 background check certification pursuant to Code Section 40-5-39;

228 (3) Have a zero tolerance policy with regard to the use of drugs or alcohol while on duty
 229 in place for drivers contracted with such ride share network service;

230 (4) Have for each ride share driver contracted with such ride share network service in
 231 this state insurance coverage in effect with respect to personal injury liability, property
 232 damage liability, and personal injury protection liability benefits available to drivers,
 233 passengers, pedestrians, and others in the same coverages as required by law; and

234 (5) Comply with the provisions of Code Section 40-8-7. No vehicle inspections shall be
 235 required for vehicles used by ride share drivers.

236 (d) Each ride share driver utilized by such ride share network service, whether such driver
 237 is employed directly by the ride share network service or operates as an independent

238 contractor, shall maintain on his or her smartphone digital identification containing the
 239 following information while active on the ride share network service's digital network:

- 240 (1) The name and photograph of the driver;
 241 (2) The make and model of the motor vehicle being driven;
 242 (3) The license plate number of the motor vehicle being driven;
 243 (4) Certificates of insurance for the motor vehicle being driven; and
 244 (5) Such other information as may be required by the Department of Public Safety.

245 Upon reasonable suspicion of a law enforcement officer of improper operation by a ride
 246 share driver, the ride share driver, upon request, shall provide the law enforcement officer
 247 with access to the smartphone containing the digital information required by this subsection
 248 and the electronic record of the trips sufficient to establish that the trip in question was
 249 prearranged through digital dispatch of the ride share network service. The ride share
 250 driver shall not be required to relinquish custody of the smartphone containing the digital
 251 information required by this subsection and the electronic record of the trips arranged
 252 through digital dispatch of the ride share network service.

253 (e) A violation of the provisions of this Code section shall constitute a misdemeanor.

254 40-1-194.

255 (a)(1)(A) No transportation referral service or transportation referral service provider
 256 subject to this part shall contract with, utilize, or refer individuals or entities to
 257 limousine carriers that are not properly licensed by this state or are not properly insured
 258 under state law.

259 (B) No ride share network service subject to this part shall contract with, utilize, or
 260 refer individuals or entities to ride share drivers who are not properly licensed by this
 261 state or are not properly insured under state law.

262 (2) No transportation referral service or transportation referral service provider subject
 263 to this part shall contract with, utilize, or refer individuals or entities to taxi services that
 264 are not registered with the department and properly licensed by the applicable political
 265 subdivision of this state, are not properly insured under local law, or use drivers that are
 266 not properly licensed under state and local law to carry passengers for hire.

267 (b)(1)(A) No person who is not licensed under the laws of this state to provide
 268 limousine services shall contract with or accept referrals from a transportation referral
 269 service, transportation referral service provider, or ride share network service for
 270 transportation services. This paragraph shall not apply to passengers.

271 (B) No ride share driver who does not have an appropriate driver's license and either
 272 a for-hire endorsement or current private background check certification pursuant to
 273 Code Section 40-5-39 shall contract with or accept referrals from a transportation

274 referral service, transportation referral service provider, or ride share network service
 275 for transportation services.

276 (2) No person who does not have the licensing required by the appropriate local
 277 government of this state to provide taxi services shall contract with or accept referrals
 278 from a transportation referral service or transportation referral service provider for
 279 transportation services. This paragraph shall not apply to passengers.

280 (c)(1) A transportation referral service that violates subsection (a) of this Code section
 281 shall be guilty of a misdemeanor.

282 (2) A transportation referral service provider or ride share network service that violates
 283 subsection (a) of this Code section shall be guilty of a misdemeanor and additionally shall
 284 be subject to having such provider's or service's registration suspended or revoked by the
 285 department.

286 (d) A person who violates subsection (b) of this Code section shall be guilty of a
 287 misdemeanor and additionally shall be subject to a suspension for one year or revocation
 288 of such person's driver's license.

289 40-1-195.

290 (a) Each taxi service, transportation referral service, transportation referral service
 291 provider, and ride share network service doing business, operating, or providing
 292 transportation services in this state shall include its license number issued by the
 293 department in any advertising in this state; provided, however, that this Code section shall
 294 not apply to Internet advertisements. Limousine carriers which register as transportation
 295 referral service providers under this part shall be subject to the advertising requirements
 296 of this Code Section and not the provisions of Code Section 40-1-165. Failure to provide
 297 such license number shall result in the imposition of a civil penalty not to exceed \$5,000.00
 298 for each violation.

299 (b) Each ride share driver shall display a consistent and distinctive signage or emblem that
 300 is approved by the Department of Public Safety on such ride share driver's vehicle at all
 301 times while the ride share driver is active on the ride share network service's digital
 302 network. The signage or emblem shall be:

303 (1) Sufficiently large and color contrasted to be readable during daylight hours from a
 304 distance of at least 50 feet;

305 (2) Reflective, illuminated, or otherwise visible in darkness; and

306 (3) Sufficient to identify a vehicle as being associated with the ride share network service
 307 with which the ride share driver is affiliated.

308 Any person who violates this subsection shall be guilty of a misdemeanor.

309 40-1-196.

310 (a) Rates for taxi services set by a local government shall constitute the maximum fare
311 which may be charged but shall not prohibit a taxi service from charging lower fares.
312 Transportation services provided by taxi services and arranged by a transportation referral
313 service or transportation referral service provider doing business in this state shall be billed
314 in accordance with the fare rates prescribed by the local government where such taxi
315 services are to be provided. The use of Internet or cellular telephone software to calculate
316 rates shall not be permitted unless such software complies with and conforms to the
317 weights and measures standards of the local government that licenses such taxi service.

318 (b) Transportation services provided by limousine carriers and arranged by a transportation
319 referral service or transportation referral service provider shall only be billed in accordance
320 with the rates of such limousine carriers on an hourly basis or upon one or more of the
321 following factors: distance, flat fee, base fee, waiting time, cancellation fee, stop fee, event
322 pricing, demand pricing, or time. The charge for such transportation services shall not be
323 calculated solely by the use of a metering device in or affixed to the motor vehicle.

324 (c) A ride share driver contracted with a ride share network service may offer
325 transportation services at no charge, suggest a donation, or charge a fare. If a ride share
326 driver contracted with a ride share network service charges a fare, such fare shall be
327 calculated based upon one or more of the following factors: distance, flat fee, base fee,
328 waiting time, cancellation fee, stop fee, event pricing, demand pricing, or time. The fare
329 shall not be calculated solely by the use of a metering device in or affixed to the motor
330 vehicle.

331 (d) Each transportation referral service, transportation referral service provider, and ride
332 share network service shall make available to the person being transported prior to
333 receiving transportation services either the amount of the charge for such services or the
334 rates under which the charge will be determined.

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

336 40-1-197.

337 The department is authorized to promulgate such rules and regulations as the department
338 shall find necessary to implement the provisions of this part.

339 40-1-198.

340 (a) Each transportation referral service provider shall maintain a current list of all drivers
341 that such provider employs directly or as independent contractors in this state. Such lists
342 shall not be subject to inspection or disclosure under Article 4 of Chapter 18 of Title 50 but

343 shall be made available for inspection by law enforcement officers and representatives of
 344 other government agencies upon request to ascertain compliance with law.

345 (b) A violation of this Code section shall be punished by the imposition of a civil penalty
 346 not to exceed \$5,000.00 for each violation.

347 40-1-199.

348 A waiver of any rights with regard to personal injuries as the result of any transportation
 349 services provided by such ride share network service, transportation referral service,
 350 transportation referral service provider, limousine carrier, or taxi service by any person
 351 utilizing the services of a ride share network service, transportation referral service,
 352 transportation referral service provider, limousine carrier, or taxi service in this state shall
 353 not be valid unless such person is given written or electronic notice of such waiver prior
 354 to receiving such services and knowingly and willfully agrees to such waiver.

355 40-1-200.

356 This part shall not be applicable to equine drawn vehicles or nonmotorized vehicles."

357 **SECTION 4.**

358 Said title is further amended by revising Code Section 40-2-168, relating to registration and
 359 licensing of taxicabs and limousines, as follows:

360 "40-2-168.

361 (a) Owners of a taxicab or limousine, prior to commencing operation in this state, shall,
 362 upon complying with the motor vehicle laws relating to registration and licensing of motor
 363 vehicles, and the payment of an annual registration fee of \$25.00, be issued a distinctive
 364 license plate by the commissioner. Such distinctive license plate shall be designed by the
 365 commissioner and displayed on the vehicle as provided in Code Section 40-2-41. The
 366 certificate of registration shall be kept in the vehicle. Revalidation decals shall be issued,
 367 upon payment of fees required by law, in the same manner as provided for general issue
 368 license plates. Such license plates shall be transferred from one vehicle to another vehicle
 369 of the same class and acquired by the same person as provided in Code Section 40-2-42.
 370 ~~The transition period shall commence on May 20, 2010, and conclude no later than~~
 371 ~~December 31, 2010, for all existing registrations.~~ For all existing registrations, except
 372 during the owner's registration period as provided in Code Section 40-2-21, the
 373 commissioner shall exchange and replace any current and valid registration and license
 374 plate at no charge to the owner. Such license plates shall not be issued to any owner of a
 375 taxicab or limousine, as such term is defined in paragraph (4) of Code Section 40-1-151,

376 that is not properly licensed as such by the Department of Public Safety or a political
377 subdivision of this state.

378 (b)(1) As used in this subsection, the term 'for-hire vehicle' means a motor vehicle used
379 in this state by a limousine carrier, ride share network, ride share network driver, or taxi
380 service, as such terms are defined in Code Section 40-1-190, for the purpose of
381 transporting passengers for compensation or donation.

382 (2) On and after July 1, 2016, an owner of each for-hire vehicle, prior to commencing
383 operations in this state and annually thereafter, shall either obtain a for-hire vehicle
384 master license from the department or shall elect to continue to pay sales and use taxes
385 pursuant to Chapter 8 of Title 48 on all fares collected by such owner. If the owner elects
386 to purchase a master license, the department shall issue a decal or certificate for each
387 motor vehicle covered under such master license, and the owner shall display such decal
388 on such vehicle at all times in the manner prescribed by the department by rule or
389 regulation or shall maintain a copy of the certificate in the covered vehicle or
390 electronically on the driver's smartphone which certificate shall be displayed to law
391 enforcement personnel or agents of the department upon request. With regard to ride
392 share drivers who are employed directly by a ride share network service or who operate
393 as independent contractors for a ride share network service, the ride share network service
394 shall be responsible for either obtaining a master license for all of its affiliated ride share
395 drivers or for paying the sales and use tax on such fares pursuant to Chapter 8 of Title 48
396 on all fares collected. The obtaining of a master license shall not operate to relieve the
397 owner of a for-hire vehicle from sales and use taxes on fares which were previously
398 incurred.

399 (3) The owner of each for-hire vehicle in operation in this state on July 1, 2016, who
400 chooses to obtain a for-hire master license in lieu of paying sales and use taxes on fares
401 shall obtain a for-hire master license from the department prior to such date and shall
402 obtain a decal or certificate for each motor vehicle covered under such master license,
403 and the owner shall either display such decal on such vehicle at all times in the manner
404 prescribed by the department by rule or regulation or shall maintain a copy of the
405 certificate in the covered vehicle or electronically on the driver's smartphone which
406 certificate shall be displayed to law enforcement personnel or agents of the department
407 upon request.

408 (4) The annual fee for such master license shall be as follows:

- 409 (A) For 1 to 5 for-hire vehicles \$1,500.00
- 410 (B) For 6 to 59 for-hire vehicles 12,050.00
- 411 (C) For 60 to 100 for-hire vehicles 25,000.00
- 412 (D) For 101 to 150 for-hire vehicles 40,000.00

413	<u>(E) For 151 to 200 for-hire vehicles</u>	<u>56,000.00</u>
414	<u>(F) For 201 to 250 for-hire vehicles</u>	<u>75,000.00</u>
415	<u>(G) For 251 to 300 for-hire vehicles</u>	<u>90,000.00</u>
416	<u>(H) For 301 to 350 for-hire vehicles</u>	<u>105,000.00</u>
417	<u>(I) For 351 to 500 for-hire vehicles</u>	<u>150,000.00</u>
418	<u>(J) For 501 to 1,000 for-hire vehicles</u>	<u>300,000.00</u>
419	<u>(K) For 1,001 and greater for-hire vehicles</u>	<u>300,000.00</u>
420		<u>plus \$250,000.00 for each</u>
421		<u>additional 1,000 vehicles or</u>
422		<u>fraction thereof.</u>

423 Decals or certificates shall be issued in connection with the master license at no charge
 424 by the department. The number of vehicles shall be determined by adding the number
 425 of for-hire vehicles utilized by the owner during each of the preceding months in the
 426 immediately preceding 12 month period and dividing such sum by 12.

427 (5) Of this fee, 57 percent shall be retained by the state for deposit in the general fund
 428 of the state treasury and 43 percent shall be forwarded to the county tag agent to allocate
 429 and distribute to the county governing authority and to municipal governing authorities,
 430 the board of education of the county school system, and the board of education of any
 431 independent school system located in such county in the manner provided in this
 432 paragraph:

433 (A) An amount equal to one-third of such proceeds shall be distributed to the board of
 434 education of the county school system and the board of education of each independent
 435 school system located in such county in the same manner as required for any local sales
 436 and use tax for educational purposes levied pursuant to Part 2 of Article 3 of Chapter 8
 437 of Title 48 currently in effect. If such tax is not currently in effect, such proceeds shall
 438 be distributed to such board or boards of education in the same manner as if such tax
 439 were in effect;

440 (B)(i) Except as otherwise provided in this subparagraph, an amount equal to
 441 one-third of such proceeds shall be distributed to the governing authority of the
 442 county and the governing authority of each qualified municipality located in such
 443 county in the same manner as specified under the distribution certificate for the joint
 444 county and municipal sales and use tax under Article 2 of Chapter 8 of Title 48
 445 currently in effect;

446 (ii) If such tax were never in effect, such proceeds shall be distributed to the
 447 governing authority of the county and the governing authority of each qualified
 448 municipality located in such county on a pro rata basis according to the ratio of the
 449 population that each such municipality bears to the population of the entire county;

450 (iii) If such tax is currently in effect as well as a local option sales and use tax for
451 educational purposes levied pursuant to a local constitutional amendment, an amount
452 equal to one-third of such proceeds shall be distributed in the same manner as
453 required under division (i) of this subparagraph and an amount equal to one-third of
454 such proceeds shall be distributed to the board of education of the county school
455 system;

456 (iv) If such tax is not currently in effect and a local option sales and use tax for
457 educational purposes levied pursuant to a local constitutional amendment is currently
458 in effect, such proceeds shall be distributed to the board of education of the county
459 school system and the board of education of any independent school system in the
460 same manner as required under such local constitutional amendment; and

461 (v) If such tax is not currently in effect and a homestead option sales and use tax
462 under Article 2A of Chapter 8 of Title 48 is in effect, such proceeds shall be
463 distributed to the governing authority of the county, each qualified municipality, and
464 each existing municipality in the same proportion as otherwise required under Code
465 Section 48-8-104; and

466 (C)(i) An amount equal to one-third of such proceeds shall be distributed to the
467 governing authority of the county and the governing authority of each qualified
468 municipality located in such county in the same manner as specified under an
469 intergovernmental agreement or as otherwise required under the county special
470 purpose local option sales and use tax under Part 1 of Article 3 of Chapter 8 of
471 Title 48 currently in effect; provided, however, that this division shall not apply if
472 division (iii) of subparagraph (B) of this paragraph is applicable;

473 (ii) If such tax were in effect but expired and is not currently in effect, such proceeds
474 shall be distributed to the governing authority of the county and the governing
475 authority of each qualified municipality located in such county in the same manner
476 as if such tax were still in effect according to an intergovernmental agreement or as
477 otherwise required under the county special purpose local option sales and use tax
478 under Part 1 of Article 3 of Chapter 8 of Title 48 for the 12 month period
479 commencing at the expiration of such tax. If such tax is not renewed prior to the
480 expiration of such 12 month period, such amount shall be distributed in accordance
481 with division (i) of subparagraph (B) of this paragraph; provided, however, that if a
482 tax under Article 2 of Chapter 8 of Title 48 is not in effect, such amount shall be
483 distributed in accordance with division (ii) of subparagraph (B) of this paragraph;

484 (iii) If such tax is not currently in effect in a county in which a tax is levied for
485 purposes of a metropolitan area system of public transportation, as authorized by the
486 amendment to the Constitution set out at Ga. L. 1964, p. 1008; the continuation of

487 such amendment under Article XI, Section I, Paragraph IV(d) of the Constitution; and
 488 the laws enacted pursuant to such constitutional amendment, such proceeds shall be
 489 distributed to the governing body of the authority created by local Act to operate such
 490 metropolitan area system of public transportation; and

491 (iv) If such tax were never in effect, such proceeds shall be distributed in the same
 492 manner as specified under the distribution certificate for the joint county and
 493 municipal sales and use tax under Article 2 of Chapter 8 of Title 48 currently in
 494 effect; provided, however, that if such tax under such article is not in effect, such
 495 proceeds shall be distributed to the governing authority of the county and the
 496 governing authority of each qualified municipality located in such county on a pro
 497 rata basis according to the ratio of the population that each such municipality bears
 498 to the population of the entire county.

499 (6) On and after July 1, 2016, it shall be illegal for an owner of a for-hire vehicle who
 500 chooses to obtain a master license in lieu of paying sales and use taxes on fares and who
 501 is providing transportation services to fail to display a current tax decal or maintain a
 502 physical or electronic certificate in such vehicle as prescribed by this subsection and as
 503 may be required by the department by rule or regulation. Any person who violates this
 504 paragraph shall be guilty of a misdemeanor of a high and aggravated nature and
 505 additionally shall be subject to a civil fine of not more than \$5,000.00 per violation."

506 **SECTION 5.**

507 Said title is further amended by revising paragraphs (9) and (11) of Code Section 40-5-1,
 508 relating to definitions, and adding new paragraphs to read as follows:

509 "(9) ~~Reserved~~ 'For hire' means to operate a motor vehicle in this state for the purpose of
 510 transporting passengers for compensation or donation as a limousine carrier, ride share
 511 network or driver, or taxi service as such terms are defined in Code Section 40-1-190.

512 (9.1) 'For-hire license endorsement' means an endorsement to a driver's license pursuant
 513 to Code Section 40-5-39 that authorizes the holder of the license to operate a motor
 514 vehicle for the purpose of transporting passengers in this state for compensation or
 515 donation as a limousine carrier, ride share network or driver, or taxi service as such terms
 516 are defined in Code Section 40-1-190."

517 "(11) ~~Reserved~~ 'Limousine carrier' means any limousine company or provider which is
 518 licensed with this state pursuant to paragraph (5) of Code Section 40-1-151."

519 "(16.01) 'Ride share driver' means an individual who uses his or her personal passenger
 520 car, as defined in paragraph (41) of Code Section 40-1-1, to provide transportation for
 521 passengers arranged through a ride share network service.

522 (16.02) 'Ride share network service' means any person or entity that uses a digital
 523 network or Internet network to connect passengers to ride share drivers for the purpose
 524 of prearranged transportation for hire or for donation."

525 "(18) 'Taxi service' means any taxicab company or provider which utilizes a motor
 526 vehicle or similar vehicle, device, machine, or conveyance to transport passengers; uses
 527 a taximeter; and is registered with the Department of Public Safety and, if applicable, is
 528 authorized to provide taxicab services pursuant to an ordinance of a local government in
 529 this state."

530 **SECTION 6.**

531 Said title is further amended by revising Code Section 40-5-39, relating to endorsement on
 532 license of limousine chauffeur, requirements, and term, as follows:

533 "40-5-39.

534 (a) No person shall operate a motor vehicle for hire in this state unless such person:

535 (1) Has a for-hire license endorsement pursuant to this Code section and has liability
 536 insurance coverage in the amounts required by law for the class of motor vehicle being
 537 operated for hire and the requirements for limousine carriers, ride share networks and
 538 drivers, and taxi services, as applicable; or

539 (2) Has a private background check certification pursuant to this Code section and has
 540 liability insurance coverage in the amounts required by law for the class of motor vehicle
 541 being operated for hire and the requirements for limousine carriers, ride share networks
 542 and drivers, and taxi services, as applicable.

543 This shall include, but not be limited to, ride share drivers and persons operating motor
 544 vehicles for limousine carriers and taxicabs for taxi services.

545 ~~(a)~~(b) The department shall ~~endorse the driver's license of any approved limousine~~
 546 ~~chauffeur employed by a limousine carrier~~ provide a for-hire license endorsement for any
 547 qualified person under this Code section. In order to be eligible for such endorsement, an
 548 applicant shall:

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

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

552 (3) Not have been convicted, been on probation or parole, or served time on a sentence
 553 for a period of ~~ten~~ seven years previous to the date of application for any felony or any
 554 other crime of moral turpitude or a pattern of misdemeanors that evidences a disregard
 555 for the law unless he or she has received a pardon and can produce evidence of same. For
 556 the purposes of this paragraph, a plea of nolo contendere shall be considered to be a
 557 conviction, and a conviction for which a person has been free from custody and free from

558 supervision for at least ~~ten~~ seven years shall not be considered a conviction unless the
 559 conviction is for a dangerous sexual offense which is contained in Code Section 42-1-12
 560 or the criminal offense was committed against a victim who was a minor at the time of
 561 the offense;

562 (4) Submit at least one set of classifiable electronically recorded fingerprints to the
 563 department in accordance with the fingerprint system of identification established by the
 564 director of the Federal Bureau of Investigation. The department shall transmit the
 565 fingerprints to the Georgia Crime Information Center, which shall submit the fingerprints
 566 to the Federal Bureau of Investigation for a search of bureau records and an appropriate
 567 report and promptly conduct a search of state records based upon the fingerprints. After
 568 receiving the report from the Georgia Crime Information Center and the Federal Bureau
 569 of Investigation, the department shall determine whether the applicant may be certified;
 570 and

571 (5) Be a United States citizen, or if not a citizen, present federal documentation verified
 572 by the United States Department of Homeland Security to be valid documentary evidence
 573 of lawful presence in the United States under federal immigration law; and

574 (6) Provide proof of liability insurance coverage in such amounts as provided by law for
 575 the class of motor vehicle being operated for hire and the requirements for limousine
 576 carriers, ride share networks and drivers, and taxi services, as applicable.

577 ~~(b)~~(c) Such endorsement shall be valid for the same term as such person's driver's license,
 578 provided that each person seeking renewal of a driver's license with such endorsement shall
 579 submit to a review of his or her criminal history for verification of his or her continued
 580 eligibility for such endorsement prior to making application for such renewal using the
 581 same process set forth in subsection ~~(a)~~ (b) of this Code section. If such person no longer
 582 satisfies the background requirements set forth herein, he or she shall not be eligible for the
 583 inclusion of such endorsement on his or her driver's license, and it shall be renewed without
 584 the endorsement.

585 ~~(c)~~(d) Every ~~chauffeur employed by a limousine carrier~~ person who operates a motor
 586 vehicle for hire in this state shall have his or her Georgia driver's license with the
 587 prescribed for-hire license endorsement in his or her possession at all times while operating
 588 a motor vehicle ~~of a limousine carrier~~ for hire in this state or shall have his or her Georgia
 589 driver's license and a private background check certification pursuant to subsection (e) of
 590 this Code section in his or her possession. Such driver's license with a for-hire
 591 endorsement or such driver's license and private background check certification shall be
 592 presented to a law enforcement officer upon request by such officer.

593 (e)(1) A person operating a motor vehicle for hire in this state may obtain a private
 594 background check in lieu of obtaining a for-hire endorsement. Such background check

595 shall be conducted by the taxi service, limousine carrier, or ride share network service
596 that employs such driver.

597 (2) The taxi service, limousine carrier, or ride share network service shall require such
598 person to submit an application to the taxi service, limousine carrier, or ride share
599 network service which includes, but is not limited to, information regarding such person's
600 address, age, driver's license information and number, driving history, motor vehicle
601 registration, automobile liability insurance, and other information necessary to complete
602 a background check on such person.

603 (3) The taxi service, limousine carrier, or ride share network service shall conduct or
604 cause to be conducted a local and national criminal background check on such person
605 which shall include:

606 (A) A search of a multistate, multijurisdiction criminal records locator or similar
607 nation-wide data base with validation or primary source search;

608 (B) A search of the national sex offender registry data base; and

609 (C) The obtaining and review of a driving history research report.

610 (4) The taxi service, limousine carrier, or ride share network service shall review the
611 background check and issue a private background check certification to such person;
612 provided, however, that no such certification shall be issued to a person whose
613 background check discloses that such person:

614 (A) Has had more than three moving violations in the prior three-year period or has
615 one major traffic violation, as such term is defined in Code Section 40-5-142, in the
616 prior three-year period;

617 (B) Has been convicted within the past seven years of driving under the influence of
618 drugs or alcohol or has been convicted at any time of fraud, a sexual offense, the use
619 of a motor vehicle to commit a felony, a crime involving property damage, a crime
620 involving theft, a crime involving an act of violence, or a crime involving an act of
621 terror;

622 (C) Has a match on the national sex offender registry data base;

623 (D) Does not have a valid driver's license;

624 (E) If such person will be using such person's vehicle as the motor vehicle to be
625 operated for hire, does not possess proof of registration for such vehicle;

626 (F) Does not possess proof of liability insurance coverage in such amounts as provided
627 by law for the class of motor vehicle being operated for hire and the requirements for
628 limousine carriers, ride share networks and drivers, and taxi services, as applicable; and

629 (G) Is not at least 18 years of age.

630 (5) Such private background check certification shall be issued in written form or in a
 631 form which may be displayed electronically on a smartphone. Such private background
 632 check certification shall be valid for a period of five years from the date of its issuance.
 633 ~~(d)~~(f) The department is authorized to promulgate rules and regulations as necessary to
 634 implement this Code section.
 635 (g) Any person who violates the provisions of this Code section shall be guilty of a
 636 misdemeanor."

637 **SECTION 7.**

638 Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to exemptions from
 639 sales and use taxes, is amended by revising paragraph (25), which was previously reserved,
 640 as follows:

641 "(25) Reserved Fares of for-hire vehicles for which the owners of such vehicles have
 642 chosen to purchase a for-hire master license in lieu of paying sales and use taxes on fares
 643 pursuant to the provisions of subsection (b) of Code Section 40-2-168. This provision
 644 shall not relieve taxi services, limousine carriers, transportation referral services,
 645 transportation referral service providers, or ride share service networks of sales and use
 646 tax liability on fares incurred prior to the purchase of such for-hire master license;".

647 **SECTION 8.**

648 Sections 2, 3, 5, and 6 of this Act shall become effective on July 1, 2015. Sections 4 and 7
 649 shall be come effective on July 1, 2016. The remaining sections of this Act shall become
 650 effective upon the approval of this Act by the Governor or upon this Act becoming law
 651 without such approval.

652 **SECTION 9.**

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