

House Bill 225 (AS PASSED HOUSE AND SENATE)

By: Representatives Powell of the 32<sup>nd</sup>, Dunahoo of the 30<sup>th</sup>, Carson of the 46<sup>th</sup>, Rutledge of the 109<sup>th</sup>, Hitchens of the 161<sup>st</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To regulate transportation for hire; to amend Chapter 60 of Title 36 of the Official Code of  
2 Georgia Annotated, relating to general provisions regarding provisions applicable to counties  
3 and municipal corporations, so as to preserve existing certificates of public necessity and  
4 convenience and medallion systems for taxicabs and to restrict the future use thereof; to  
5 provide that operators of taxicabs have for-hire license endorsements; to prohibit the staging  
6 of certain vehicles; to provide certain insurance requirements for taxicabs; to amend Title 40  
7 of the Official Code of Georgia Annotated, relating to motor vehicles, so as to change certain  
8 provisions relating to commercial indemnity liability insurance for limousine carriers; to  
9 provide for the comprehensive regulation of transportation referral services, transportation  
10 referral service providers, ride share network services, and ride share drivers; to provide for  
11 definitions; to provide for legislative intent; to provide for registration and licensing of such  
12 providers; to provide for certain disclosures; to prohibit certain practices and to provide  
13 penalties for violations; to prohibit the waiver of rights by passengers under certain  
14 conditions; to provide for billing methods; to provide for master license fees for for-hire  
15 vehicles in lieu of sales and use taxes on fares; to provide for for-hire license endorsements;  
16 to amend Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to  
17 exemptions from sales and use taxes, so as to provide an exemption; to provide for related  
18 matters; to provide for effective dates and for legislative intent; to repeal conflicting laws;  
19 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 regarding provisions applicable to counties and municipal corporations, is  
24 amended by revising subsection (a) of Code Section 36-60-25, relating to certificates of  
25 public necessity and convenience and medallions for taxicabs, and by adding new  
26 subsections to read as follows:

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

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

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

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

61 (f) No person shall operate a taxicab for the purpose of carrying or transporting passengers  
62 for hire unless such person maintains insurance from an insurance company licensed under

63 Title 33, through a surplus line broker licensed under Title 33, or is qualified as a  
 64 self-insurer pursuant to Code Section 33-34-5.1."

65 **SECTION 2.**

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

69 "40-1-158.

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

74 **SECTION 2.1.**

75 Said title is further amended by revising Code Section 40-1-166, relating to commercial  
 76 indemnity and liability insurance, as follows:

77 "40-1-166.

78 Each limousine carrier shall obtain and maintain commercial indemnity and liability  
 79 insurance with an insurance company ~~authorized to do business in this state~~ licensed under  
 80 Title 33 or through a surplus line broker licensed under Title 33, which policy shall provide  
 81 for the protection of passengers and property carried and of the public against injury  
 82 proximately caused by the negligence of the limousine carrier, its servants, and its agents.

83 The minimum amount of such insurance shall be:

84 (1) For capacity of 12 passengers or less, \$300,000.00 for bodily injuries to or death of  
 85 all persons in any one accident with a maximum of \$100,000.00 for bodily injuries to or  
 86 death of one person, and \$50,000.00 for loss of damage in any one accident to property  
 87 of others, excluding cargo; or

88 (2) For capacity of more than 12 passengers, \$500,000.00 for bodily injuries to or death  
 89 of all persons in any one accident with a maximum of \$100,000.00 for bodily injuries to  
 90 or death of one person, and \$50,000.00 for loss of damage in any one accident to property  
 91 of others, excluding cargo."

92 **SECTION 3.**

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

"Part 4

95

96 40-1-190.97 As used in this part, the term:98 (1) 'Limousine carrier' means any limousine company or provider which is licensed with  
99 the state pursuant to paragraph (5) of Code Section 40-1-151.100 (2) 'Metering device' means an instrument or device which is utilized for the purpose of  
101 calculating for-hire fares based upon distance, time, mileage, and administrative fees and  
102 which is not a taximeter.103 (3) 'Ride share driver' means an individual who uses his or her personal passenger car,  
104 as defined in paragraph (41) of Code Section 40-1-1, to provide transportation for  
105 passengers arranged through a ride share network service.106 (4) 'Ride share network service' means any person or entity that uses a digital network  
107 or Internet network to connect passengers to ride share drivers for the purpose of  
108 prearranged transportation for hire or for donation. The term 'ride share network service'  
109 shall not include any corporate sponsored vanpool or exempt rideshare as such terms are  
110 defined in Code Section 40-1-100, provided that such corporate sponsored vanpool or  
111 exempt rideshare is not operated for the purpose of generating a profit.112 (5) 'Taxi service' means any taxicab company or provider which utilizes a motor vehicle  
113 or similar vehicle, device, machine, or conveyance to transport passengers; uses a  
114 taximeter; and is authorized to provide taxicab services pursuant to an ordinance of a  
115 local government in this state.116 (6) 'Taximeter' means an instrument or device approved by the applicable local  
117 government which is utilized by a taxi service for the purpose of calculating fares based  
118 upon distance, time, and mileage.119 (7) 'Transportation referral service' means any person or entity that books, refers clients  
120 to, collects money for, or advertises transportation services provided by a limousine  
121 carrier or taxi service by means of a telephone, through cellular telephone software,  
122 through the Internet, in person, by written instrument, by any person, or by any other  
123 means, and does not own or lease any motor vehicle required to be registered with the  
124 Department of Public Safety as a limousine carrier or a taxi service. A transportation  
125 referral service shall not include emergency or nonemergency medical transports.126 (8) 'Transportation referral service provider' means any person or entity that books, refers  
127 clients to, collects money for, or advertises transportation services provided by a  
128 limousine carrier or taxi service by means of a telephone, through cellular telephone  
129 software, through the Internet, in person, by written instrument, by any person, or by any  
130 other means and owns or leases one or more motor vehicles required to be registered with

131 the Department of Public Safety as a limousine carrier or a local government in this state  
132 as a taxi service. A transportation referral service provider shall not include emergency  
133 or nonemergency medical transports.

134 40-1-191.

135 The General Assembly finds that it is in the public interest to provide uniform  
136 administration and parity among ride share network services, transportation referral  
137 services, and transportation referral service providers, including taxi services, that operate  
138 in this state for the safety and protection of the public. The General Assembly fully  
139 occupies and preempts the entire field of administration and regulation over ride share  
140 network services, transportation referral services, transportation referral service providers,  
141 and taxi services as governed by this part; provided, however, that the governing authority  
142 of any county or municipal airport shall be authorized to regulate any ride share network  
143 service, transportation referral service, transportation referral service provider, and taxi  
144 service consistent with the process used for limousine carriers, as set forth in Code  
145 Section 40-1-162, who are doing business at any such airport and may establish fees as part  
146 of such regulation process; provided, further, that such fees shall not exceed the airport's  
147 approximate cost of permitting and regulating ride share network services, transportation  
148 referral services, transportation referral service providers, and taxi services; and provided,  
149 further, that such governing authorities of such airports shall accept a for-hire license  
150 endorsement or private background check certification pursuant to Code Section 40-5-39  
151 as adequate evidence of sufficient criminal background investigations and shall not require  
152 any fee for any further criminal background investigation; and provided, further, that local  
153 governments may maintain certificates of public necessity and convenience and medallion  
154 requirements and company requirements for taxi services as provided in this part and may  
155 establish maximum fares for taxi services. The list of ride share network services,  
156 transportation referral services, transportation referral service providers, and taxi services  
157 on the website of the department shall be sufficient evidence that such services have  
158 licenses issued by the department.

159 40-1-192.

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

164 (b) Each transportation referral service provider doing business, operating, or providing  
165 transportation services in this state shall register with the department. Upon receipt of

166 registration by the department, the department shall issue a license to such transportation  
167 referral service provider which shall be renewed on an annual basis. The department may  
168 charge a fee for such license and registration not to exceed \$100.00. Limousine carriers,  
169 as a part of the licensure and permitting process for limousine carriers, shall be registered  
170 and licensed as a transportation referral service provider under this part. A transportation  
171 referral service provider that receives referrals from a transportation referral service or a  
172 transportation referral service provider shall be required to disclose to the department that  
173 it is receiving referrals from such transportation referral service or transportation referral  
174 service provider; provided, however, that the limousine carrier or taxi service shall be  
175 required to comply with the requirements of this part.

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

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

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

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

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

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

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

199 (B) Any driver either directly employed by or contracted with a taxi service which the  
200 taxi service contracts with or utilizes for the provision of transportation services in this  
201 state possesses and maintains any required permits or licenses required by the federal

202 government or the local government where the transportation services are to be  
203 provided;

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

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

216 (7) Shall ensure that each limousine carrier with which such transportation referral  
217 service provider contracts or utilizes for the provision of transportation services in this  
218 state has the commercial indemnity and liability insurance required by Code  
219 Section 40-1-166 or each taxi service with which such transportation referral service  
220 provider contracts or utilizes for the provision of transportation services in this state has  
221 the minimum amount of commercial liability insurance prescribed by state law;

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

228 (9) Have complied with or determined that the limousine carrier or taxi service with  
229 which the provider contracts with or utilizes for the provision of transportation services  
230 in this state is in compliance with any and all other applicable requirements prescribed  
231 by the laws of the state, the rules and regulations of the department, and the ordinances  
232 of local governments where such transportation services are provided; and

233 (10) Comply with the provisions of Code Section 40-8-7. No additional vehicle  
234 inspections shall be required for taxi services or limousine carriers.

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

237 40-1-193.

238 (a) Each ride share network service doing business or operating in this state shall register  
239 with the department. Upon receipt of registration by the department, the department shall  
240 issue a license to such ride share network service which shall be renewed on an annual  
241 basis. The department may charge a fee for such license and registration not to exceed  
242 \$100.00.

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

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

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

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

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

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

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

264 (d) Each ride share driver utilized by such ride share network service, whether such driver  
265 is employed directly by the ride share network service or operates as an independent  
266 contractor, shall maintain on his or her smartphone digital identification containing the  
267 following information while active on the ride share network service's digital network:

268 (1) The name and photograph of the driver;

269 (2) The make and model of the motor vehicle being driven;

270 (3) The license plate number of the motor vehicle being driven;

271 (4) Certificates of insurance for the motor vehicle being driven; and

272 (5) Such other information as may be required by the Department of Public Safety.

273 Upon reasonable suspicion of a law enforcement officer of improper operation by a ride  
 274 share driver, the ride share driver, upon request, shall provide the law enforcement officer  
 275 with access to the smartphone containing the digital information required by this subsection  
 276 and the electronic record of the trips sufficient to establish that the trip in question was  
 277 prearranged through digital dispatch of the ride share network service. The ride share  
 278 driver shall not be required to relinquish custody of the smartphone containing the digital  
 279 information required by this subsection and the electronic record of the trips arranged  
 280 through digital dispatch of the ride share network service.

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

282 40-1-194.

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

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

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

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

299 (B) No ride share driver who does not have an appropriate driver's license and either  
 300 a for-hire endorsement or current private background check certification pursuant to  
 301 Code Section 40-5-39 shall contract with or accept referrals from a transportation  
 302 referral service, transportation referral service provider, or ride share network service  
 303 for transportation services.

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

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

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

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

317 40-1-195.

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

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

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

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

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

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

337 40-1-196.

338 (a) Rates for taxi services set by a local government shall constitute the maximum fare  
 339 which may be charged but shall not prohibit a taxi service from charging lower fares.  
 340 Transportation services provided by taxi services and arranged by a transportation referral  
 341 service or transportation referral service provider doing business in this state shall be billed  
 342 in accordance with the fare rates prescribed by the local government where such taxi

343 services are to be provided. The use of Internet or cellular telephone software to calculate  
 344 rates shall not be permitted unless such software complies with and conforms to the  
 345 weights and measures standards of the local government that licenses such taxi service.

346 (b) Transportation services provided by limousine carriers and arranged by a transportation  
 347 referral service or transportation referral service provider shall only be billed in accordance  
 348 with the rates of such limousine carriers on an hourly basis or upon one or more of the  
 349 following factors: distance, flat fee, base fee, waiting time, cancellation fee, stop fee, event  
 350 pricing, demand pricing, or time. The charge for such transportation services may be  
 351 calculated by the use of a metering device in or affixed to the motor vehicle.

352 (c) A ride share driver contracted with a ride share network service may offer  
 353 transportation services at no charge, suggest a donation, or charge a fare. If a ride share  
 354 driver contracted with a ride share network service charges a fare, such fare shall be  
 355 calculated based upon one or more of the following factors: distance, flat fee, base fee,  
 356 waiting time, cancellation fee, stop fee, event pricing, demand pricing, or time. The fare  
 357 may be calculated by the use of a metering device in or affixed to the motor vehicle.

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

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

363 40-1-197.

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

366 40-1-198.

367 (a) Each transportation referral service provider shall maintain a current list of all drivers  
 368 that such provider employs directly or as independent contractors in this state. Such lists  
 369 shall not be subject to inspection or disclosure under Article 4 of Chapter 18 of Title 50 but  
 370 shall be made available for inspection by law enforcement officers and representatives of  
 371 other government agencies upon request to ascertain compliance with this title.

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

374 40-1-199.

375 A waiver of any rights with regard to personal injuries as the result of any transportation  
 376 services provided by such ride share network service, transportation referral service,

377 transportation referral service provider, limousine carrier, or taxi service by any person  
 378 utilizing the services of a ride share network service, transportation referral service,  
 379 transportation referral service provider, limousine carrier, or taxi service in this state shall  
 380 not be valid unless such person is given written or electronic notice of such waiver prior  
 381 to receiving such services and knowingly and willfully agrees to such waiver.

382 40-1-200.

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

384 **SECTION 4.**

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

387 "40-2-168.

388 (a) Owners of a taxicab or limousine, prior to commencing operation in this state, shall,  
 389 upon complying with the motor vehicle laws relating to registration and licensing of motor  
 390 vehicles, and the payment of an annual registration fee of \$25.00, be issued a distinctive  
 391 license plate by the commissioner. Such distinctive license plate shall be designed by the  
 392 commissioner and displayed on the vehicle as provided in Code Section 40-2-41. The  
 393 certificate of registration shall be kept in the vehicle. Revalidation decals shall be issued,  
 394 upon payment of fees required by law, in the same manner as provided for general issue  
 395 license plates. Such license plates shall be transferred from one vehicle to another vehicle  
 396 of the same class and acquired by the same person as provided in Code Section 40-2-42.  
 397 ~~The transition period shall commence on May 20, 2010, and conclude no later than~~  
 398 ~~December 31, 2010, for all existing registrations.~~ For all existing registrations, except  
 399 during the owner's registration period as provided in Code Section 40-2-21, the  
 400 commissioner shall exchange and replace any current and valid registration and license  
 401 plate at no charge to the owner. Such license plates shall not be issued to any owner of a  
 402 taxicab or limousine, as such term is defined in paragraph (4) of Code Section 40-1-151,  
 403 that is not properly licensed as such by the Department of Public Safety or a political  
 404 subdivision of this state.

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

409 (2) On and after July 1, 2017, an owner of each for-hire vehicle, prior to commencing  
 410 operations in this state and annually thereafter, shall obtain a for-hire vehicle master  
 411 license from the department. The department shall issue a decal or certificate for each

412 motor vehicle covered under such master license, and the owner shall display such decal  
 413 on such vehicle at all times in the manner prescribed by the department by rule or  
 414 regulation or shall maintain a copy of the certificate in the covered vehicle or  
 415 electronically on the driver's smartphone which certificate shall be displayed to law  
 416 enforcement personnel or agents of the department upon request. With regard to ride  
 417 share drivers who are employed directly by a ride share network service or who operate  
 418 as independent contractors for a ride share network service, the ride share network service  
 419 shall be responsible for obtaining a master license for all of its affiliated ride share  
 420 drivers. The obtaining of a master license shall not operate to relieve a taxi service, a  
 421 limousine carrier, a ride share network service, or the owner of a for-hire vehicle from  
 422 sales and use taxes on fares which were previously incurred.

423 (3) The owner of each for-hire vehicle in operation in this state on July 1, 2017, shall  
 424 obtain a for-hire master license from the department prior to such date and shall obtain  
 425 a decal or certificate for each motor vehicle covered under such master license, and the  
 426 owner shall either display such decal on such vehicle at all times in the manner prescribed  
 427 by the department by rule or regulation or shall maintain a copy of the certificate in the  
 428 covered vehicle or electronically on the driver's smartphone which certificate shall be  
 429 displayed to law enforcement personnel or agents of the department upon request. With  
 430 regard to ride share drivers who are employed directly by a ride share network service or  
 431 who operate as independent contractors for a ride share network service, the ride share  
 432 network service shall be responsible for obtaining a master license for all of its affiliated  
 433 ride share drivers. The obtaining of a master license shall not operate to relieve a taxi  
 434 service, a limousine carrier, a ride share network service, or the owner of a for-hire  
 435 vehicle from sales and use taxes on fares which were previously incurred.

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

437	<u>(A) For 1 to 5 for-hire vehicles . . . . .</u>	<u>\$1,500.00</u>
438	<u>(B) For 6 to 59 for-hire vehicles . . . . .</u>	<u>12,050.00</u>
439	<u>(C) For 60 to 100 for-hire vehicles . . . . .</u>	<u>25,000.00</u>
440	<u>(D) For 101 to 150 for-hire vehicles . . . . .</u>	<u>40,000.00</u>
441	<u>(E) For 151 to 200 for-hire vehicles . . . . .</u>	<u>56,000.00</u>
442	<u>(F) For 201 to 250 for-hire vehicles . . . . .</u>	<u>75,000.00</u>
443	<u>(G) For 251 to 300 for-hire vehicles . . . . .</u>	<u>90,000.00</u>
444	<u>(H) For 301 to 350 for-hire vehicles . . . . .</u>	<u>105,000.00</u>
445	<u>(I) For 351 to 500 for-hire vehicles . . . . .</u>	<u>150,000.00</u>
446	<u>(J) For 501 to 1,000 for-hire vehicles . . . . .</u>	<u>300,000.00</u>
447	<u>(K) For 1,001 and greater for-hire vehicles . . . . .</u>	<u>300,000.00</u>
448		<u>plus \$25,000.00 for each</u>

449 additional 100 vehicles or  
 450 fraction thereof.

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

455 (5) Of this annual master license fee, 57 percent shall be retained by the state for deposit  
 456 in the general fund of the state treasury. At the time of payment of the annual master  
 457 license fee, the owner obtaining the master license shall provide to the department a  
 458 written declaration setting forth the county or counties in which vehicles operate. The  
 459 remaining 43 percent of the annual master license fee shall be divided by the department  
 460 proportionately according to population to the county or counties set forth in such  
 461 declaration. The proportional amounts shall be distributed to the county tag agent in each  
 462 such county to allocate and distribute to the county governing authority and to municipal  
 463 governing authorities, the board of education of the county school system, and the board  
 464 of education of any independent school system located in such county in the manner  
 465 provided in this paragraph:

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

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

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

483 (iii) If such tax is currently in effect as well as a local option sales and use tax for  
 484 educational purposes levied pursuant to a local constitutional amendment, an amount  
 485 equal to one-third of such proceeds shall be distributed in the same manner as

486 required under division (i) of this subparagraph and an amount equal to one-third of  
487 such proceeds shall be distributed to the board of education of the county school  
488 system;

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

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

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

506 (ii) If such tax were in effect but expired and is not currently in effect, such proceeds  
507 shall be distributed to the governing authority of the county and the governing  
508 authority of each qualified municipality located in such county in the same manner  
509 as if such tax were still in effect according to an intergovernmental agreement or as  
510 otherwise required under the county special purpose local option sales and use tax  
511 under Part 1 of Article 3 of Chapter 8 of Title 48 for the 12 month period  
512 commencing at the expiration of such tax. If such tax is not renewed prior to the  
513 expiration of such 12 month period, such amount shall be distributed in accordance  
514 with division (i) of subparagraph (B) of this paragraph; provided, however, that if a  
515 tax under Article 2 of Chapter 8 of Title 48 is not in effect, such amount shall be  
516 distributed in accordance with division (ii) of subparagraph (B) of this paragraph.

517 (iii) If such tax is not currently in effect in a county in which a tax is levied for  
518 purposes of a metropolitan area system of public transportation, as authorized by the  
519 amendment to the Constitution set out at Ga. L. 1964, p. 1008; the continuation of  
520 such amendment under Article XI, Section I, Paragraph IV(d) of the Constitution; and  
521 the laws enacted pursuant to such constitutional amendment, such proceeds shall be

522 distributed to the governing body of the authority created by local Act to operate such  
 523 metropolitan area system of public transportation.

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

532 (6) On and after July 1, 2017, it shall be illegal for a taxi service, a limousine carrier, a  
 533 ride share network service, or an owner of a for-hire vehicle who is providing  
 534 transportation services to fail to display a current tax decal or maintain a physical or  
 535 electronic certificate in such vehicle as prescribed by this subsection and as may be  
 536 required by the department by rule or regulation. Any person who violates this paragraph  
 537 shall be guilty of a misdemeanor of a high and aggravated nature and additionally shall  
 538 be subject to a civil fine of not more than \$5,000.00 per violation.

539 (7) This subsection shall be repealed by operation of law on July 1, 2017."

540 **SECTION 5.**

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

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

546 (9.1) 'For-hire license endorsement' means an endorsement to a driver's license pursuant  
 547 to Code Section 40-5-39 that authorizes the holder of the license to operate a motor  
 548 vehicle for the purpose of transporting passengers in this state for compensation or  
 549 donation as a limousine carrier, ride share network or driver, or taxi service as such terms  
 550 are defined in Code Section 40-1-190."

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

553 "(16.01) 'Ride share driver' means an individual who uses his or her personal passenger  
 554 car, as defined in paragraph (41) of Code Section 40-1-1, to provide transportation for  
 555 passengers arranged through a ride share network service.

556 (16.02) 'Ride share network service' means any person or entity that uses a digital  
 557 network or Internet network to connect passengers to ride share drivers for the purpose

558 of prearranged transportation for hire or for donation. The term 'ride share network  
 559 service' shall not include any corporate sponsored vanpool or exempt rideshare as such  
 560 terms are defined in Code Section 40-1-100, provided that such corporate sponsored  
 561 vanpool or exempt rideshare is not operated for the purpose of generating a profit."  
 562 "(18) 'Taxi service' means any taxicab company or provider which utilizes a motor  
 563 vehicle or similar vehicle, device, machine, or conveyance to transport passengers; uses  
 564 a taximeter; and is registered with the Department of Public Safety and, if applicable, is  
 565 authorized to provide taxicab services pursuant to an ordinance of a local government in  
 566 this state."

567 **SECTION 6.**

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

570 "40-5-39.

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

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

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

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

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

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

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

589 (3) Not have been convicted, been on probation or parole, or served time on a sentence  
 590 for a period of ~~ten~~ seven years previous to the date of application for any felony or any  
 591 other crime of moral turpitude or a pattern of misdemeanors that evidences a disregard  
 592 for the law unless he or she has received a pardon and can produce evidence of same. For  
 593 the purposes of this paragraph, a plea of nolo contendere shall be considered to be a

594 conviction, and a conviction for which a person has been free from custody and free from  
 595 supervision for at least ~~ten~~ seven years shall not be considered a conviction unless the  
 596 conviction is for a dangerous sexual offense which is contained in Code Section 42-1-12  
 597 or the criminal offense was committed against a victim who was a minor at the time of  
 598 the offense;

599 (4) Submit at least one set of classifiable electronically recorded fingerprints to the  
 600 department in accordance with the fingerprint system of identification established by the  
 601 director of the Federal Bureau of Investigation. The department shall transmit the  
 602 fingerprints to the Georgia Crime Information Center, which shall submit the fingerprints  
 603 to the Federal Bureau of Investigation for a search of bureau records and an appropriate  
 604 report and promptly conduct a search of state records based upon the fingerprints. After  
 605 receiving the report from the Georgia Crime Information Center and the Federal Bureau  
 606 of Investigation, the department shall determine whether the applicant may be certified;  
 607 ~~and~~

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

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

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

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

630 (e)(1) A person operating a motor vehicle for hire in this state may obtain a private  
631 background check in lieu of obtaining a for-hire endorsement. Such background check  
632 shall be conducted by the taxi service, limousine carrier, or ride share network service  
633 that employs such driver.

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

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

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

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

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

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

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

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

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

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

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

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

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

667 (5) Such private background check certification shall be issued in written form or in a  
 668 form which may be displayed electronically on a smartphone. A digital identification  
 669 properly issued pursuant to subsection (d) of Code Section 40-1-193 shall constitute  
 670 sufficient certification of a private background check. Such private background check  
 671 certification shall be valid for a period of five years from the date of its issuance.

672 ~~(d)~~(f) The department is authorized to promulgate rules and regulations as necessary to  
 673 implement this Code section.

674 (g) Any person who violates the provisions of this Code section shall be guilty of a  
 675 misdemeanor."

676 **SECTION 7.**

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

680 "(25) ~~Reserved~~ On and after July 1, 2017, fares of for-hire vehicles for which taxi  
 681 services, limousine carriers, ride share network services, or the owners of such vehicles  
 682 have purchased a for-hire master license in lieu of paying sales and use taxes on fares  
 683 pursuant to the provisions of subsection (b) of Code Section 40-2-168. This provision  
 684 shall not relieve taxi services, limousine carriers, transportation referral services,  
 685 transportation referral service providers, or ride share service networks of sales and use  
 686 tax liability on fares incurred prior to the purchase of such for-hire master license. This  
 687 paragraph shall be repealed by operation of law on July 1, 2017;".

688 **SECTION 8.**

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

693 **SECTION 9.**

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