

House Bill 225 (COMMITTEE SUBSTITUTE) (AM)

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 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 **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 for the  
 53 purpose of soliciting a fare when such vehicle is not engaged in a prearranged round-trip  
 54 or prearranged one-way fare. It shall be illegal to stage limousine carriers, as defined in  
 55 paragraph (5) of Code Section 40-1-151, or ride share drivers, as defined in paragraph (2)  
 56 of Code Section 40-1-190. A person who violates this subsection shall be guilty of a  
 57 misdemeanor."

## 58 SECTION 2.

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

62 "40-1-158.

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

67 **SECTION 3.**

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

70 "Part 4

71 40-1-190.

72 As used in this part, the term:

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

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

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

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

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

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

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

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

106 40-1-191.

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

131 40-1-192.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

204 by the laws of the state, the rules and regulations of the department, and the ordinances  
205 of local governments where such transportation services are provided; and

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

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

210 40-1-193.

211 (a) Each ride share network service doing business or operating in this state shall register  
212 with the department. Upon receipt of registration by the department, the department shall  
213 issue a license to such ride share network service which shall be renewed on an annual  
214 basis. The department may charge a fee for such license and registration not to exceed  
215 \$100.00.

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

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

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

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

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

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

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

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

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

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

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

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

255 40-1-194.

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

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

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

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

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



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

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

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

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

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

290 40-1-195.

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

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

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

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

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

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

310 40-1-196.

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

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

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

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 (E) For 151 to 200 for-hire vehicles . . . . . 56,000.00
- 414 (F) For 201 to 250 for-hire vehicles . . . . . 75,000.00

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 plus \$25,000.00 for each  
421 additional 100 vehicles or  
422 fraction thereof.

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 ~~(e)~~(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. A digital identification  
632 properly issued pursuant to subsection (d) of Code Section 40-1-193 shall constitute

633 sufficient certification of a private background check. Such private background check  
634 certification shall be valid for a period of five years from the date of its issuance.  
635 ~~(d)~~(f) The department is authorized to promulgate rules and regulations as necessary to  
636 implement this Code section.  
637 (g) Any person who violates the provisions of this Code section shall be guilty of a  
638 misdemeanor."

639 **SECTION 7.**

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

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

649 **SECTION 8.**

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

654 **SECTION 9.**

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