

The Senate Committee on Science and Technology offers the following substitute to HB 225:

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; to repeal conflicting laws; and for other purposes.

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

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

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

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

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

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

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

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

64 **SECTION 2.**

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

68 "40-1-158.

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

73 **SECTION 2.1.**

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

76 "40-1-166.

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

82 The minimum amount of such insurance shall be:

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

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

91 **SECTION 3.**

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

94

"Part 495 40-1-190.96 As used in this part, the term:97 (1) 'Limousine carrier' means any limousine company or provider which is licensed with
98 the state pursuant to paragraph (5) of Code Section 40-1-151.99 (2) 'Metering device' means an instrument or device which is utilized for the purpose of
100 calculating for-hire fares based upon distance, time, mileage, and administrative fees and
101 which is not a taximeter.102 (3) 'Ride share driver' means an individual who uses his or her personal passenger car,
103 as defined in paragraph (41) of Code Section 40-1-1, to provide transportation for
104 passengers arranged through a ride share network service.105 (4) 'Ride share network service' means any person or entity that uses a digital network
106 or Internet network to connect passengers to ride share drivers for the purpose of
107 prearranged transportation for hire or for donation. The term 'ride share network service'
108 shall not include any corporate sponsored vanpool or exempt rideshare as such terms are
109 defined in Code Section 40-1-100, provided that such corporate sponsored vanpool or
110 exempt rideshare is not operated for the purpose of generating a profit.111 (5) 'Taxi service' means any taxicab company or provider which utilizes a motor vehicle
112 or similar vehicle, device, machine, or conveyance to transport passengers; uses a
113 taximeter; and is authorized to provide taxicab services pursuant to an ordinance of a
114 local government in this state.115 (6) 'Taximeter' means an instrument or device approved by the applicable local
116 government which is utilized by a taxi service for the purpose of calculating fares based
117 upon distance, time, and mileage.118 (7) 'Transportation referral service' means any person or entity that books, refers clients
119 to, collects money for, or advertises transportation services provided by a limousine
120 carrier or taxi service by means of a telephone, through cellular telephone software,
121 through the Internet, in person, by written instrument, by any person, or by any other
122 means, and does not own or lease any motor vehicle required to be registered with the
123 Department of Public Safety as a limousine carrier or a taxi service. A transportation
124 referral service shall not include emergency or nonemergency medical transports.125 (8) 'Transportation referral service provider' means any person or entity that books, refers
126 clients to, collects money for, or advertises transportation services provided by a
127 limousine carrier or taxi service by means of a telephone, through cellular telephone
128 software, through the Internet, in person, by written instrument, by any person, or by any
129 other means and owns or leases one or more motor vehicles required to be registered with

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

133 40-1-191.

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

158 40-1-192.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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, 2016, an owner of each for-hire vehicle, prior to commencing
 410 operations in this state and annually thereafter, shall either obtain a for-hire vehicle
 411 master license from the department or elect to continue to pay sales and use taxes

412 pursuant to Chapter 8 of Title 48 on all fares collected by such owner. If the owner elects
 413 to purchase a master license, the department shall issue a decal or certificate for each
 414 motor vehicle covered under such master license, and the owner shall display such decal
 415 on such vehicle at all times in the manner prescribed by the department by rule or
 416 regulation or shall maintain a copy of the certificate in the covered vehicle or
 417 electronically on the driver's smartphone which certificate shall be displayed to law
 418 enforcement personnel or agents of the department upon request. With regard to ride
 419 share drivers who are employed directly by a ride share network service or who operate
 420 as independent contractors for a ride share network service, the ride share network service
 421 shall be responsible for either obtaining a master license for all of its affiliated ride share
 422 drivers or for paying the sales and use tax on such fares pursuant to Chapter 8 of Title 48
 423 on all fares collected. The obtaining of a master license shall not operate to relieve the
 424 owner of a for-hire vehicle from sales and use taxes on fares which were previously
 425 incurred.

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

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

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

449 fraction thereof.

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

454 (5) Of this fee, 57 percent shall be retained by the state for deposit in the general fund
455 of the state treasury and 43 percent shall be forwarded to the county tag agent to allocate
456 and distribute to the county governing authority and to municipal governing authorities,
457 the board of education of the county school system, and the board of education of any
458 independent school system located in such county in the manner provided in this
459 paragraph:

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

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

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

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

483 (iv) If such tax is not currently in effect and a local option sales and use tax for
484 educational purposes levied pursuant to a local constitutional amendment is currently
485 in effect, such proceeds shall be distributed to the board of education of the county

486 school system and the board of education of any independent school system in the
487 same manner as required under such local constitutional amendment; and
488 (v) If such tax is not currently in effect and a homestead option sales and use tax
489 under Article 2A of Chapter 8 of Title 48 is in effect, such proceeds shall be
490 distributed to the governing authority of the county, each qualified municipality, and
491 each existing municipality in the same proportion as otherwise required under Code
492 Section 48-8-104; and
493 (C)(i) An amount equal to one-third of such proceeds shall be distributed to the
494 governing authority of the county and the governing authority of each qualified
495 municipality located in such county in the same manner as specified under an
496 intergovernmental agreement or as otherwise required under the county special
497 purpose local option sales and use tax under Part 1 of Article 3 of Chapter 8 of
498 Title 48 currently in effect; provided, however, that this division shall not apply if
499 division (iii) of subparagraph (B) of this paragraph is applicable.
500 (ii) If such tax were in effect but expired and is not currently in effect, such proceeds
501 shall be distributed to the governing authority of the county and the governing
502 authority of each qualified municipality located in such county in the same manner
503 as if such tax were still in effect according to an intergovernmental agreement or as
504 otherwise required under the county special purpose local option sales and use tax
505 under Part 1 of Article 3 of Chapter 8 of Title 48 for the 12 month period
506 commencing at the expiration of such tax. If such tax is not renewed prior to the
507 expiration of such 12 month period, such amount shall be distributed in accordance
508 with division (i) of subparagraph (B) of this paragraph; provided, however, that if a
509 tax under Article 2 of Chapter 8 of Title 48 is not in effect, such amount shall be
510 distributed in accordance with division (ii) of subparagraph (B) of this paragraph.
511 (iii) If such tax is not currently in effect in a county in which a tax is levied for
512 purposes of a metropolitan area system of public transportation, as authorized by the
513 amendment to the Constitution set out at Ga. L. 1964, p. 1008; the continuation of
514 such amendment under Article XI, Section I, Paragraph IV(d) of the Constitution; and
515 the laws enacted pursuant to such constitutional amendment, such proceeds shall be
516 distributed to the governing body of the authority created by local Act to operate such
517 metropolitan area system of public transportation.
518 (iv) If such tax were never in effect, such proceeds shall be distributed in the same
519 manner as specified under the distribution certificate for the joint county and
520 municipal sales and use tax under Article 2 of Chapter 8 of Title 48 currently in
521 effect; provided, however, that if such tax under such article is not in effect, such
522 proceeds shall be distributed to the governing authority of the county and the

523 governing authority of each qualified municipality located in such county on a pro
 524 rata basis according to the ratio of the population that each such municipality bears
 525 to the population of the entire county.

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

533 **SECTION 5.**

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

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

539 (9.1) 'For-hire license endorsement' means an endorsement to a driver's license pursuant
 540 to Code Section 40-5-39 that authorizes the holder of the license to operate a motor
 541 vehicle for the purpose of transporting passengers in this state for compensation or
 542 donation as a limousine carrier, ride share network or driver, or taxi service as such terms
 543 are defined in Code Section 40-1-190."

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

546 "(16.01) 'Ride share driver' means an individual who uses his or her personal passenger
 547 car, as defined in paragraph (41) of Code Section 40-1-1, to provide transportation for
 548 passengers arranged through a ride share network service.

549 (16.02) 'Ride share network service' means any person or entity that uses a digital
 550 network or Internet network to connect passengers to ride share drivers for the purpose
 551 of prearranged transportation for hire or for donation. The term 'ride share network
 552 service' shall not include any corporate sponsored vanpool or exempt rideshare as such
 553 terms are defined in Code Section 40-1-100, provided that such corporate sponsored
 554 vanpool or exempt rideshare is not operated for the purpose of generating a profit."

555 "(18) 'Taxi service' means any taxicab company or provider which utilizes a motor
 556 vehicle or similar vehicle, device, machine, or conveyance to transport passengers; uses
 557 a taximeter; and is registered with the Department of Public Safety and, if applicable, is

558 authorized to provide taxicab services pursuant to an ordinance of a local government in
 559 this state."

560 **SECTION 6.**

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

563 "40-5-39.

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

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

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

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

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

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

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

582 (3) Not have been convicted, been on probation or parole, or served time on a sentence
 583 for a period of ~~ten~~ seven years previous to the date of application for any felony or any
 584 other crime of moral turpitude or a pattern of misdemeanors that evidences a disregard
 585 for the law unless he or she has received a pardon and can produce evidence of same. For
 586 the purposes of this paragraph, a plea of nolo contendere shall be considered to be a
 587 conviction, and a conviction for which a person has been free from custody and free from
 588 supervision for at least ~~ten~~ seven years shall not be considered a conviction unless the
 589 conviction is for a dangerous sexual offense which is contained in Code Section 42-1-12
 590 or the criminal offense was committed against a victim who was a minor at the time of
 591 the offense;

592 (4) Submit at least one set of classifiable electronically recorded fingerprints to the
 593 department in accordance with the fingerprint system of identification established by the

594 director of the Federal Bureau of Investigation. The department shall transmit the
 595 fingerprints to the Georgia Crime Information Center, which shall submit the fingerprints
 596 to the Federal Bureau of Investigation for a search of bureau records and an appropriate
 597 report and promptly conduct a search of state records based upon the fingerprints. After
 598 receiving the report from the Georgia Crime Information Center and the Federal Bureau
 599 of Investigation, the department shall determine whether the applicant may be certified;
 600 **and**

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

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

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

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

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

627 (2) The taxi service, limousine carrier, or ride share network service shall require such
 628 person to submit an application to the taxi service, limousine carrier, or ride share
 629 network service which includes, but is not limited to, information regarding such person's
 630 address, age, driver's license information and number, driving history, motor vehicle

631 registration, automobile liability insurance, and other information necessary to complete
 632 a background check on such person.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

669 **SECTION 7.**

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

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

679 **SECTION 8.**

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

684 **SECTION 9.**

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