

SYNOPSIS OF PROPOSED AMENDMENTS TO GEORGIA DEPARTMENT OF PUBLIC SAFETY RULES CHAPTER 570-35 - TRANSPORTATION NETWORK COMPANIES AND TAXI SERVICES

Purpose: The purpose of these amendments is to repeal Chapter 570-35 of the Rules of the Department of Public Safety. The content therein shall be modified and relocated to Subchapter 6 of Chapter 38 of the Rules of the Department of Public Safety as a part of the Department's efforts to centralize and simplify the sources of regulation for entities currently regulated by this Chapter.

Main Features: There is only one main feature of this amendment. This Chapter shall be repealed because the content therein is being modified and relocated to Subchapter 6 of Chapter 38 of the Rules of the Department of Public Safety.

RULES OF THE DEPARTMENT OF PUBLIC SAFETY

[Note: underlined text is proposed to be added; struck-through text is proposed to be deleted.]

~~CHAPTER 570-35~~ ~~TRANSPORTATION NETWORK COMPANIES AND TAXI SERVICES~~

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~~570-35-.01 – DEFINITIONS~~

When used in this Chapter, the terms defined in O.C.G.A. §§ ~~40-1-190~~ and ~~33-1-24~~ shall have the same definition as provided in those code sections. Where a conflict exists between the definitions provided by these code sections, the definition provided for by O.C.G.A. § ~~40-1-190~~ shall be controlling.

Authority: O.C.G.A. §§ ~~40-1-54~~; ~~33-1-24~~, ~~40-1-190~~, ~~40-1-197~~

~~570-35-.02 – LICENSE APPLICATION~~

- ~~(1) Except as provided by law, before any ride share network service, taxi service, or transportation referral service provider transports any passengers, refers any passengers to be transported by another person or entity, or connects any passengers with any other person or entity for transport on or over any public highway of the State of Georgia, said ride share network service, taxi service, or transportation referral service provider shall first register with and secure an annual license from the Department using a form or forms supplied by the Department and pay a fee of no more than \$100.00 based upon the date on which the registration is made and as set forth on the registration forms. The filing fee shall accompany the registration, and the registration shall not be complete until the fee is paid. The registration fee is nonrefundable.~~
- ~~(2) A person or entity may register for a license as a ride share network service, a taxi service, and a transportation referral service (or any combination thereof) using a single registration, provided the following requirements are met:~~
 - ~~(a) the registrant pays the required filing fee for each license for which the registrant is applying;~~
 - ~~(b) the registrant indicates on their registration form(s) which license(s) the registrant is applying for; and~~
 - ~~(c) the registrant meets all of the other requirements in these Rules and under federal and state law to receive and maintain all licenses for which they are applying.~~
- ~~(3) A person or entity which is a “limousine carrier” as defined by O.C.G.A. § 40-1-151, and which (1) is certified by the State as a limousine carrier; (2) is in good standing; and (3) has complied with the requirements under State law pertaining to limousine carriers shall be automatically~~

~~registered as a transportation referral service provider through the licensure and permitting process pertaining to limousine carriers. Such persons or entities shall not be required to register separately for a license as a transportation referral service provider or register for renewal as contemplated in Rule 570-35-.04, provided such person or entity complies with the renewal requirements applicable to them as a certified limousine carrier.~~

~~(4) The registration form provided by the Department shall require that the registrant provide the following information:~~

- ~~(a) the name of the person or entity registering for a license;~~
- ~~(b) the current business address of the person or entity registering for a license;~~
- ~~(c) the current business telephone number of the person or entity registering for a license;~~
- ~~(d) the current e-mail address of the person or entity registering for a license;~~
- ~~(e) if the registrant is an entity, the full name(s) and mailing address(es) of the owner(s) of that entity;~~
- ~~(f) if the person or entity is registering for a license as a transportation referral service provider:~~

- ~~1. a certification that the registrant meets and will throughout the term of their license continue to meet all requirements under state law for registration and operation as a transportation referral service provider; and~~
- ~~2. a current list of all limousine carriers and taxi services in this state at the time of their application which complies with the requirements of Rule 570-35-.09(1)(a).~~

- ~~(g) If the person or entity is registering for a license as a ride share network service, a certification that the registrant meets and will throughout the term of their license continue to meet all requirements under state law for registration and operation as a ride share network service;~~
- ~~(h) If the person or entity is registering for a license as a taxi service, a certification that the registrant meets and will throughout the term of their license continue to meet all requirements under state law for registration and operation as a taxi service; and~~
- ~~(i) Any other information deemed necessary by the Department and authorized by law for the Department to require as part of the registration process.~~

~~(5) The Department shall issue a license if:~~

- ~~(a) the registration form(s) is/are complete;~~
- ~~(b) the registrant has complied with all requirements of state law pertaining to licensure as a ride sharing network service, transportation referral service provider, and/or taxi service; and~~
- ~~(c) the registrant has complied with all requirements of this Chapter pertaining to registration.~~

~~(6) The Department may refuse to issue a license where the registrant has failed to meet the requirements set forth in paragraph (5), above. If the Department denies a registrant a license under this rule, the registrant shall be entitled to a hearing to contest the denial only upon written request made within 30 days of notice of denial as defined in paragraph (7) of this Rule.~~

~~(7) The Department shall notify registrants for a license under this Rule of any license denial by certified mail to the address provided by the registrant pursuant to subparagraph (4)(b) of this rule. Notice under this rule shall be deemed effective by the earlier of~~

- ~~(1) the date upon which delivery by certified mail is made of the notice to the registrant; or~~
- ~~(2) three days after notice is sent by certified mail to the registrant.~~

Authority: O.C.G.A. §§ 40-1-54; 40-1-192; 40-1-193; 40-1-193.1; 40-1-197

~~570-35-.03 - LICENSE PERIOD AND EXPIRATION~~

- ~~(1) Licenses issued pursuant to Rule 570-35-.02 and Rule 570-35-.05 shall be valid except as otherwise provided herein, for an annual period commencing on January 1st of the year in which the license is granted and expiring of December 31st of the year in which the license is granted unless revoked, suspended, or amended. There is no grace period except as provided for in paragraph (3), below.~~
- ~~(2) Licenses renewed pursuant to Rule 570-35-.04 shall be valid except as otherwise provided herein, for a period of one year, commencing on January 1st of the year following the expiration of the renewed license and expiring on December 31st of the same year unless revoked, suspended, or amended. There is no grace period except as provided for in paragraph (3), below.~~
- ~~(3) Failure to renew a license prior to the license's expiration shall result in expiration of the license, except that a registrant who has submitted a complete license renewal registration prior to the expiration of a license and whose license expiration date occurs while such registration is pending shall be deemed to have a current and unexpired license until the Department takes action with respect to the renewal registration.~~
- ~~(4) Except as provided for by law, any ride share network service, taxi service, or transportation referral service provider whose license has expired shall be required to obtain a new license as provided for in this Rule before any such ride share network service, taxi service, or transportation referral service provider transports any passengers, refers any passengers to be transported by another person or entity, or connects any passengers with any other person or entity for transport on or over any public highway of the state.~~
- ~~(5) Registrants cannot renew an expired license, but shall be required to complete another registration under Rule 570-35-.02, except that a registrant who has submitted a renewal registration prior to the expiration of their license shall be entitled to renewal of their license by the Department even following the expiration of their license so long as they are otherwise entitled to renewal under these Rules.~~

Authority: O.C.G.A. §§ 40-1-54; 40-1-192; 40-1-193; 40-1-193.1; 40-1-197

~~570-35-.04 - LICENSE RENEWAL~~

- ~~(1) Applications to renew a license issued pursuant to this Rule must be submitted on a form designated by the Department no sooner than 90 days prior to the expiration of the license.~~
- ~~(2) Unless otherwise provided by these Rules or by the form designated by the Department for the purpose of renewing a license issued under these Rules, an applicant for a renewed license must comply with all of the requirements to which that applicant would be subject under Rule 570-35-.02 as a new registrant in order for the renewal application to be considered complete.~~
- ~~(3) Applications for renewal shall be accompanied by an annual renewal fee of no more than \$100.00 as set forth on the application. A renewal application shall not be complete and ready for favorable Department action until such fee is paid. Such fees are nonrefundable.~~
- ~~(4) The Department shall renew a license if:~~
 - ~~(a) the renewal application is complete;~~
 - ~~(b) the registrant has complied with all requirements of state law pertaining to licensure as a ride sharing network service, taxi service, and/or transportation referral service provider; and~~
 - ~~(c) the registrant has complied with all requirements of this Rule.~~

- ~~(5) The Department may refuse to renew a license where the registrant has failed to meet the requirements set forth in paragraph (4), above. If the Department denies a registrant renewal of a license under this Rule, the registrant shall be entitled to a hearing to contest the denial only upon written request made within 30 days of notice of denial as defined in paragraph (6) of this Rule.~~
- ~~(6) The Department shall notify registrants for renewal of a license under this Rule of any renewal application denial by certified mail to the address provided by the registrant pursuant to subparagraph (4)(b) of Rule 570-35-.02 and as updated by this Rule and Rule 570-35-.05. Notice under this rule shall be deemed effective by the earlier of~~
- ~~(a) the date upon which delivery by certified mail is made of the notice; or~~
~~(b) three days after notice is sent by certified mail to the license holder, person, or entity.~~
- ~~(7) Renewed licenses shall expire in accordance with Rule 570-35-.03.~~

~~Authority: O.C.G.A. §§ 40-1-54; 40-1-192; 40-1-193; 40-1-193.1; 40-1-197~~

~~570-35-.05 CHANGES TO LICENSEE'S INFORMATION~~

- ~~(1) In the event of a change of a name or ownership by the holder of a license (including acquisition of controlling interest in a corporate entity), or the change of any information provided by the holder of a license pursuant to subparagraphs (4)(a) through (e) of Rule 570-35-.02, application for a replacement license shall be made to the Department and the old license surrendered to the Department before another license can be issued. The requirement for surrender of a registrant's old license may be waived at the Department's discretion, but such license will regardless become void and invalid upon the issuance of any subsequent license under this Rule.~~
- ~~(2) No fee shall be required from a license holder who applies for a replacement license pursuant to paragraph (1) so long as that license holder's license is unexpired and otherwise valid under these Rules.~~
- ~~(3) An application for a replacement license shall be made in the same manner as for an original license, except that the license holder seeking a replacement license shall indicate on the application that they are seeking a replacement for an existing license.~~
- ~~(4) A replacement license shall be requested no later than~~
- ~~(a) 30 days following the event or change requiring the replacement license; or~~
~~(b) The last day for renewal of the existing license pursuant to subsection 570-35-.03,~~
- ~~whichever is sooner.~~

~~570-35-.06 TRANSFERABILITY OF LICENSE~~

~~Any license issued by the Department pursuant to these Rules shall not be assignable or transferable to any other person, firm, corporation, or other entity, except as provided for herein.~~

~~Authority: O.C.G.A. §§ 40-1-54; 40-1-192; 40-1-193; 40-1-193.1; 40-1-197~~

~~570-35-.07 COPIES OF LICENSE TO BE MAINTAINED BY LICENSEE~~

- ~~(1) Ride share network services, taxi services, and transportation referral service providers licensed in accordance with this Chapter shall maintain their original license or a photocopy thereof within their office(s) or principal place of business within this state. If a ride share network service, taxi service, or transportation referral service provider does not have an office or a principal place of business within this state, the ride share network service, taxi service, or transportation referral service shall maintain their original license or a photocopy thereof at a location or in a manner which allows the license or photocopy to be readily displayed to a member of the public within this~~

state or the Department upon reasonable request. A ride share network service, taxi service, or transportation referral service provider may satisfy the requirements of this paragraph by maintaining an electronic copy of its license on a publicly available website and by doing so shall be deemed to be in compliance with this paragraph regardless of whether such ride share network service, taxi service, or transportation referral service provider has an office or principal place of business within the state.

- (2) Ride share network services, taxi services, and transportation referral service providers shall maintain a copy of their license in every motor vehicle it owns or leases which are required to be registered with the Department of Public Safety. A ride share network service, taxi service, or transportation referral service provider shall be deemed to be in compliance with this paragraph if the driver operating a vehicle subject to this paragraph is capable of displaying in either print or electronic format the license number of the ride share network service, taxi service, or transportation referral service provider which owns or leases the vehicle.

Authority: O.C.G.A. §§ 40-1-54; 40-1-192; 40-1-193; 40-1-197

~~570-35-.08 – SUSPENSION OR REVOCATION OF LICENSE~~

- (1) A license issued pursuant to this Chapter may be suspended or revoked by the Department for any reason authorized by law and as required to ensure compliance with this Chapter.
- (2) Except where otherwise provided for by law, prior to suspension or revocation of a license pursuant to paragraph (1) of this Rule, the person or entity holding that license shall be provided notice and an opportunity for a hearing. Notice shall be made by certified mail to the most recent address provided by the license holder pursuant to subparagraph (4)(b) of Rule 570-35-.02 and as updated by Rules 570-35-.04 and 570-35-.05.
- (3) A license holder shall be notified of the Department's decision to suspend or revoke a license by certified mail to the most recent address provided by the license holder pursuant to subparagraph (4)(b) of Rule 570-35-.02 and as updated by Rules 570-35-.04 and 570-35-.05.
- (4) Notice under this rule shall be deemed effective by the earlier of
- (a) the date upon which delivery by certified mail is made of the notice; or
 - (b) three days after notice is sent by certified mail to the license holder.
- (5) A license holder shall be entitled to a hearing to contest the suspension or revocation of their license under this Chapter upon written request made within 30 days of the date of notice of suspension or revocation.
- (6) Suspensions and revocations of licenses pursuant to this Rule shall become effective immediately upon the effective date of notice of the suspension or revocation to the licensee and shall remain in effect during any hearing, appeal, or review of the Department's decision to suspend or revoke the license, except as otherwise required by law and as otherwise ordered by the Department.
- (7) Except as otherwise provided in this Chapter, the license of a license holder which is suspended for a fixed period of time pursuant to this rule shall automatically become reinstated without any further action needed by the licensee upon the date or following the term specified by the Department in the order suspending the license.
- (8) Paragraph (7) of this Rule notwithstanding,
- (a) if a license becomes expired during a terms of suspension, it shall remain expired until the license holder complies with the renewal requirements of Rule 570-35-.04; and
 - (b) if a subsequent order is issued by the Department which pertains to the license or suspension of a license in question, that order shall control.

~~570-35-.09 - REQUIRED RECORDS~~

- ~~(1) Each person or entity licensed as a transportation referral service provider shall be required to~~
- ~~(a) maintain a list of all limousine carriers and taxi services which it utilizes to provide transportation services in this state which includes, at a minimum:~~
 - ~~1. the name of each limousine carrier or taxi service;~~
 - ~~2. the license number(s) issued to each limousine carrier or taxi service by the Department;~~
 - ~~3. the current business address of each limousine carrier or taxi service; and~~
 - ~~4. the current business telephone number of each limousine carrier or taxi service;~~
 - ~~(b) Provide such list to the Department as a part of the registrant's initial application for a license as a transportation referral service provider as provided for in subparagraph (4)(f)2. of Rule 570-35-.02;~~
 - ~~(c) Provide a current and updated version of such list every calendar month thereafter for as long as the person or entity retains a license as a transportation referral service provider.~~
- ~~(2) Each person or entity licensed as a ride share network service shall be required to maintain a list of all ride share drivers who are enrolled in its network in this state which includes, at a minimum, each ride share driver's:~~
- ~~(a) name;~~
 - ~~(b) date of birth;~~
 - ~~(c) driver's license state and number; and~~
 - ~~(d) an indication of whether each driver has a current for hire license endorsement or has passed a current private background check as required by O.C.G.A. § 40-5-39.~~
- ~~(3) Each person or entity licensed as a taxi service shall be required to maintain a list of all drivers utilized by such taxi service in this state, whether as employees or independent contractors, which includes, at a minimum, each driver's:~~
- ~~(a) name;~~
 - ~~(b) date of birth;~~
 - ~~(c) driver's license number and state; and~~
 - ~~(d) an indication of whether each driver has a current for hire license endorsement or has passed a current private background check as required by O.C.G.A. § 40-5-39.~~
- ~~(4) The Department may request to inspect the lists required by paragraphs (1), (2), and (3) of this Rule at any time. Persons and entities requested to make such lists available for inspection are required to respond as soon as reasonably possible, and, absent extenuating circumstances, the requested list shall be made available for inspection within 96 hours of the Department's request.~~
- ~~(5) In the event a person or entity is unable to respond to a request under paragraph (4) of this Rule within 96 hours due to extenuating circumstances, the person or entity shall:~~
- ~~(a) within 96 hours of the Department's request:~~
 - ~~1. provide an explanation to the Department of the nature of the extenuating circumstance and the reason for which the person or entity is unable to comply with the request within 96 hours; and~~

~~2. provide an estimate of the amount of time needed to comply with the Department's request; and~~

~~(b) shall still be obligated to comply with the Department's request as soon as reasonably possible.~~

~~(6) The lists kept for inspection pursuant to paragraphs (2) and (3) of this Rule and the lists provided to the Department pursuant to paragraph (1) of this Rule shall be kept and provided in either:~~

~~(a) electronic .xlsx, .xls, .docx, or .doc format, or in a comparable electronic and text-searchable format deemed acceptable at the sole discretion of the Department; or~~

~~(b) a typed and easily legible format deemed acceptable at the sole discretion of the Department.~~

~~(7) A transportation referral service provider which violates O.C.G.A. § 40-1-198 or the requirements of this Rule shall be required to pay a civil penalty as provided for by O.C.G.A. § 40-1-198(b) after notice and an opportunity for a hearing unless the violator consents in writing to such penalties.~~

~~(8) Notice under this rule shall be made by certified mail to the most recent address provided by the license holder pursuant to paragraph (4)(b) of Rule 570-35-.02 and as updated by Rules 570-35-.04 and 570-35-.05. If the person or entity is not a license holder, notice shall be made by certified mail to the person or entity's last known address based upon reasonable efforts by the Department to ascertain the person or entity's most current address.~~

~~(9) A person or entity shall be notified of the Department's decision to assess a civil penalty against that person or entity. Notice shall be made by the method described in paragraph (7).~~

~~(10) Notice under this rule shall be deemed effective by the earlier of~~

~~(a) the date upon which delivery by certified mail is made of the notice to the license holder, person, or entity; or~~

~~(b) three days after notice is sent by certified mail to the license holder, person, or entity.~~

~~(11) A person or entity shall be entitled to a hearing to contest the assessment of civil penalties under this Chapter upon written request made within 30 days of the date of notice of assessment of civil penalty.~~

Authority: O.C.G.A. §§ 40-1-54; 40-1-192; 40-1-193; 40-1-193.1; 40-1-197; 40-1-198

~~570-35-.10 – RIDE SHARE DRIVERS; REQUIRED DIGITAL IDENTIFICATION~~

~~Each ride share driver utilized by a ride share network service, whether such driver is employed directly by the ride share network service or operates as an independent contractor, shall maintain on his or her smartphone digital identification containing, in addition to that information listed by O.C.G.A. § 40-1-193(d), the following information while active on the ride share network service's digital network:~~

~~(1) the ride share network service's license number issued by the Department;~~

~~(2) the expiration date of the ride share network service's license issued by the Department; and~~

~~(3) a clearly visible and easily distinguishable indication of the current status of the ride share network service's license status, whether current, expired, suspended, revoked, or other.~~

Authority: O.C.G.A. §§ 40-1-54; 40-1-193; 40-1-198

~~570-35-.11 – DISPLAY OF EMBLEMS BY RIDE SHARE DRIVERS~~

~~A ride share network service may submit to the Department for approval distinctive signage or an emblem to be used by all ride share drivers utilized by that ride share network service, whether such drivers are~~

~~employed directly by the ride share network service or operate as an independent contractor, and the Department may approve the use of such signage of emblem by all such drivers. Ride share drivers properly displaying such approved emblems shall be deemed to be in compliance with O.C.G.A. § 40-1-195(b).~~

~~Authority: O.C.G.A. §§ 40-1-54; 40-1-195; 40-1-198~~

~~570-35-.12 — DISPLAY OF LICENSE NUMBER IN ADVERTISEMENTS~~

- ~~(1) A ride share network service, taxi service, transportation referral service, or transportation referral service provider which violates O.C.G.A. § 40-1-195(a) shall be required to pay a civil penalty as provided for in that code section after notice and an opportunity for a hearing unless the violator consents in writing to such penalties.~~
- ~~(2) Notice under this rule shall be made by certified mail to the most recent address provided by the license holder pursuant to paragraph (4)(b) of Rule 570-35-.02 and as updated by Rules 570-35-.04 and 570-35-.05. If the person or entity is not a license holder, notice shall be made by certified mail to the person or entity's last known address based upon reasonable efforts by the Department to ascertain the person or entity's most current address.~~
- ~~(3) A person or entity shall be notified of the Department's decision to assess a civil penalty against that person, or entity. Notice shall be made by the method described in paragraph (2) of this Rule.~~
- ~~(4) Notice under this rule shall be deemed effective by the earlier of~~
 - ~~(a) the date upon which delivery by certified mail is made of the notice to the license holder, person, or entity; or~~
 - ~~(b) three days after notice is sent by certified mail to the license holder, person, or entity.~~
- ~~(5) A person or entity shall be entitled to a hearing to contest the assessment of civil penalties under this Chapter upon written request made within 30 days of the date of notice of assessment of civil penalty.~~

~~Authority: O.C.G.A. §§ 40-1-54; 40-1-195; 40-1-198~~