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Department of Public Safety

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Colonel Mark W. McDonough
Commissioner

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE THAT on Wednesday, December 21, 2016 at 10:00 a.m. in the Media Room at the Department of Public Safety, 959 East Confederate Avenue, S.E., Atlanta, Georgia, a public hearing will be held for the presentation of proposed administrative rule changes which are attached and incorporated by reference.

The chapter affected by the proposed rule & regulation change is listed below:

RULES OF THE DEPARTMENT OF PUBLIC SAFETY CHAPTER 570-35 TRANSPORTATION NETWORK COMPANIES AND TAXI SERVICES

All interested persons are hereby advised of the opportunity to submit data, views or arguments, orally or in writing. Oral comments will be limited to ten minutes per person. Anyone needing more than ten minutes should request additional time by contacting Legal Services, Post Office Box 1456, Atlanta, Georgia 30371, in writing, 24-hours prior to the hearing. Anyone with a disability needing assistance should contact David Hardy, ADA Coordinator, at (404) 624-7550, three days prior to the hearing.

Citizens wishing to comment in writing on any of the proposed changes should do so on or before December 31, 2016. Comments may be faxed to (404) 624-7788, emailed to kward@gsp.net or mailed to the following address:

Department of Public Safety
Attn: Legal Services
Post Office Box 1456
Atlanta, Georgia 30371

Comments from written and public testimony will be provided to the Board of Public Safety at the January 2017 Board meeting.

This 14th day of November, 2016.

Colonel Mark W. McDonough
Commissioner

Attachment

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

Purpose: The rules provide for the registration and regulation of transportation network companies and taxi services as provided for by Georgia law.

Main Features: The proposed rules include:

Rule 570-35-.01 is a definition section which incorporates the relevant definitions from Georgia law into the subsequent rules and establishes which definitions control over others in the event of a conflict.

Rule 570-35-.02 provides for the license registration process for ride share network services, taxi services, and transportation referral service providers.

Rule 570-3-.03 provides for an annual license period expiring on December 31st of each year for licenses issued under these Rules, and provides for expiration of licenses.

Rule 570-4-.04 provides a procedure by which licensees may renew their license. Licensees may apply for renewal beginning 90 days from expiration of their existing license.

Rule 570-35-.05 provides that a licensee shall register for a replacement license if any of the information provided on their initial registration changes, and provides a procedure for such registration.

Rule 570-35-.06 provides that licenses issued under these Rules are not assignable or transferrable.

Rule 570-35.07 requires ride share network services, taxi services, and transportation referral services to maintain copies of their license(s) in certain locations.

Rule 570-35-.08 provides a procedure by which a license issued under these Rules may be suspended or revoked.

Rule 570-35-.09 requires licensees to maintain certain records - particularly lists of drivers or taxi services and limousine carriers utilized for referrals -for inspection and/or production to the Department.

Rule 570-35-.10 requires that the digital identification which ride share drivers are required to have by Georgia law contain certain additional information relating to their affiliated ride share network service's license and license status.

Rule 570-35-.11 allows the Department to "batch" approve an emblem for use by all of a ride share network service's drivers, instead of individually approving each ride share driver's emblem. Such emblems are required to be displayed by active ride share drivers under Georgia law.

Rule 570-35-.12 requires ride share network services, taxi services, transportation referral services, and transportation referral service providers to pay a civil penalty if they fail to display their license number in certain advertisements as required by Georgia law.

RULES OF THE DEPARTMENT OF PUBLIC SAFETY

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 for 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 on year 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 an 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 an 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.

- (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.

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.

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

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:
 - (1) name;
 - (2) date of birth;
 - (3) driver's license state and number;
 - (4) contact address; and
 - (5) contact telephone number; and
 - (6) 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:
 - (1) name;
 - (2) date of birth;
 - (3) driver's license number and state;
 - (4) contact address; and
 - (5) contact telephone number; and
 - (6) 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 produce such lists are required to respond as soon as reasonably possible, but in no event should a response require more than 96 hours.
 - (5) 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:
 - (7) 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
 - (8) a typed and easily legible format deemed acceptable at the sole discretion of the Department.
 - (6) 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.
 - (7) 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.

- (8) 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).
- (9) 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.
- (10) 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 or 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