

**AN ORDINANCE  
BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE**

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, GEORGIA, CHAPTER 162, ARTICLE II, SECTION 162-62(d) SO AS TO ALLOW FOR LETTERS OF TEMPORARY ADMINISTRATION PENDING INITIATION OF THE FORMAL CERTIFICATE OF PUBLIC NECESSITY AND CONVENIENCE (CPNC) TRANSFER PROCESS WITHIN THE SPECIFIED TIME; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Atlanta has an interest in maintaining the health, safety, and welfare of the citizens of the City of Atlanta and its visitors; and

**WHEREAS**, pursuant to its police powers the City of Atlanta is authorized to enact legislation to regulate certain businesses and industries which could potentially affect the public health, safety, and welfare including those business which relate to Vehicles for Hire; and

**WHEREAS**, the Georgia General Assembly has declared that the City of Atlanta has legitimate concern with the qualifications and record of drivers of taxicabs and other vehicles for hire; with the location, accessibility, and insured state of companies operating taxicabs and vehicles for hire; and with the safety and comfort of taxicabs and other vehicles for hire. O.C.G.A. §36-60-25(a); and

**WHEREAS**, pursuant to Section 162-26 of the Atlanta Code of Ordinances, a Certificate of Public Necessity and Convenience (“CPNC”) means a license permitting a person to operate one vehicle for hire upon the streets of the city; and

**WHEREAS**, the City of Atlanta may require the owner or operator of a taxicab or vehicle for hire to obtain a CPNC in order to operate such taxicab or vehicle for hire within the corporate limits of the City of Atlanta. O.C.G.A. §30-60-25(a); and

**WHEREAS**, each CPNC issued by the City of Atlanta is fully transferable pursuant to purchase, gift, bequest, or acquisition of the stocks or assets of a corporation to any person otherwise meeting the requirements of Atlanta City Code Chapter 162 et seq., and each such CPNC may be used as collateral to secure a loan with each lending institution making such loan retaining all rights of the secured parties with respect to such loan; and

**WHEREAS**, pursuant to Section 162-62 (d) of the City of Atlanta Code of Ordinances, the City of Atlanta has an interest in ensuring that CPNCs are effectively and efficiently transferred; and

**WHEREAS**, Section 162-62 (d) provides that in the event of the death of any person holding a CPNC, the CPNC may be transferred by the Chief of Police to the

administrator, executor, or any lawful heir of the deceased person's estate if the transferee meets all of the requirements for obtaining a CPNC; and

**WHEREAS**, currently Section 162-62 (d) only extends a potential transferee a ninety (90) day period following actual knowledge of the death of the CPNC holder, during which to secure designation as a lawful heir in order to effect the transfer of the CPNC; and

**WHEREAS**, the City of Atlanta has an interest in extending the period of time to effect a CPNC transfer following the death of a CPNC holder while still ensuring the transfer of the CPNC to the lawful heir; and

**WHEREAS**, pursuant to O.C.G.A § 53-6-30, a temporary administrator may be appointed when the court determines that it is in the best interest of the estate; and

**WHEREAS**, pursuant to O.C.G.A § 53-6-31, letters of temporary administration may be granted for the purpose of the temporary administrator to collect and preserve the assets of the subject estate.

**IT IS HEREBY ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:**

**Section 1:** That Chapter 162, Article II, Division 3, Section 162-62 (d), of the City of Atlanta Code of Ordinances which reads:

(d) In the event of the death of any person holding a CPNC, the CPNC may be transferred by the chief to the administrator, executor or any lawful heir of the deceased person if the transferee meets all requirements for obtaining a CPNC. The CPNC shall be automatically suspended upon the death of the CPNC holder pending the transfer. If no application for a transfer has been filed within 90 days from actual notice to the transferee of the death of the CPNC holder, the CPNC shall automatically expire. When a CPNC or stock in a corporation owning a CPNC is distributed from an estate to a legatee or distributee, the following documents shall be submitted with the transfer application:

- (1) A certified copy of the relevant death certificate;
- (2) A certified copy of letters testamentary or letters of administration; and
- (3) A copy of the will, if any, certified by the attorney for the estate.

be amended such as Chapter 162, Article II, Division 3, Section 162-62 (d), of the City of Atlanta Code of Ordinances shall read as follows:

(d) In the event of the death of any person holding a CPNC, the CPNC may be transferred by the chief to the administrator, executor or any lawful heir of the deceased person if the transferee meets all requirements for obtaining a CPNC. **The CPNC shall be automatically suspended upon the death of the CPNC holder pending the**

**presentation of letters of temporary administration to the Bureau. If no application for a transfer has been filed within one (1) year from the time of the presentation of letters of temporary administration to the Bureau, this shall constitute due cause for the revocation of the CPNC.** When a CPNC or stock in a corporation owning a CPNC is distributed from an estate to a legatee or distributee, the following documents shall be submitted with the transfer application:

- (1) A certified copy of the relevant death certificate;
- (2) A certified copy of letters testamentary or letters of administration; and
- (3) A copy of the will, if any, certified by the attorney for the estate.

**Section 2:** Should it be found that any ordinance or parts of any ordinance are in conflict herewith, then those sections contained herein shall be deemed controlling.

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Legislative Counsel (Signature): Investigator Kurt Braunsroth

Contact Number: (404) 853-4266

Originating Department: Department of Police

Committee(s) of Purview: Public Safety and Legal Administration

Council Deadline: 26 November 2007

Anticipated Committee Meeting Date(s): 11-12 December 2007

Anticipated Full Council Date: 7 January 2008

Commissioner Signature: D/C G. N. Turner

Chief Procurement Officer Signature:

CAPTION

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FINANCIAL IMPACT (if any)

Mayor's Staff Only

Received by CPO: (date) Received by LC from CPO: (date)

Received by Mayor's Office: 11/28/07 (date) Reviewed by: (date)

Submitted to Council: (date)