

ORDINANCE NO. BL2014-925

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to regulate the commercial use of pedicab and pedal carriages within certain portions of Nashville and Davidson County, and to amend Title 6 of the Metropolitan Code to provide for such regulations.

WHEREAS, Tenn. Code Ann. §55-26-101, *et seq.* authorizes a metropolitan government to authorize, regulate, and control the commercial use of pedal carriages and rickshaws as modes of transportation for hire within entertainment, dining, scenic, or historic areas of the center city; and

WHEREAS, § 2.01(22) of the Charter of the Metropolitan Government of Nashville and Davidson County gives the Metropolitan Government the power and authority to regulate the operation of vehicles held out to the public use for hire; and

WHEREAS, the tourism and hospitality industry is Nashville's second largest industry, bringing over 12 million visitors to Nashville each year with a direct economic impact in excess of six billion dollars annually; and

WHEREAS, a healthy tourism and hospitality industry is critical to Nashville's continued economic progress; and

WHEREAS, pedicab and pedal carriage services play an important role in transporting and entertaining visitors to Nashville; and

WHEREAS, the Metropolitan Council recognizes that the topography in Nashville necessitates electric motor assistance for pedicabs to safely navigate up hills, and it is in the interest of public safety and welfare that the council desires to permit electric motor assistance for pedicabs.

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. That Title 6 of the Metropolitan Code of Laws shall be amended by adding a new Section 6.75, which shall contain the following:

Chapter 6.75 – Pedicabs and Pedal carriages

6.75.010 – Definitions.

For purposes of this chapter:

“Certificate” means a certificate of public convenience and necessity, a license granted, upon application and approval, by the Metropolitan Transportation Licensing Commission for

the sole purpose of authorizing the certificate holder to provide transportation through a pedicab and may hold one or more permits as defined under this section.

"Certificate holder" means a person, company, corporation or association which has applied for, and been granted, a certificate of public necessity and convenience.

"Driver" means any individual who physically operates a pedicab as a for-hire vehicle under this chapter. This person may share additional, company-related titles, such as owner, employee of the owner, holder or independent contractor.

"Driver permit" means a permit issued by the MTLC to drive and operate a pedicab.

"For hire" means a transaction whereby any money, thing of value, charge tickets, surcharge, payment, pecuniary consideration or compensation, reward, donation, tip, or any other remuneration or profit is paid to, accepted by, or received by a driver, employee, agent, owner, or any other representative of a passenger vehicle for hire or a passenger vehicle for hire company in exchange for the temporary use by or for the transportation of a passenger, whether such is paid voluntarily or upon solicitation, demand, request, contract, agreement, or as a surcharge; or otherwise in conjunction with the purchase of parking wherein the transportation is part of the services provided.

"Holder" means a person to whom a certificate of public convenience and necessity has been issued by the Commission.

"Inspector(s)" means the inspector(s) for the Commission.

"Metro" means the Metropolitan Government of Nashville and Davidson County.

"Metropolitan area" means the area which comprises Nashville and Davidson County.

"Metropolitan Transportation Licensing Commission", also referred to as "MTLC", means the Metropolitan Transportation Licensing Commission as established by the metropolitan code.

"MTLC director" means the director/executive secretary of the MTLC, as employed by the metropolitan department of public works on behalf of the MTLC.

"Owner" means the person who holds the legal title of the pedicab or pedal carriage.

"Passenger" means any person on a pedicab or pedal carriage other than the driver.

"Person" means any individual, partnership, corporation, association or public or private organization of any character.

"Pedal carriage" means a non-motorized bicycle with four or more wheels operated by one or more persons for the purpose of, or capable of, transporting additional passengers in seats or on a platform made a part of or otherwise attached to the pedal carriage as defined by Tenn. Code Ann. § 55-26-101. For purposes of this ordinance "pedal carriage" does not include a pedicab as defined herein.

“Pedicab” means any unibody non-motorized bicycle with three wheels operated by one person, including, but not limited to, rickshaws, for the purpose of, or capable of, transporting additional passengers in seats as defined by Tenn. Code Ann. § 55-26-101, duly licensed to operate as such by the MTLC, that is regularly engaged in the business of carrying passengers for hire, donation, gratuity or any other form of remuneration. "Pedicab" shall not include a bicycle built for two (2) where the operators are seated one (1) behind the other, nor shall it include a bicycle with trainer or beginner wheels affixed thereto, nor shall it include a wheelchair or other vehicle for the purpose of transporting a handicapped person, nor shall it include a tricycle built for a child or an adult with a seat for only one (1) operator and no passenger.

“Pedicab permit” means a permit issued by the MTLC for a pedal carriage or pedicab to carry passengers.

“Pedicab driver’s permit” means a permit issued by the MTLC for a person to operate a pedal carriage or pedicab to carry passengers.

"Permittee" means a holder of any permit issued under this chapter.

"Rate card" means a card issued by the MTLC for display in each pedal carriage or pedicab, which contains the rates of fare then in force.

“Solicit” means the distribution of flyers or other material, or an appeal by bell, horn, whistle, words, or gestures by a driver or his or her agent directed at individuals or groups for the purpose of attracting passengers for immediate hire.

"Taxicab" means a motor vehicle regularly engaged in the business of carrying passengers for hire, donation, gratuity or any other form of remuneration, having a seating capacity of less than nine persons and not operated on a fixed route.

"Taxicab stand" means a place alongside a street, or elsewhere, where the MTLC has authorized a holder of certificate of public convenience to park for picking up or discharging passengers.

"Traffic and Parking Commission" means the Metropolitan Traffic and Parking Commission as established by the Metropolitan Charter and Code of Laws.

Article I – Certificate of Public Convenience and Necessity

6.75.020 – Required and Term.

- A. No pedal carriage or pedicab shall be used or operated on a for hire basis by any person in the territorial jurisdiction of the Metropolitan Government without an owner or operator having first obtained a certificate of public convenience and necessity. Each certificate shall be valid for one year and shall be subject to renewal pursuant to the provisions set forth in this article.

- B. It shall be unlawful for any person to transport or offer to transport passengers in any pedal carriage or pedicab which does not have affixed to the pedal carriage or pedicab a valid permit issued through the MTLC.
- C. Certificates shall not be transferred, sold or given from one owner to another including the sale of one pedal carriage or pedicab company in its entirety to another.
- D. The MTLC shall track all certificates, and after the renewal period, if the certificate has not been renewed it shall be determined to be void.

6.75.030 – Findings—Issuance of certificate or additional permits.

- A. If the MTLC finds that further or additional pedicab or pedal carriage service in the metropolitan government area is required by the public convenience and necessity and that the applicant is fit, willing and able to provide such service and to conform to the provisions of this chapter and the rules promulgated by the MTLC, the MTLC may issue a certificate of public convenience and necessity, stating the name and address of the applicant, the number of vehicles authorized upon such certificate and the date of issuance.
- B. In making the above findings, the MTLC shall, at a minimum, take into consideration the number of pedicabs and pedal carriages already in operation, whether existing service is adequate to meet the public need; the character, experience, financial condition and responsibility of the applicant, and such criteria as may be adopted by the MTLC in its rules.

6.75.040 – Application – Information and Fees Required.

- A. An application for a certificate of public convenience and necessity shall be filed with the MTLC for each classification of service to be provided. Forms will be provided by the MTLC and payment of a nonrefundable fee will be charged. The amount of the application fee shall be established by the MTLC based upon the cost of processing the application.
- B. The application shall require the following information:
 - 1. Name and address of applicant;
 - a. Sole-proprietor—Name and address of the owner.
 - b. Partnership—Names and addresses of all partners.
 - c. Corporation or association—Names and addresses of all the officers, directors, and members.
 - 2. Business name (D/B/A), business address and telephone number if different from above;
 - 3. A background check of each person;
 - 4. Proof of U.S. citizenship or legal residency for each person;

5. Names and addresses of two references as to the applicant's financial responsibility;
 6. Prior experience of applicant in transport of passengers;
 7. Classification of service to be provided;
 8. Number of vehicle permits requested, and copy of proof of ownership or other evidence of lawful control for each vehicle to be operated under the certificate;
 9. Procedures for training drivers;
 10. Rules and regulations governing driver appearance and conduct;
 11. Any additional information the applicant desires to include to aid in the determination of whether the requested certificate should be issued; and
 12. Such further information as the MTLC may require.
- C. An applicant will be ineligible for consideration if:
1. Any of the owners, partners, officers, directors, or members are under twenty-one years of age and/or the pedal carriage or pedicab business has no separate legal existence beyond a shareholder, owner, or partner who is under the age of eighteen years of age;
 2. Any of the owners, partners, officers, directors, or members has been convicted of, forfeited bond, pleaded guilty or nolo contendere to, or been released from incarceration for a felony or any crime involving a controlled substance, prostitution, assignation, obscenity, or any crime of a sexual nature in any jurisdiction within ten years immediately preceding the date of application; or has been convicted of, forfeited bond, or pleaded guilty or nolo contendere to multiple felonies.
 3. Any of the owners, partners, officers, directors, or members has violated any portion of this chapter or of Chapter 6.72 of the Metropolitan Code within five years immediately preceding the date of application.
 4. Any portion of the application is incomplete or contains incorrect or untruthful information.

6.75.050 – Issuance and Denial – Fees.

- A. If the MTLC or the MTLC director determines that further pedal carriage or pedicab services are required and the applicant is qualified, the MTLC or MTLC director may issue a certificate.
- B. The MTLC shall adopt the criteria for determining the necessity for additional pedal carriage or pedicab certificates.

- C. Any person whose application for a certificate is denied by the MTLC director may file a written appeal with the MTLC within thirty days of denial and request an appearance before the MTLC and appear in-person for consideration of the certificate application.
- D. The certificate shall state the name, business address and telephone number of the applicant, the classification of service for which the certificate is issued, and the date of expiration. If the classification is for a special-purpose pedicab, the certificate may also specify any limitations or restrictions that apply.
- E. The MTLC will set a fee to be charged for the issuance of each approved pedicab permit associated with the certificate.

6.75.060 – Annual Renewal.

- A. All certificates issued under the provisions of this chapter shall expire on April 30 of the year following the date on which the certificate was issued. All certificates may be renewed by the MTLC director for each successive year between April 1 and 30 of each year. A renewal fee for each approved certificate and other licensing fees shall be charged at the annual renewal of the certificate.
- B. All applicants for renewal must be current with all assessments and taxes due to the Metropolitan Government.
- C. If a licensed pedal carriage or pedicab company or individual fails to renew prior to the end of the renewal period, the renewal applicant shall be treated as a new applicant.

6.75.070 – Insurance Required.

- A. Before any certificate shall be issued by the commission director, or before the renewal of such certificate shall be granted, the applicant or association shall be required to file an insurance policy and/or certificate of insurance with the MTLC director evidencing insurance coverage as required in this section.
- B. Insurance coverage as provided in subsection (A) of this section means a policy of public liability insurance issued by an insurance company qualified to do business in the state and naming the metropolitan government as an additional insured. Any policy of public liability insurance issued in compliance with this article shall be for a term of not less than one year, and for any pedicab or pedal carriage insured there under shall afford protection to any third party sustaining injury or damage as a result of the negligent operation of any pedicab or pedal carriage, with the minimum amount of insurance to be one million dollars, known as combined single limit insurance coverage. Such policy shall expressly provide that it may not be canceled, except after thirty days written notice to the commission director. With regard to any holder of a certificate of convenience and necessity who serves or dispenses alcoholic beverages to customers, whether or not the certificate holder also supplies the alcoholic beverages served to the customers, the

insurance coverage as provided in subsection (A) shall also mean a policy of liquor liability insurance, with the minimum amount of liquor liability insurance to be one million dollars, issued by an insurance company qualified to do business in the state and naming the metropolitan government as an additional insured, and complying in all other respects with the terms of this section.

- C. Such certificate will certify that the policy provides for a minimum of one million dollars per pedicab or pedal carriage for liability imposed by law for damages on account of bodily injuries, death or personal damages, other than injuries, death or property damages of the company or driver, in any one accident resulting from the ownership, maintenance or use of such pedicab or pedal carriage. The certificate of insurance shall also list the serial number or identification number of each pedicab or pedal carriage that is insured.
- D. The operation of any pedicab or pedal carriage within metro without having in force the public liability insurance policy as outlined in this section is hereby declared to be a violation of this article, subjecting the owner and/or certificate holder to all applicable penalties provided in this article and this chapter.
- E. Any changes must be reported to the commission immediately.

6.75.080 – Request for Additional Permits.

An application for additional pedicab and pedal carriage permits must be filed with the MTLC or the MTLC director. If approved, the established permit fee will be applied.

6.75.090 – Suspension and Revocation.

- A. A certificate issued under the provisions of this chapter may be revoked, suspended, placed on probation, otherwise restricted, or not renewed by the MTLC if the holder thereof has:
 - 1. Violated any of the provisions of this chapter or failed to comply with any rule or regulation established by the MTLC;
 - 2. Violated any provision of this Code or other ordinances of the Metropolitan Government or laws of the United States or the State of Tennessee, the violation of which reflects unfavorably on the fitness of the holder to offer transportation services;
 - 3. Failed to pay assessments or taxes due to the metropolitan government; or
 - 4. Made a misrepresentation or false statement when obtaining a certificate or additional permits, or transferring a certificate.
- B. Prior to any action to revoke, suspend, place on probation, otherwise restrict, or not renew a certificate, the holder shall be given notice to the address listed on their

certificate of the proposed action to be taken and shall have an opportunity to be heard by the MTLC.

- C. If the holder commits an act in violation of the criminal code and the MTLC director determines that holder poses a threat to the public safety, the MTLC director may enact an emergency suspension of the holder's certificate to remain in effect until the holder has the opportunity to be heard by the MTLC at the next available meeting, but in no circumstance later than sixty days from the date of the emergency suspension.

6.75.100 – Enforcement by Police Officers

Officers of the Metropolitan Nashville police department shall have the authority to enforce this chapter. A police officer, upon observing a violation of this chapter, of any regulation or rule established by the MTLC or the MTLC director pursuant to this chapter, shall take necessary enforcement action to insure effective regulation of pedal carriages and pedicabs.

Article II – Driver Permit

6.75.110 – Permit Required – Violations and Term.

- A. No person shall drive or otherwise operate a pedal carriage or pedicab engaged in the transportation of passengers unless he or she has a driver's permit. To qualify for a permit, an applicant must comply with all of the requirements and stipulations of this chapter and any rules and regulations adopted by the MTLC.
- B. A person commits an offense if he or she operates a pedal carriage or pedicab in the Metropolitan area without a driver's permit issued by the MTLC.
- C. A business commits an offense if it employs or otherwise allows a person to operate a pedal carriage or pedicab owned, controlled, or operated by the permittee unless the person has a driver's permit issued by the MTLC.
- D. Each permit shall be valid for one year and shall be subject to renewal pursuant to the provisions set forth in this article.

6.75.120 – Application – Information and Fees Required.

- A. An application for a pedicab driver's permit shall be filed with the MTLC on forms provided by the MTLC.
- B. Such application shall be certified under oath and shall at a minimum contain the following information:
 - 1. The name, residential address, telephone number and date of birth of the applicant. No applicant under eighteen years of age will be accepted.

2. The type(s) of vehicle(s) which the applicant will drive under the certificate.
 3. The years of experience of the applicant in the transportation industry.
 4. The educational background of the applicant.
 5. A concise history of the applicant's employment.
- C. The applicant shall provide copies of the following documents in order to submit his application:
1. A valid driver's license issued by one of the fifty states within the United States of America for the issuance or renewal of a pedicab driver's permit.
 2. A Social Security card or birth certificate.
 3. If a resident alien, a current work permit or other valid United States Immigration and Customs Enforcement document.
 4. A current drug test result.
- D. Each application shall be accompanied by an official driver record obtained no longer than thirty days previous to the date of application. All applicants are required to meet the following standards:
1. No convictions in the last five years for any of the following offenses involving bodily injury or death and no convictions in the last three years for any of the following offenses not involving injury or death:
 - a. Hit and run;
 - b. Driving under the influence of an alcoholic beverage or drug;
 - c. Reckless or careless driving.
 2. For an initial permit, no more than three moving violations within the last three years and no more than two moving violations in the last year.
 3. For a renewal permit, no more than four moving violations within the last three years and no more than two moving violations in the last year.

6.75.130 – Fingerprint-based Criminal Background Investigation

- A. All applicants for a pedicab driver's permit will undergo a fingerprint-based identification and background check. The MTLC staff shall collect background check fees from applicants and schedule them for fingerprinting. A background check report and a copy of the driving record (MVR) of the applicant, if any, shall be attached to the application and forwarded for consideration by the MTLC.

- B. Any applicant shall, in addition to any disqualifications listed elsewhere in this chapter, be disqualified if the applicant:
1. Has been convicted, pled guilty, placed on probation or parole, pleaded nolo contendere, or been released from incarceration within a period of five years prior to the date of application for violation of any of the following criminal offenses under the laws of Tennessee, any other state or of the United States:
 - Homicide,
 - Rape,
 - Aggravated assault,
 - Kidnapping,
 - Robbery,
 - Burglary,
 - Child sexual abuse,
 - Any sex-related offense,
 - Leaving the scene of an accident,
 - Criminal solicitation, or criminal attempt to commit any of above,
 - Perjury or false swearing in making any statement under oath in connection with the application for a driver's permit, or
 - The felony possession, sale or distribution of narcotic drugs or controlled substances.
 2. If, at the time of application, the applicant is charged with any offenses in subsection (1) of this section, consideration of the application shall be deferred until entry of a plea, conviction, acquittal, dismissal, or other final disposition of the charges.
 3. Has been convicted of or released from incarceration due to two or more felony offenses within the past ten years.
 4. Has been convicted for a period of two years prior to the date of application of the violation of two or more sections of this code or other ordinances governing the operation of pedicabs.
- C. If the applicant fails to disclose any criminal conviction, except traffic citations, on the application for a permit, the application may be referred to the MTLC for consideration.

6.75.140 – Application – Approval or Disapproval.

The MTLC or its staff shall, upon the consideration of the application and any reports and certificates required to be attached thereto, approve or reject the application. Any applicant rejected by the MTLC staff may file an appeal within thirty days of denial and request an appearance before the MTLC. The appeal shall be heard by the MTLC at the next available MTLC meeting with the appellant appearing in-person for consideration of the application.

6.75.150 – Issuance – Permit Contents and Display.

- A. Upon approval of an application for a pedicab driver's permit, the MTLC director shall issue a permit to the applicant, which shall bear the name, driver's permit number, height, date of birth, photograph of the applicant, and other information deemed appropriate.
- B. Every driver shall at all times conspicuously display a permit either on the clothing of the driver's upper body or upon the pedal carriage or pedicab. A driver shall allow the MTLC director, MTLC inspector, or a police officer to examine the permit upon request.

6.75.160 – Unpermitted Drivers.

- A. If any person is found operating any pedal carriage or pedicab within the Metropolitan government area without a valid pedicab driver's permit on behalf of any holder of a certificate of necessity and public convenience, the MTLC director may immediately take action to suspend or revoke the certificate.
- B. A person whose pedicab driver's permit is suspended shall not drive a pedal carriage or pedicab within the Metropolitan government area during the period of suspension.

6.75.170 – New Application After Denial.

Upon denial of an application for a driver's permit, no new application shall be considered for a period of three months.

6.75.180 – Expiration – Issuance and Replacement Fee

- A. Each pedicab driver's permit shall be issued for a period of one year, or until March 31.
- B. A permit may be issued to qualified applicants upon the payment of twenty dollars plus the costs of investigation. If the permit for the preceding year has been revoked, no new permit shall be issued without prior MTLC approval. A fee of ten dollars shall be charged for all replacement driver permits. Such fees shall be in addition to the cost of any investigation.

6.75.190 – Suspension, Revocation, and Appeal.

- A. The MTLC director may suspend or revoke any applicant's license if he or she determines that the applicant fails to comply with any requirement of this chapter. The director shall notify the applicant of any specific failure to comply with this chapter resulting in the suspension or revocation of their license and the applicant's right to an appeal by first class mail, express mail, overnight carrier, or personal service. If the MTLC director suspends or revokes a license, the applicant may appeal within ten days

of such suspension or revocation to the MTLC for a hearing to determine if such suspension or revocation is justified. The decision of the MTLC shall be final, subject to any appropriate judicial review.

- B. The MTLC director is hereby given authority to suspend any pedicab driver's permit issued under this article for a driver's failure or refusal to comply with the provisions of this article. Such suspensions may not last for a period of more than thirty days. The MTLC director is also given authority to revoke any permit for failure to comply with the provisions of this article.
- C. If a driver is charged in any court with a misdemeanor involving moral turpitude, or with any felony, or with driving while intoxicated or under the influence of drugs, or with violations of this article, the MTLC director is hereby given authority to suspend the driver's permit pending final disposition of the charges against them, and to revoke such permit upon conviction thereof.
- D. The MTLC director may revoke a pedicab driver's permit if he or she determines that the permittee has engaged in conduct detrimental to the public safety.
- E. The MTLC director may not suspend or revoke any permit unless the driver has received notice of the charges against them and has had the opportunity to present evidence on their behalf.
- F. Any permittee whose license has been suspended or revoked by the MTLC director may file a written appeal with the MTLC within ten days. If an appeal is not made to the MTLC within ten days of the MTLC director's decision, the MTLC director's decision shall be final. A letter addressed to the MTLC and delivered to the MTLC office stating that an appeal from the decision of the MTLC director is desired shall perfect such appeal. The MTLC, as soon as practicable after receiving such notice of appeal, shall notify the applicant or permittee of the date and time of the hearing which shall be not less than five days after the mailing of such notice. After the hearing of the appeal, the MTLC shall sustain, modify or reverse the findings of the MTLC director, and shall notify the MTLC director and the applicant or permittee of its findings. The findings of the MTLC shall be final, subject to any applicable legal processes.
- G. A driver whose permit is revoked may not reapply for ninety days from the date of revocation and will be treated as a new applicant.

6.75.200 – Revocation of a Valid Driver’s License

A pedicab driver permit issued under this chapter shall be coterminous with the permittee’s valid driver’s license issued by one of the fifty states in the United States of America. Any time that a permittee’s driver’s license is suspended, revoked, or cancelled, their pedicab driver’s permit shall likewise be immediately suspended, revoked, or cancelled. The pedicab driver’s permit shall immediately be surrendered to the MTLC until such time as their driver’s license is reinstated.

6.75.210 – Conduct of Drivers

A driver shall at all times:

1. Act in a reasonable, prudent, safe, and courteous manner;
2. Not permit a person not possessing a pedicab driver's permit to operate the pedicab or exercise control over the operation of a pedal carriage;
3. Not permit more passengers to be carried in a pedal carriage or pedicab than for which there is proper seating, and at no time shall the driver allow any passenger to ride in any area of the pedal carriage or pedicab not specifically designed or designated as a seat;
4. Not permit any passenger twelve (12) years of age or younger to ride in a pedal carriage or pedicab unaccompanied by an adult;
5. Travel only roads with speed limits that do not exceed 35 mph, unless approved by the Metropolitan Traffic and Parking Commission.
6. Not operate a pedal carriage or pedicab in excess of 15 mph;
7. Not operate a pedal carriage or pedicab while under the influence of intoxicating beverages or drugs;
8. Not operate a pedal carriage or pedicab while possessing a lighted cigarette, cigar, or pipe at any time;
9. Observe and obey all state and local traffic laws and regulations;
10. Not permit a passenger to stand or ride on any part of the pedal carriage or pedicab other than the designated seating area while the pedal carriage or pedicab is in motion and to advise the passengers that they must be seated except when loading or unloading.

6.75.230 – Driver Appearance.

- A. Every pedal carriage and pedicab driver, while on duty, shall keep a clean and well-groomed appearance, and shall be dressed in compliance with those rules adopted by the MTLC.
- B. All drivers must wear uniform attire with the pedal carriage or pedicab company's logo.
- C. The MTLC shall have the authority to adopt rules specifically governing the type(s) of permitted and prohibited attire.

6.75.240 – Alcohol in a Pedicab or Pedal carriage.

- A. A certificate holder or driver commits an offense if he or she provides an alcoholic beverage to a passenger for a fee or as part of the passenger transport service.
- B. A certificate holder or pedicab/pedal carriage driver commits an offense if he or she provides or stocks any alcoholic beverage in the pedicab or pedal carriage.
- C. Alcoholic beverages may be consumed by a pedicab or pedal carriage passenger under the following conditions:
 - 1. Pursuant to Metropolitan Code of Laws Section 7.24.040, no alcoholic beverage may be transported or in the possession of a pedicab or pedal carriage operator or passenger for the purpose of consumption while on a pedicab or pedal carriage on a street, alley sidewalk, parking lot, parking garage or other area generally open to the public in a glass, aluminum or metal container unless such container is commercially sealed.
 - 2. No glassware of any kind shall be allowed on a pedal carriage or pedicab including but not limited to bottles, receptacles or drinking glasses.
 - 3. Alcoholic beverages as defined in this Section may only be consumed from plastic or foam cups.
 - 4. Alcoholic beverages as defined in this Section may be consumed only when the passenger is in or on a pedicab or pedal carriage and only when otherwise permitted by all applicable state or local law and regulations, including but not limited to all other applicable provisions of the Tennessee Code Annotated, this chapter, this Title, and the Metropolitan Code.
 - 5. The pedicab or pedal carriage operator and driver may not allow consumption of alcoholic beverages by persons under the age of twenty-one (21). If alcoholic beverages as defined in this subsection are present on a pedicab or pedal carriage, the pedicab or pedal carriage operator shall not transport persons under the age of twenty-one (21) on the pedicab or pedal carriage pedal carriage.

6.75.245 – Excessive Noise on a Pedal Carriage

No music or amplified sound shall be played, nor yelling or conversation be conducted, on a pedal carriage in such a manner that it would violate the Excessive Noise ordinance codified at Metropolitan Code of Laws Section 11.12.070.

6.75.250 – Return of Passengers' Property.

A driver of a pedal carriage or pedicab shall immediately attempt to return to a passenger any property left by the passenger in the pedal carriage or pedicab. If unable to locate the passenger, the driver shall turn the property into the certificate holder's company office at the end of the driver's shift or at the first available opportunity. In such cases, the certificate holder shall make a good faith effort to locate the passenger, and, if not successful, hold the property in storage at its location for at least 30 days, unless otherwise directed by the Director.

6.75.260 – Pedicab Driver Photo Identification and Uniform.

All drivers are required to wear a company issued photo identification and uniform clothing, including secure footwear. In addition, the driver must have the permit issued by the MTLC displayed. This identification shall be worn during all duty hours and shall be worn to be plainly visible at all times. A driver shall allow the MTLC director, MTLC inspector, or a police officer to examine the license upon request.

6.75.270 – Passenger as Controller of Cab.

Drivers of pedicabs shall not cause a passenger to wait without the passenger's consent or to pick up additional passengers without the consent of current passenger(s).

6.75.280 – Compliance with Provisions.

Every driver granted a permit under this article shall comply with all Metropolitan government, state, and federal laws. Failure to do so may result in disciplinary actions including suspension and up to revocation of the pedicab driver's permit.

Article III – Equipment and Operation

6.75.290 – Vehicle Permit Required.

Each pedal carriage and pedicab must have a permit issued by the MTLC. The permit will identify each pedal carriage and pedicab by a unique number in accordance with rules and procedures established by the MTLC, and will be associated with the specific classification and by certificate holder. Permits are not transferable to other pedal carriages/pedicabs or other certificate holders.

6.75.300 – Ownership and Control of Vehicles.

All pedal carriages and pedicabs permitted under this chapter must be under the lawful control of a certificate holder demonstrated either by proof of ownership or a copy of a valid lease agreement.

6.75.310 – Vehicle to Display Identification.

All pedal carriages and pedicabs operated under the authority of this chapter shall be equipped with identification as prescribed by the MTLC in rules and regulations. No person shall equip, mark, paint, display marking lights or windshield lights, or in any way cause any other vehicle to resemble a permitted pedal carriage or pedicab or create a public impression that any other vehicle is a permitted pedal carriage or pedicab approved by the MTLC.

6.75.320 – Vehicle Requirements.

A. Each pedicab in operation must meet the following minimum specifications:

1. Unibody frame construction;
2. Three wheels;
3. Rubber on all wheels;
4. If the pedicab is a rickshaw, it shall not have a width of more than 55 inches and length of no more than ten feet;
5. A fully operational horn or bell;
6. Headlights that have a beam of at least 300 feet;
7. Flashing taillights that are visible from at least 500 feet;
8. Mirror(s) affixed to the pedicab to reflect to the driver a view of at least 200 feet from the rear of the pedicab;
9. Turn signals affixed to the front and rear of the vehicle;
10. Reflectors on the spokes of all wheels, front pedicab frame, and a red reflector mounted on each side of the rear of the pedicab, at least one (1) inch from the outer edge and centered;
11. Hydraulic, mechanical disk, or drum brakes that are unaffected by wet conditions and that control the front and rear of the pedicab;
12. No more than one (1) trailer may be attached to any pedicab and must be equipped with turn signals and red tail lights, provided that no passengers shall be transported in a trailer at any time;
13. Body painted with bright, reflective paint;

14. Clean and maintained in a good state of repair. All pedicabs shall be maintained by the certificate holder so as to be well painted and have a damage or deterioration free appearance, and in safe operational condition; and
15. If electric motor assistance is installed, it must meet all manufacturer standards and be inspected by a certified mechanic on an annual basis.

B. Each pedal carriage in operation must meet the following minimum specifications:

1. Unibody frame construction;
2. Four wheels;
3. Rubber on all wheels;
4. A fully operational horn or bell;
5. Headlights that have a beam of at least 300 feet;
6. Flashing taillights that are visible from at least 500 feet;
7. Mirror(s) affixed to the pedal carriage to reflect to the driver a view of at least 200 feet from the rear of the pedal carriage;
8. Turn signals affixed to the front and rear of the vehicle;
9. Working running lights along the outermost parts of the front, sides, and rear of the vehicle so as to make the vehicle clearly visible to motorists at night;
10. Hydraulic, mechanical disk, or drum brakes that are unaffected by wet conditions and that control the front and rear of the pedal carriage;
11. Trailers are prohibited from being attached to pedal carriages;
12. Body painted with bright, reflective paint;
13. Clean and maintained in a good state of repair. All pedal carriages shall be maintained by the certificate holder so as to be well painted and have a damage or deterioration free appearance, and in safe operational condition; and

6.75.330 – Vehicle to Display Company Name, Color Scheme Insignia and Numbering – Restrictions.

- A. Each pedal carriage and pedicab shall bear on the rear of the vehicle, above the taillights, in letters not less than two inches in height, the name of the company, phone number of the company, and may, in addition, bear an identifying design which has been approved by the MTLC.
- B. No pedal carriage or pedicab covered by the terms of this chapter shall be licensed which bears a color scheme, identifying design, monogram or insignia which, in the opinion of

the MTLC, conflicts with or imitates any color scheme, identifying design, monogram or insignia used by another pedal carriage or pedicab company in such manner as to be misleading or such that it tends to deceive or defraud the public.

- C. If, after a certificate of public convenience and necessity has been issued for a pedal carriage or pedicab under this chapter, the color scheme, identifying design, monogram or insignia thereof is changed so as to be, in the opinion of the MTLC, in conflict with or imitate any color scheme, identifying design, monogram or insignia used by any other person, owner or operator, in such manner as to be misleading or such that it tends to deceive the public, the certificate of or certificate covering such pedal carriage or pedicab shall be suspended or revoked.
- D. Each pedal carriage and pedicab shall bear on the rear and on each side, in numbers not less than two inches in height, an identifying serial number assigned by the MTLC.

6.75.350 – Inspection and Maintenance of Vehicles – Compliance Required.

- A. Prior to the use and operation of any pedal carriage or pedicab under the provisions of this chapter, such vehicle shall be thoroughly examined and inspected by the certificate holder and found to comply with such rules and regulations as may be prescribed by the MTLC. These rules and regulations shall be promulgated to provide safe transportation and shall specify such safety equipment and regulatory devices as the MTLC shall deem necessary. Every pedal carriage and pedicab operating under this chapter shall be periodically inspected by the certificate holder at such intervals as shall be established by the MTLC to ensure the continued maintenance of safe operating conditions. A certificate holder, owner or driver shall make the pedal carriage or pedicab available for inspection at such place within the Metropolitan area as the MTLC director or his designee may direct. If, upon inspection, the director or his designee determines that a pedal carriage or pedicab is not in compliance with this chapter or the pedal carriage/pedicab rules, the director or his designee shall, based upon the condition noted, order the pedal carriage or pedicab be removed from service or that the vehicle be brought into compliance within a reasonable period of time and require it to be re-inspected.
- B. Every pedal carriage and pedicab operating under this chapter shall be kept in a clean and satisfactory condition according to rules and regulations promulgated by the MTLC.
- C. Every pedal carriage and pedicab operating under this chapter shall annually undergo a detailed inspection conducted by an approved mechanic to determine if the vehicle conforms to the standards set out by the MTLC. A safety certificate form, when completed by an approved mechanic, shall be provided to the MTLC director within thirty days of the inspection.

6.75.360 – Rate Schedule and Card for Pedicabs.

- A. No owner or driver of a pedicab shall charge a greater sum for the use of a pedicab or pedal carriage than what is reported to the MTLC and is posted in plain view on the vehicle. The basis for calculating the amount of the charge for the use of a pedicab or pedal carriage shall be displayed on the pedicab or pedal carriage at all times.
- B. The rate cards shall be displayed conspicuously on the pedicab in such a position that it can be read easily by the occupants of the vehicle. Failure to display the rate card in a conspicuous manner shall be grounds for revocation or suspension of the permit for operation of the pedicab in which the rate card was not properly displayed.
- C. Passengers shall be informed of the rate prior to embarking.

6.75.370 – Contract Rates.

Nothing contained herein shall prevent a holder of a certificate of public convenience and necessity from making a contractual agreement with a company, agency, or organization to furnish transportation for employees, associates, clients, customers or members at a rate that is based on mileage, number of passengers, number of service hours, number of trips, number of passenger hours, weekly or monthly fees, or any other reasonable and calculable basis, irrespective of the mileage charges, minimum charges, and waiting charges contained in this chapter or the certificate holder's filed rates for ordinary radio-dispatch, personal call or hailed service. Such a contractual agreement that provides for rates that differ from the rates ordinarily charged by the pedal carriage or pedicab operator must be recorded upon a written document that is legally executed by all parties and kept on file at the certificate holder's place of business subject to inspection at any reasonable time by the MTLC.

6.75.380 – Advertising on Vehicles.

Subject to the rules and regulations of the MTLC, it shall be lawful for any person owning or operating a pedal carriage or pedicab to permit advertising matter to be affixed to or installed in or on such vehicles. Bumper stickers are prohibited.

6.75.390 – Pedal carriage/Pedicab and Equipment.

- A. An owner, operator, or driver of a pedal carriage or pedicab shall daily inspect all pedal carriages and pedicabs and all equipment at the time of departure from and return to the certificate holder's place of business.
- B. No pedal carriage or pedicab engaged in the pedal carriage or pedicab business shall be driven or operated on a public street or byway of the city unless the owner or operator of the pedal carriage or pedicab has obtained a valid identification card issued by the MTLC director pursuant to a procedure and fees established by this chapter.

C. A pedal carriage or pedicab used in passenger transportation service shall:

1. Have a valid permit conspicuously displayed on the vehicle at all times;
 2. Be maintained in a safe and sanitary condition;
 3. Not drive or transport more passengers than there are proper seating for, excluding the driver of the vehicle, except that passengers weighing forty (40) pounds or less may be seated on the lap of a passenger who occupies a permanently affixed seat, and at no time shall the driver allow any passenger to ride in any area of the vehicle that was not specifically designed as a seat; provided that in no event shall the number of passengers on a pedal carriage exceed sixteen (16);
 4. Display the name and telephone number of the pedal carriage or pedicab company with two inch letters on the rear of the vehicle. These signs must be displayed at all times that the vehicle is operating for business unless the vehicle is being used for a special event, such as a wedding or parade;
 5. Reflectors must be affixed to the front and each of the rear wheels;
 6. Be equipped with head lights and taillights;
 7. A fully charged backup battery must be readily available and a pedal carriage or pedicab cannot operate without proper lights.
- B. If, upon any inspection, a pedal carriage or pedicab is found to be unsafe, unclean or unsightly, the MTLC director or MTLC inspector or designee, may direct that the vehicle be taken out of service until such condition is corrected. Such vehicle shall be re-inspected and approved by the MTLC director, MTLC inspector or designee before returning to service, at which time a new permit shall be issued and a service fee (established by rule) shall be collected.
- C. The MTLC may, by rule, establish additional inspection requirements for a pedal carriage or pedicab and other equipment used in the pedal carriage/pedicab service.

6.75.400 – Duty to Render Service – Business Requirements.

All persons engaged in any pedal carriage or pedicab service shall maintain a fixed, central place of business, as indicated in their application for a certificate of public convenience and necessity. Such businesses shall also provide service for the purpose of receiving calls and dispatching pedicabs.

6.75.410 – Operating Area.

Pedal carriages and pedicabs shall operate upon the streets within the Metropolitan area on routes or zones established by the MTLC or its staff. Any deviation from these approved routes or

zones must be approved by the MTLC or its staff. Any approved deviation must be reported to the MTLC or the MTLC director staff prior to beginning of operations.

6.75.420 – Records and Reports.

- A. Each holder shall maintain at a single location business records of its pedal carriage or pedicab business. The records must be maintained in a manner approved by the MTLC director and contain the following information:
 - 1. An identification of the pedal carriages or pedicabs operating each day;
 - 2. An identification of the drivers operating the pedal carriages/pedicabs each day and a statement of the hours each driver operated the vehicle each day; and
 - 3. Any other information the MTLC director determines necessary for monitoring the activities, operations, service, and safety record of the licensee.
- B. A certificate holder shall make its records available for inspection by the MTLC director, inspector, law enforcement officer or designated officials.

6.75.430 – Accidents.

- A. All accidents arising from or in connection with the operation of a pedal carriage or pedicab shall be reported within seventy-two hours from the time of occurrence to the MTLC director if the accident results in:
 - 1. Death or bodily injury to any person, or
 - 2. Damage to any vehicle, or to any property in an amount exceeding the sum of four hundred dollars.
- B. A driver operating a pedal carriage or pedicab at the time of an accident involving bodily injury is required to report for a drug screen, within twenty-four hours from the time of occurrence, at a testing site approved by the MTLC. Failure to report for a screen shall result in revocation of the driver's permit.
- C. A pedal carriage or pedicab damaged in an accident, but still operable without placing the driver or passengers at risk, must be repaired within two weeks of the accident or removed from operation until repaired and inspected.

6.75.450 – Passengers – Receiving and Discharging by Drivers.

- A. Drivers shall not receive or discharge passengers upon the roadway, but shall pull to the extreme right-hand side of the road or to the sidewalk and there receive or discharge passengers, except upon one-way streets where passengers may be discharged at either

side of the roadway in the absence of a sidewalk. As an exception, when access to curb space is blocked by parked vehicles, drivers may pull to the extreme right-hand lane, and stop to expeditiously receive or discharge passengers from the right side of the vehicle. Nothing in this section shall be construed to permit the parking of a vehicle at any place where parking is otherwise restricted or prohibited.

- B. Drivers shall not stop to load or unload passengers or their belongings in the intersections of any street, crosswalks or in any manner or other location that would be considered unsafe. No pedal carriage or pedicab shall load or unload in any such manner that will in any way impede or interfere with the orderly flow of traffic on the streets.
- C. Pedal carriage drivers shall not allow additional passengers to board the pedal carriage after the vehicle has left its fixed starting point.

6.75.460 – Passengers – Refusal to Pay Legal Fare.

It is unlawful for any person to refuse to pay the legal fare of any pedal carriage or pedicab for the services mentioned in this chapter after having hired the same and it is unlawful for any person to hire any such vehicle with intent to defraud the person hired of the value of such service. A driver shall have the right to demand payment in advance for a fare projected to be twenty dollars or more and may refuse employment unless so paid.

6.75.470 – Refusal to Carry Orderly Passengers.

No driver may refuse or neglect to convey an orderly person or persons, upon request, unless currently employed, the distance requested is unreasonably long for a pedal carriage or pedicab, a route to the destination cannot be safely traveled in a pedal carriage or pedicab, or unless the pedal carriage/pedicab driver has reason to believe that the person is engaged in a violation of federal, state or local laws or has reasonable basis to fear injury to him or herself.

6.75.480 – Disposition of Disorderly Passengers.

Drivers shall act in a reasonable and professional manner in dealing with disorderly passengers.

6.75.490 – Soliciting Passengers.

No driver shall solicit passengers for a pedicab, except when on the vehicle or while standing immediately adjacent to the curb. Street hails for pedal carriages are not permitted. The driver of any pedal carriage or pedicab shall remain on the vehicle or immediately adjacent to the vehicle at all times when such vehicle is upon the public streets; except that, when reasonably necessary, a driver may be absent from the vehicle for not more than ten consecutive minutes; provided further, that nothing herein contained shall be held to prohibit any driver from alighting to the street or sidewalk for the purpose of assisting passengers into or out of such vehicle.

6.75.500 – Soliciting Business.

No driver of a pedal carriage or pedicab shall offer any compensation of whatever form to any person or entity in exchange for the direction or recommendation of passengers to that driver's pedal carriage or pedicab.

6.75.510 – Prohibited Manner of Soliciting.

No pedal carriage or pedicab driver shall solicit patronage in a loud or annoying tone of voice or in any manner to annoy any person or obstruct the movement of any persons, or follow any person for the purpose of soliciting patronage.

6.75.520 – Taxicab Stands – Prohibited Vehicles.

A. Pedal carriages and pedicabs shall not at any time occupy the space upon the streets that have been established as taxicab stands or other prohibited areas.

B. The metropolitan traffic and parking commission shall have the authority to designate specific areas of the roadway for use as a loading/unloading zone for pedal carriages.

6.75.530 – Application of Code Provisions Regarding Bicycles

- A. Pedicabs and pedal carriages are exempt from the provisions of Section 12.60.060 of the Metropolitan Code requiring bicycles to stay as close as practicable to the right-hand curb or the edge of the roadways. Pedicabs and pedal carriages shall instead move with traffic like motor vehicles.
- B. Pedicabs and pedal carriages shall not be driven on sidewalks under any circumstances.
- C. Pedicabs and pedal carriages shall not be operated within designated bicycle lanes, but shall instead move with traffic like motor vehicles.
- D. Notwithstanding Section 12.60.140 of the Metropolitan Code pertaining to bicycles, pedicabs and pedal carriages are prohibited from parking on the sidewalk or from being secured to publicly owned poles.
- E. Except to the extent otherwise provided in this chapter or this section, pedicabs and pedal carriages shall comply with all provisions of Title 12, Chapter 60 of the Metropolitan Code.

6.75.540 – Compliance with Other Laws

It shall be a violation of this chapter for a certificate holder or driver to violate any other applicable federal, state or local law or regulation in offering or providing pedicab or pedal carriage services.

6.75.550 – Inspectors – Reporting or Citing Violations.

The inspectors of the Metropolitan government are authorized and are instructed to observe the conduct of holders of certificates and permits operating under this chapter. Upon discovering a violation of the provisions of this chapter, the inspector may either report the violation to the licensing MTLC, which will order or take appropriate action, or issue a citation as authorized under Section 6.74.500.

6.75.560 – Pedicab Passenger’s Bill of Rights.

- A. All pedicab passengers within the area of the Metropolitan government shall have the following rights:
 - 1. A professional driver who is licensed and knowledgeable about popular pedicab routes, destinations, and attractions in Nashville and Davidson County;
 - 2. A driver who knows and obeys all traffic laws and ordinances related to pedicabs;
 - 3. A driver who speaks and understands English and is courteous providing passenger assistance as well as a safe ride;
 - 4. A quality pedicab that is mechanically free of problems and is clean;
 - 5. A silent trip without the driver engaging in personal wireless telephone calls;
 - 6. Direct the destination and the route to be traveled; and
 - 7. The right to refuse to tip.
- B. The information including in subsection A shall be posted in each pedicab in plain view of all passengers, and shall include the telephone number of the MTLC.

6.75.570 Limitation of Service Due to Weather Conditions

Pedicabs and pedal carriages shall not be operated when weather conditions are sufficiently adverse or inclement so as to endanger passengers or the public. The TLC, by rule, may adopt specific guidelines for the operation of pedicabs and pedal carriages in inclement weather conditions.

Article IV – Violations – Civil Penalty Schedules

6.75.580 Violations – Penalties

- A. All provisions of this chapter shall be governed by the penalties and procedures for general ordinance violations set forth in Section 1.01.030.
- B. Notwithstanding any provision contained herein, the MTLC shall have the authority to enforce the provisions of this chapter.

Section 2. The Transportation and Licensing Commission and its Director are authorized to execute such documents as may be necessary and appropriate to carry out the regulations authorized by this Ordinance.

Section 3. This Ordinance shall take effect from and after its final passage, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

INTRODUCED BY:

A handwritten signature in black ink, appearing to read 'ADG', written over a horizontal line.

Anthony Davis
Member of Council