



METROPOLITAN TRANSPORTATION LICENSING COMMISSION

RULES AND PROCEDURES

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ADMINISTRATION

1. MEETINGS

The Commission shall hold its monthly meetings within a public facility convenient for public participation on the fourth Thursday of each month unless an alternative date and time is determined. All meetings are open to the public. Special or called meetings will be held in public facilities and will be open to the public as well.

2. ORGANIZATION

The Commission shall organize itself with a Chair and a Vice Chair, with the Commission Director serving as Executive Secretary. The Chair of the Commission shall certify the organization of the Commission by letter to the Metropolitan Clerk, listing offices of the Commission and the date of the election.

3. ELECTION OF OFFICERS

The Commission, at its October meeting of all even number years, will elect a Chair and Vice Chair for a two year term. Both the Chair and Vice Chair may succeed themselves. In case of resignation, removal or any other departure of either Chair or Vice Chair, a special election will be held to fill the position. 1

4. COMPLAINTS

Complaints (by the public or regulated individuals or companies) regarding taxicabs, wreckers or other functions of the Transportation Licensing Commission must be filed in writing by the complainant. Anyone wishing to file a complaint may do so by letter, fax or e-mail. Upon request, a complaint form will be mailed. Complaints must be returned to the Commission office at least 14 days prior to a Commission meeting in order to be considered for the agenda. The Commission reserves the right to hear a complaint which does not meet the 14-day time period.

5. ACCOMMODATIONS

Reasonable accommodations will be made for individuals with a disability who require or request the services of the Commission. All requests for accommodations should be made to the Transportation Licensing Commission staff by calling (615) 862-6777.

6. COMMISSION HEARING NOTIFICATION

Persons or companies, who are required to appear before the Commission, will be mailed a notice by certified mail 10 days prior to the Commission hearing. A copy of the correspondence will be provided to the driver's company. 1

7. ROBERT'S RULES OF ORDER

The Commission adopts Robert's Rules of Order as its normal procedural guide. The Commission may make modifications. Changes must be part of the record and placed in a Commission operations guide. 1

8. AGENDA ITEMS

All items to be presented to the Commission must be delivered to the Commission Staff at least 15 days prior to the meeting in order for the items to be considered for the agenda. The Commission Director may, with discretion, add items for the agenda which do not meet this criterion. 1

9. INTERNET ACCESS

Effective July 1, 2002, all companies operating under the Commission's Certificate of Convenience and Necessity must be able to communicate and be communicated with through the Internet. Each company must have an active email address and the ability to access Internet websites. All changes to the e-mail address must be reported to the Commission staff within 24 hours of the change. In addition, regulated companies must be able to electronically (Internet) file documents with the Commission. 1

10. POSITIVE DRUG TEST

If a positive drug/alcohol test is reported for a new driver applicant, the applicant will be ineligible for a driver's permit for six months. At this end of this period, an applicant may reapply for the permit, but must test negative for drugs/alcohol and will be placed on a six-month probationary period. During the six months probationary period, the applicant must consent to random testing not to exceed one test per month. If the applicant tests positive a second time, the applicant will be ineligible to reapply for a period of one-year. Appeals of the denial may be made to the Commission. 1

11. FINANCIAL STATEMENT DEFINITION

Certified financial statements, when required by the Metropolitan Code of Laws, is defined (by rule) as an audit which is completed by a certified public accountant or a statement of net financial worth totaling \$500,000 accompanied by a review of financial statements describing in detail (including real property and other assets) assets and liabilities prepared by a certified public accountant. Whenever the Commission requires a certified financial statement, the statement must be submitted within sixty (60) days of the date of certification. 2, 12

12. APPLICATION OR TRANSFER OF LICENSE OR CERTIFICATE

When there is an application to transfer a license or a certificate from an existing regulated company to another company (individual or corporation), the application must be filed 30 days prior to the Commission meeting. At the Commission meeting, the application will be presented to the Commission for its consideration then automatically deferred to the next meeting. This period will be used for evaluation, consultation and investigation of the application. If the Commission Director deems the situation to be an emergency, a special meeting may be called or the issue may be added to the current Commission meeting if proper notification has been accomplished. Other companies or individuals wishing to apply must do so 30 days prior to the meeting in which the transfer will be considered. 2, 12

13. APPLICANT DISQUALIFICATION

When an applicant for a driver's permit does not answer all questions truthfully and fully on the application, particularly the question relating to arrests, violations of laws, or convictions, or when the answer to this question is "none" and a background check reveals otherwise, then the application is disqualified and shall not be placed on the agenda for a hearing. 13

14. TENNESSEE VEHICLE REGISTRATION REQUIREMENT

Certificates of Convenience and Necessity and other permits or licenses issued through the authority of the Transportation Licensing Commission shall only be issued to companies which operate vehicles or conveyances which are in compliance with Tennessee vehicle registration requirements. In addition, only vehicles eligible to meet these criteria will be eligible for consideration of any permit or license. 32

15. DRIVER'S PERMIT QUALIFICATIONS

The following will apply to all applicants seeking a driver's permit from the TLC:

- a. All applicants must have valid vehicle operator's license "F" endorsements or Commercial Driver's Licensing (CDL).
- b. All applicants shall submit an official motor vehicle record (MVR) issued by the Tennessee Department of Safety within thirty days of the date of application unless otherwise directed by a specific ordinance requirement.
- c. All applicants' background will be reviewed to determine if he/she is listed on the National Sex Offender Database. Any applicant listed on the database shall be disqualified for eligibility for a driver's permit.
- d. Applicants shall be ineligible to receive a permit if:
 1. He or she has been convicted, pled guilty, or pled nolo contendere in the last five years for any of the following offenses involving bodily injury or death and 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 driving;
 - d. Felony reckless endangerment

This rule shall be supplemental to all current requirements in effect and govern where the Metropolitan Code is silent with respect to this subject to TLC Administrative Rule 15.

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16. BUSINESS INSURANCE REQUIREMENTS

No Certificate of Public Convenience and Necessity or License to operate a business or service shall be issued unless there is proof of general business liability insurance covering the certificate holder/license holder and/or the business operations of not less than a one million dollar single limit naming the metropolitan government as an additional insured unless otherwise authorized through the Metropolitan Code of Law. Such a liability insurance policy shall be with an insurance company authorized to do business in Tennessee and shall be filed with the TLC staff. This rule shall be supplemental to all current requirements in effect and govern where the Metropolitan Code is silent with respect to this subject.

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TAXICABS

1. COMPLETE APPLICATION REQUIRED

Unless all information requested is provided on the application for a Certificate of Public Convenience and Necessity, or an application for a driver's permit, the application will not be put on the agenda for consideration.

2. PHYSICIAN CERTIFICATES

In addition to the requirement to provide a current federal D.O.T. medical card with the application for a driver permit, any driver whose D.O.T. medical card is certified by a medical examiner as qualified for

less than two years shall be required to provide a new valid medical card on or prior to its expiration date. Failure to do so may result in suspension of the driver's permit until a new medical card is provided.

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3. RETENTION OF TAXICAB PERMITS

(suspended 2-26-15)

All cab companies presently operating ten (10) cabs or less shall be allowed to retain one extra permit only; all cab companies presently operating more than ten (10) cabs shall be allowed to retain extra permits in a number equivalent to ten percent (10%) of the number of cabs in operation; all permits in excess of these quotas as defined above shall automatically be canceled thirty (30) days from the date of their issuance. Any permit cancellation executed by the staff of the Transportation Licensing Commission may be appealed to the Commission only on the basis that the staff's action was made using inaccurate vehicle insurance and registration information.

4. CHANGING FARE RATES

Before any taxicab company may change its fares within the minimum and maximum rates prescribed in the taxicab ordinance, a letter setting out the proposed fares to be charged must be filed and approved by the Transportation Licensing Commission.

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5. DIRECT DESTINATION REQUIRED

All taxicab drivers shall drive the shortest and most direct route in transporting a passenger from the point of pick-up to the point of destination, unless requested otherwise by the passenger.

6. RULES ON CONDITION AND INSPECTION OF VEHICLES

- A. All cabs when damaged and drivable must be repaired within two (2) weeks of the accident by a licensed mechanic and/or a licensed paint and body shop. In the event that said repairs are not made within the time allotted, the cab shall be removed from service. It shall be made the duty of the taxicab inspectors to determine whether proper repairs have been made, and they shall have the authority to order the removal of a cab from service for noncompliance with this rule or to extend the time for repairs to be made upon a showing of good cause.
- B. All cabs shall be kept in good mechanical condition.
- C. All driver permit cards must be placed on the sun visor of the passenger side visible to all passengers.
- D. An inspection form shall be adopted by the Transportation Licensing Commission to be used by the taxicab inspectors in their inspection of said taxicabs. It shall be mandatory for all taxicabs to be approved for all categories listed thereon.
- E. The following equipment shall be in all new, existing and replacement vehicles:

1. Two way radios or a device to be used as a method of communication between the dispatch office/operations department and the taxicab vehicle.
2. A cellular phone or dispatch computer with two way communication and a panic button that will alert the dispatcher of a taxicab vehicle in distress and the GPS location of the distressed taxicab vehicle so that all times there are modalities to receive assistance if needed. New equipment must be approved by Commission Director. 21
3. Four-inch identification numbers not to exceed 3 digits placed on each side and rear of the taxicab
4. Top lights
5. Taximeters 12

7. LIABILITY INSURANCE

- A. The forms for filing liability insurance agreements shall be furnished to all taxicab companies by the Transportation Licensing Commission.
- B. All licensed taxicabs must have liability insurance coverage of 50/100/50. Effective June 1, 2015, all licensed taxicabs must carry uninsured motorist insurance coverage of 50/100/50. All insurance carriers providing this coverage must have an A.M. Best rating of B + or better or a Demotech rating of A or better. 26

8. OPERATION OF USED, MARKED, EQUIPPED TAXICABS

Any owner of a vehicle used, marked, painted or equipped, as a taxicab shall not operate said vehicle for any purpose unless the vehicle is assigned or under contract to a company that holds a Certificate of Public Convenience and Necessity issued by this Commission. In the event a vehicle marked, painted or equipped as a taxicab is not assigned or under contract with a company holding a certificate of Public Convenience and Necessity issued by the Commission, within seventy-two (72) hours from the time the association or contract is terminated, the driver of said vehicle, or the owner of the said vehicle holding a drivers certificate or owners certificate issued by this Commission, shall remove all evidence what would mislead the public into believing that said vehicle was associated with a particular taxicab company.

9. SIZE-SPECIFICATION OF TAXICABS

Size and specifications of vehicles used as taxicabs:

- A. All vehicles must have a minimum of four (4) side doors, or equivalent (such as vans).
- B. All vehicles must have a minimum one hundred (100) inch wheelbase as set forth in the Southeastern edition of the National Automobile Dealers Association Official Manual.

10. INSURANCE COVERAGE

Insurance companies who provide insurance coverage to the owners or operators of taxicabs in the Metropolitan area shall provide proof of such coverage to the Transportation Licensing Commission by filing with the Commission Staff a copy of the insurance policy. In the event that a policy is not available

for filing with the Commission Office, a sixty (60) day binder may be filed but the policy must be on file with the Office prior to the expiration date indicated on the binder.

11. CERTIFICATE CHANGES

Once a Certificate of Public Convenience and Necessity is issued, no change of address, name, officers, management or any other material item in a taxicab company's application may be made without the prior approval of the Transportation Licensing Commission.

12. TAXIMETERS

In accordance with Metro Code Section 6.72.265, only a company certified by a taximeter manufacturer and approved by the Transportation Licensing Commission may perform authorized installation, service and repairs on a taximeter. Said certification shall be on file with the Commission. A certificate holder's failure to have installation, service and repairs performed by a certified company may result in having the taxicab removed from service until such time as the installation, service or repairs are made in compliance with this rule. A certificate holder's failure to remove the taxicab from service when ordered to do so may result in suspension or revocation of the certificate. 3,12

13. SOLICITATION RESTRICTIONS

No taxicab driver or owner, or taxicab company owner, or holder of Certificate of Public Convenience and Necessity issued by this Commission, or any agent of the aforementioned, may offer to pay any person, company or corporation any money or other thing of value for the purpose of soliciting passengers for any taxicab. 12

14. VEHICLE RESTRICTIONS

- A. The year model of a vehicle placed in service for the first time as a taxicab shall not be older than seven (7) years of age.
- B. Any taxicab, not over seven (7) years of age, may be transferred from one taxicab company to another, as long as all other requirements are met, including passing reinspection. Any taxicab over five years of age may be transferred from one taxicab company to another, as long as the move is completed within ninety (90) days and all other requirements are met, including passing re-inspection.
- C. Within seventy-two (72) hours after a taxicab is taken out of service, the owner of the vehicle shall remove all evidence that would mislead the public into believing that said vehicle is still associated with a particular taxicab company. All equipment removed from the vehicle must be returned to its owner. 12

15. HOSPITALITY TRAINING

Taxicab driver applicants approved for a new permit who have successfully completed the Taxi Pro School will be credited with receiving hospitality training within the current training cycle. Certificate holders may negotiate with the Tennessee Foreign Language Institute to sponsor additional Taxi Pro School sessions, if approved by the Commission. 12

16. MEDICAL EXCEPTIONS

The exceptions currently allowed by the Commission to Metropolitan Code of Law 6.72.110(C)(5), which requires a taxicab driver applicant to provide a current and valid D.O.T. medical card, are as follows:

- A. Loss of vision in one eye
- B. Insulin-using diabetes

17. TAXICAB WAIVER

The following requirements apply to a taxicab seeking a one-year waiver from the nine-year age restriction contained in Metropolitan Code of Law 6.72.245:

- A. The vehicle must be in service as a taxicab at the time of the application.
- B. The vehicle owner must file a waiver request annually no later than July 1.
- C. The vehicle must not have more than four hundred thousand miles on the odometer.
- D. The vehicle must not have been used as a commercial or law enforcement vehicle prior to service as a taxicab.
- E. The vehicle must not have been in service as a taxicab for more than five years.

Any vehicle granted a one-year waiver will be required to have a mechanical inspection every four months and the inspection report must be filed with the Commission. No vehicle shall be granted more than two waivers.

18. MECHANIC/SERVICE CENTERS

Any mechanic or service center performing taxicab mechanical inspections, as required in Metropolitan Code of Law 6.72.240, will complete and sign a form provided by the Commission. The form will require the mechanic to certify that he/she is ASE certified and has no financial interest in a taxicab vehicle, taxicab company, or meter installation/repair company. Taxicab vehicle owners will be required to obtain and submit a copy of this form and a safety certificate form detailing the results of the mechanical inspection to the commission. 12

19. MINIMUM STANDARDS

Minimum standards for certificates and permits that will be considered by the Commission when reviewing applications for additional permits are as follows:

- A. Volume of complaints per annum
- B. Having a defined complaint resolution process

- C. Having dispatcher training and an accreditation program
- D. Having a vehicle self-inspection program
- E. Capital investment per annum (for vehicles, dispatch/communications and office management tools)
- F. Driver training programs
- G. Driver probationary periods
- H. Driver rewards programs
- I. Underserved areas service programs and special passenger accommodations (disabled, senior citizens). 12

20. FLAT FARES

The Commission authorizes a mandatory flat or set fare of \$25.00 for taxicabs traveling between the following three destinations:

- A. Metropolitan Nashville International Airport
- B. Music Valley Drive-Opryland area (including the Opryland Hotel/Opry Mills Mall complex, all of Music Valley Drive as well as McGavock Pike from Briley Parkway to Riverview Drive)
- C. Downtown Nashville

The flat fare includes the airport surcharge for departures from the airport. This rate shall be displayed in full view of the passenger(s). 24

21. DISPLAY OF DRIVER PERMITS

Taxicab driver permits shall be displayed in full view of the passenger(s).

22. PASSENGER ASSISTANCE

A taxicab driver is required to assist passengers with getting in and out of the taxicab, if requested or needed. The driver must also be able and willing to assist with a reasonable amount of passenger belongings. If a taxicab driver is unable to perform these duties, the driver must provide a physician's statement to that effect to the Commission.

23. BILL OF RIGHTS

The Commission adopts a "Bill of Rights for the Driver of Taxicabs" which falls within the authority of the Commission. The Bills of Rights will be provided by the Commission and shall be displayed in full view of the passenger(s) at all times. This information will be posted in each taxicab and will be available to passengers upon request:

Taxicab drivers have the right to:

- A. Refuse or discharge any passenger for disorderly or verbally abusive behavior.
- B. Refuse any passenger who is involved in any illegal activity.
- C. Discharge any passenger who becomes dangerous and causes harm to others.
- D. Refuse a fare which could lead the driver into a dangerous situation.
- E. Disallow any smoking or drinking in the taxicab.
- F. Collect the exact fee as determined from the taximeter or flat-rate fee plan.
- G. Know the exact destination of the passenger before embarking on any trip. 12

24. FEES FOR RECORDS CHECK

A \$75 fee, pursuant to Metropolitan Code of Law 6.72.110(F), will be assessed for all record checks requiring an investigation by law enforcement agencies. 4

25. CLASSIC AUTOMOBILES

A “Classic Automobile,” pursuant to Metropolitan Code of Law 6.72.245, is defined as a vehicle at least 35 years old. The vehicle must be in good working order and in sound physical condition. Further, the vehicle must pass all appropriate mechanical inspections, pass annual inspections by Commission staff and meet the waiver provisions in Rule 18. Classic Automobiles must meet all standards established for taxicabs in Davidson County. 12

26. SPECIAL EVENTS SURCHARGE

This section is reserved.

27. ADVERTISEMENT ON TAXICABS

Advertising is permissible on Taxicabs. Pursuant to Metropolitan Code of Law 6.72.420, the Commission limits advertisement to the inside of the vehicle (while not obstructing the driver’s view); to the roof (not to obstruct the top light, but the top light may be incorporated into the advertisement); and on the trunk and hood (while not obstructing the driver’s view). All local, state and federal restrictions and guidelines apply. Advertisement determined to be non-compliant must be removed pending a hearing before the Commission. 20

28. ADDITIONAL PASSENGERS

Additional taxicab passengers may be charged \$1 per person (beyond the primary passenger) if all are going to the same location. Additional passenger fees will also apply to any flat rate fares. 17

29. WIRELESS COMMUNICATION (Cell Phone) USAGE

Taxicab drivers are prohibited from using cell phones unless the taxicab is lawfully standing or parked. 1

30. DRIVER PERMITS WITH COMPANY IDENTIFICATION

All driver permits will carry the name of the taxicab company of which the driver is affiliated. When a driver makes a change, a new permit with the appropriate taxicab company name must be issued and a \$10 fee paid by the driver. 1

31. DRIVER CHANGING COMPANY AFFILIATION

In the event of a driver choosing to move to a new company, the driver must complete a form provided by the Commission. Once completed, the receiving company must complete the appropriate section of the form. The driver then must file the completed form with the Commission staff and pay \$10 for a replacement permit for the new company. Drivers shall not drive until the application has been filed, approved and the fees paid. 1

32. ADA-ACCESSIBLE TAXICABS AND WAIVERS

- A. Vehicles identified as ADA-Accessible Taxicabs must meet the “Accessibility Specifications for Transportation Vehicles (Part 38)[Code of Federal Regulations] [Title 49, Volume 1, Parts 1 to 99][Revised as of October 1, 1997].”
- B. Vehicles identified as ADA-Accessible Taxicabs must pass an annual inspection, as directed by the Commission. This inspection will include a mechanical inspection of the vehicle as well as an inspection of the lift/ramp system and secure systems for the lift/ramp and the wheelchair, as appropriate. A copy of the inspection report must be filed with the Commission.
- C. Drivers operating ADA-Accessible Taxicabs must successfully complete a training program, as directed by the Commission.
- D. The year model of a vehicle placed in service for the first time as an ADA Accessible Taxicab shall not be older than eight (8) years. Any ADA-Accessible Taxicab, not over eight (8) years of age, may be moved from one taxicab company to another, as long as all other requirements are met, including passing re-inspection.
- E. The following additional requirements apply to an ADA-Accessible Taxicab seeking a waiver from the nine-year age restriction contained in Metropolitan Code of Law 6.72.245:
 - 1. The vehicle must be in service as an ADA-Accessible Taxicab at the time of the application.
 - 2. The vehicle owner must file the waiver request annually no later than July 1.
 - 3. The vehicle must not have more than three hundred twenty-five thousand (325,000) miles on the odometer.
 - 4. The vehicle must not have been in service as a taxicab for more than five years.
 - 5. No vehicle shall be granted more than three waivers. 5

33. AIRPORT SURCHARGE

With the exception of trips to destinations covered by the flat fare, the Commission authorizes an airport departure surcharge of \$4.00 for departures from the Metropolitan Nashville International Airport ground transportation area. This surcharge will be affected by activation of the taximeter at the “For Departures From The Airport Only” rate of \$7. 7, 12

34. COMPANY REPORTING AND PAYMENT OF FEES

All taxicab companies will submit current vehicle and driver lists to the commission staff, in a format prescribed by the director, no later than the first of each month. Quarterly decal fees must be paid no later than January 1, April 1, July 1, and October 1 of each year. 12

35. DRIVER APPEARANCE

Drivers are prohibited from wearing the following as outer garments: T-shirts and other undergarments, tank tops, swimwear, jogging suits, body shirts, shorts, cutoff pants, trunks, sandals, clogs and other similar attire. Offensive words or symbols on clothing are also prohibited. 12

36. TAXICAB DECALS

A uniquely numbered decal, signifying compliance with requirements for permitting, payment of quarterly fees, and vehicle inspection will be affixed to the rear window of each taxicab by a Transportation Licensing Inspector. This will be accomplished during annual inspection or during the inspection required when a new or replacement vehicle is placed into service as a taxicab. These decals are not transferable. When any vehicle is to be removed from service as a taxicab, the decal shall be removed and evidence of its removal shall be provided to the Commission office. 15

37. TEMPORARY FUEL SURCHARGE

Effective June 28, 2011, a temporary fuel surcharge, increasing the per-mile meter rate to \$2.10/mile, is approved. This temporary fuel surcharge shall go into effect on July 10, 2011 and expire on January 10, 2012. 17 (Expired)

38. GPS Tracking Requirements

All taxicabs shall be equipped with a Geographical Positioning System, hereinafter “GPS”, tracking device. These devices shall be operational in its tracking and recording modes at all times in which the vehicle is in service and available to transport passengers. The holder of the Certificate of Convenience and Necessity shall make any GPS data available to the TLC or its staff within 24 hours of its request. 22

WRECKERS

1. APPLICATION FORMS FOR LICENSE

Applications shall contain:

- A. The name and address under which an applicant will conduct the wrecker service.

- B. The full names and addresses of persons and partnership members, or if a corporation, the names and addresses of executive officers.
- C. A description of the duties of each position in the business.
- D. Previous experience in the wrecker and towing business, if applicable.
- E. Number of wreckers to be used.
- F. A description of each wrecker including the trade name, model, type, and serial number.
- G. Location and description of place and premises from which operation of wrecker and towing services will be operated.
- H. Declaration of whether equipment is owned or leased on full-time or part-time basis.
- I. Financial statement of applicant, including:
 - 1. Description of the extent of ownership in business.
 - 2. A detailed list of assets.
 - 3. Identification of the assets to be used in the business.
 - 4. List of debts and liabilities of owners and members of partnership.
 - 5. Names and addresses of at least two references as to applicant's financial responsibility, including banks.
 - 6. Certified financial statements must be made available for emergency zone applicants.
- J. Description of available space where applicant intends to accommodate and protect all towed motor vehicles.
- K. A list of the names and addresses of all drivers.
- L. Evidence of required liability and garage keeper insurance.
- M. Certification by the applicant that the company is an equal-opportunity employer and will comply with the applicable Federal Wage and Hour regulations.
- N. A written statement if any governmental license has been refused, including the date of refusal.
- O. A sworn statement as to truth and correctness of all statements contained in application.

2. LICENSES AND PERMIT

A license shall be issued to each company approved by the Commission to operate within the Metropolitan area, showing the name of the licensee, address of the licensee, and expiration license date. The license shall be prominently and conspicuously displayed at all times upon the premises of the licensee. The permit issued for each wrecker the licensee operates shall be gummed, with a numbered decal and shall be displayed at all times on the lower right-hand side of the windshield.

3. APPLICATION FOR WRECKER DRIVER PERMITS

Each application for a wrecker driver permit shall be signed by the applicant and shall be duly attested to by a notary public. The applicant must appear in person with a valid Tennessee driver's license to apply for a license. All appropriate fees must be paid in advance. Applicants must complete a criminal background check.

An applicant shall be disqualified if the applicant 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 any of the following offenses under the laws of Tennessee, or any other state of the United States:

- A. Homicide;
- B. Rape;
- C. Aggravated assault;
- D. Kidnapping;
- E. Robbery, Burglary, or Auto Theft;
- F. Child sexual abuse;
- G. Any sex-related offense;
- H. Leaving the scene of an accident;
- I. Criminal solicitation, or criminal attempt to commit any of the above;
- J. Perjury or false swearing in making any statement under oath in connection with the application for a driver's permit;
- K. The felony possession, sale or distribution of narcotic drugs or controlled substances.

If, at the time of application, the applicant has been charged with any of the above offenses, consideration of the application shall be deferred until entry of a plea, conviction, acquittal, dismissal or other final disposition of the charges.

An applicant shall also be disqualified if the applicant has been convicted of or released from incarceration due to two or more felony offenses within the past ten years.

Applicants with a record or lesser convictions may be required to appear for a Commission hearing to determine if a permit will be approved. If an applicant is required to appear for a Commission hearing, a management representative of the employing wrecker company must also appear at the hearing. Upon denial of an application for a wrecker driver permit, no new application may be submitted for consideration for a period of 3 months.

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4. RIDERS IN WRECKERS

There shall be no riders on the wrecker or in the car being towed, other than employees of the wrecker service or the driver or passengers of the disabled vehicle.

5. EQUIPMENT REQUIRED TO BE ON EMERGENCY WRECKER SERVICE WRECKERS, AND GENERAL WRECKERS RESPONDING TO ROADSIDE EMERGENCIES

A. All wrecker units in service must have the following equipment:

1. Shovel or scoop;
2. Broom;
3. Firefighter's ax;
4. Crowbar;
5. Fire extinguisher - must be a minimum of 20 lbs;
6. Absorbent material (i.e. OIL-DRY) – must be a minimum of 10 lbs.

B. All wreckers used in towing must have the following equipment:

1. Rubber type belt;
2. Tow sling or steel tow bars.

The wrecker company shall inquire at the time of notification of any vehicle accident if a rollback is required and necessary to move the wreckage from the street. 9

6. VEHICLES TOWED WITHOUT OWNER'S CONSENT OR ON ORDERS OF THE POLICE DEPARTMENT

Any vehicle towed without consent of the owner, or upon order of the Police Department, must be reported to the Metropolitan Police Department Vehicle Impound Lot within one hour of towing the vehicle.

7. POLICE DISPATCHER CALLING WRECKER COMPANIES

The dispatcher shall not attempt to call any wrecker company through the tow-in lot. The dispatcher shall first call the applicable zone wrecker company. If there is no answer, the dispatcher shall then call wrecker company in the nearest zone. The dispatcher shall report to the Transportation Licensing Commission all companies who do not answer their phones, or who do not respond promptly. 9

8. WRECKER COMPANIES TOWING TO ANY DESIGNATION

The wrecker company shall transport the vehicle by the most direct, safe route, and shall arrival at the scene of an accident within 30 minutes after dispatch. Once a vehicle is undertow, it will be transported without delay or stops, unless requested by the vehicle owner or warranted by emergency, to its destination.

9. REGULATION OF EMERGENCY WRECKER SERVICE APPLYING TO ZONES

- A. In the case of an accident involving one or more motor vehicles, where services of a wrecker are needed, the police dispatcher shall contact the zone wrecker by telephone. If the dispatcher cannot reach the zone wrecker, he may contact another wrecker service. The police dispatcher shall make the final decision as to which wrecker service to contact if he/she is unable to reach the zone wrecker.
- B. Any licensee of a wrecker company, or his/her employee, that receives a call for an accident from the police dispatcher for an accident that is not in the wrecker company's assigned zone, must immediately notify the police dispatcher of the error. Any wrecker company, licensee or employee of a wrecker company who intentionally violates the aforesaid rule by operating in an unauthorized zone will be subject to disciplinary action by the Transportation Licensing Commission. 9

10. EMERGENCY PRECAUTIONS

Any wrecker engaged in the towing a vehicle, whether during daylight hours or nighttime hours, must display the emergency flashing lights, as well as the lights on the top of the wrecker cab. Drivers of emergency wrecker services must wear reflective clothing when clearing vehicles. 9

11. INTERPRETATION OF CODE SECTIONS

Pursuant to Section 6.80.520(B)(3) of the Metropolitan Code of Laws, the radio at the wrecker company's principal place of business shall be staffed by at least one person from 6 a.m. until 10 p.m. each day. The words "direct line" in Section 6.80.520(B)(4) should be interpreted to mean "telephone." 18

12. A B C D WRECKER REGULATIONS

- A. Police dispatcher shall be furnished a list of the size of wreckers serving each emergency zone.
- B. Police officer on the scene of an accident will notify the dispatcher to call A, B, C or D class wreckers direct and verify departure time.
- C. Wrecker inspectors shall certify all new C class wreckers.
- D. All C class wreckers must meet the State Wrecker Service Standards, a copy of which is on file in the Metropolitan Clerk's office, and is incorporated herein by reference.

13. CLARIFICATION FOR TOWING HOURLY RATES, CHARGES

Any labor time must be shown on the VR report, with the time indicated and verified by the police officer at the scene of the accident. 9

14. CLARIFICATION OF THE SPECIAL PREPARATION FOR TOWING CIRCUMSTANCES

Pursuant to Section 6.80.550(G) of the Metropolitan Code of Laws, the operator of any wrecker service vehicle summoned to tow away any vehicle, whether on a public street, public property, or private property, shall not tow the vehicle away if the operator of the vehicle returns prior to the wrecker vehicle having left the location to which it was summoned. 9

15. LOCATION OF EMERGENCY WRECKER ZONE COMPANIES

A company designated as an Emergency Wrecker Service must be located within Davidson County and within the boundaries of the zone to which it is assigned. However, subject to the Commission's approval, a company designated as an Emergency Wrecker Service may be located a reasonable distance outside of the boundaries of the zone to which it is assigned, so long as the company remains inside Davidson County.

16. WRECKER DISPATCHING ERRORS

Any emergency wrecker service which receives a call from the Emergency Communications Center (ECC) dispatcher, and subsequently determines that they were given an incorrect address with the location outside of their zone, shall inform the dispatcher of the error, but will also acknowledge that the company will respond to the call. The company will then notify the Transportation Licensing Commission staff of the error within 3 business days, to enable the staff to determine if there are discrepancies between the official zone map and the ECC computerized map, and to resolve them. Any emergency wrecker service which takes a zone call, arrives on the scene, and then determines the location is outside their zone, should inform the MNPD officer that the vehicle is located outside their assigned zone. If the MNPD officer orders the emergency wrecker service to tow the vehicle in lieu of summoning the proper emergency wrecker service for that zone, the wrecker service must take the vehicle to the storage lot of the responding zone company or to the Metro Impound Lot, as directed by the officer. 18

17. UNSOLICITED WRECKERS

If a wrecker company is at the scene of an accident when a police officer arrives without being called by police or a person involved, the officer in charge should ask the unsolicited wrecker to leave the scene unless it is the appropriate zone wrecker. 2

18. SOLICITATION PROHIBITED

The owner, operator or representative of any wrecker company is prohibited from soliciting business at the scene of an accident. 2

19. CHASING PROHIBITED

All wreckers are prohibited from “chasing or running” wrecks or breakdowns without an official call from the Metropolitan Police dispatcher or at the request from an owner. 2

20. NOTIFICATIONS CONCERNING EMPLOYEE MISCONDUCT

Wrecker Companies will notify the Commission office if an employee is arrested, cited by the police, fired for cause or any other situation that could cause concern for public safety. 9

21. PERSONAL PROPERTY

Personal property contained in towed vehicles must be released to an owner upon their request, unless the investigating officer places a hold on the vehicle or otherwise restricts such release. Reasonable proof of ownership must be required prior to the release of property. 9

22. REPAIR WORK

Wrecker company operators shall not perform repair work on towed vehicles without the owner’s written consent. 2

23. STATE REGULATIONS

All regulations imposed and enforced by the state of Tennessee are adopted as a part of the Transportation Licensing Commission Operating Rules and Procedures. 2

24. NON-CONSENT TOWING

A. Private Property

Prior to towing a vehicle or personal property from private property without the vehicle or personal property owner’s consent, the towing company must have express written authorization for the towing of that vehicle or personal property from the owner of the private property or designated agent. When an individual is designated by a private property owner to act as an agent to authorize towing from the property, such designation must be in writing and signed by the private property owner. There shall be some relationship between the private property owner and the designated agent, and there must be no relationship between the designated agent and the towing company. No employee of a wrecker company or designee of a wrecker company may patrol or otherwise participate in the decision making process

regarding which vehicles are to be towed from private property; This includes placing any sticker, signal or any other form of designation on any vehicle to be towed. Contracts or written agreements between a towing company and private property owners for non-consent towing must be retained by the towing company and must include the property owner's signature and the signature(s) of any agent(s) designated by the private property owner. The towing company must make these documents available for inspection by the Commission or any designated representative at any time. Maximum allowable rates for non-consent towing from private property will be as specified in Section 6.80.550(H) of the Metropolitan Code of Laws. 7,9

B. Non-Consent Towing requirements

No wrecker company may be granted approval to perform non-consent towing services until after having been granted a general or emergency wrecker license by the TLC and after having operated without sanction or penalty for a period of one calendar year. Any company applying for a non-consent towing permit which is denied may not reapply for a period of three months. 21

25. EMERGENCY WRECKER SERVICES DRIVER TRAINING

Effective May 1, 2012 all drivers of Emergency Wrecker Services Class C wreckers must have completed the following training:

- A. A nationally-recognized recovery training course approved by the Commission director; and
- B. NIMS training modules IS-100b and IS-700.

Emergency wrecker services shall provide evidence of training completion to the Commission office before allowing a driver to drive a Class C wrecker. 18

26. WRECKER VEHICLE INSPECTION STANDARDS

- A. Effective November 14, 2011 wrecker vehicles will be lettered with the name of the entity operating the wrecker. No name or distinctive logo of another licensed company may appear on the vehicle.
- B. Reserved. 19

HORSE-DRAWN CARRIAGES

1. CARRIAGE DRIVER PERMIT FEES

A \$20 fee shall be collected annually for anyone applying to operate a horse drawn carriage. In addition, a \$75 fee will be assessed for all record checks requiring an investigation by law enforcement agencies. There shall be a \$10 permit replacement fee charged. 4

2. CARRIAGE FEES

A \$25 fee shall be collected annually for each horse-drawn carriage to be operated on any Metropolitan street. 2

3. ANNUAL CARRIAGE COMPANY CERTIFICATE FEES

A \$100 fee shall be collected annually for each company wishing to operate a horse drawn carriage service within Metro. If a request for an amendment or a temporary change of the certificate is made, a \$25 fee shall be collected. 2

4. CESSATION OF OPERATIONS FOR ADVERSE TEMPERATURE CONDITIONS

Carriage operations may not be conducted when temperatures are below 25 degrees Fahrenheit or there is ice on the road. Operations may not be conducted when temperatures are above 95 degrees Fahrenheit. Official temperature will be as reported by TDOT 511. Exceptions to this Rule may be granted by the Director, on a case-by-case basis, for special events only. 8, 14

5. SOLICITATION PROHIBITED

Rule vacated 1-31-13

6. NEW DRIVER TRAINING

All newly-permitted carriage drivers must complete a training program under the supervision of a qualified instructor or trainer prior to operating a horse-drawn carriage alone on city streets. Company owners shall develop training programs and submit instructor/trainer qualifications information to the Commission director for approval. At a minimum, driver training must include the following sequence:

- A. Demonstrating proficiency under the direct supervision of the instructor/trainer on at least 20 rides without passengers;
- B. Demonstrating ability to successfully negotiate an approved obstacle course;
- C. Demonstrating ability to control the carriage horse by voice commands and rein control;
- D. Demonstrating proficiency under the direct supervision of the instructor/trainer on at least 10 rides with passengers.

Company owners will be responsible to ensure all previously-permitted drivers can meet requirements B. and C. above. 14

7. CARRIAGE EQUIPMENT AND VISIBILITY

Carriages shall be equipped with rear-view mirrors, tail lights, brake lights, rear-facing turn signals, and side-facing lights. Lights must be clearly visible at night for a distance of at least 80 feet. 14

8. INSURANCE

Proof of insurance coverage shall be required for a minimum of six passengers. If the carriage is a limousine carriage or other carriage capable of transporting more than six passengers, then proof of insurance shall be required for nine passengers. 14

9. DOCUMENTATION REQUIRED FOR OPERATIONS DURING DAYLIGHT HOURS OR SPECIAL EVENTS

The Transportation Licensing Commission (“TLC”) adopts the horse and carriage operational routes and/or zones developed and approved by the Traffic and Parking Commission (“T & P”) staff and directs the TLC staff to assist the T & P staff, if necessary. Any horse and carriage operations outside of the approve zones and/or routes must be approved in advance by T & P staff and TLC staff must be notified. ²³

10. ANNUAL CONSIDERATIONS OF CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

The TLC shall establish annually a date for consideration of Certificates of Public Convenience and Necessity for Horse-Drawn Carriages as well as request for additional vehicles from existing companies. ³¹

OTHER PASSENGER VEHICLES FOR HIRE

1. SPECIAL TEMPORARY SERVICE PERMITS

Certificate holders operating livery or shuttle services may apply for special temporary permits for rental/leased vehicles in anticipation of a need to meet temporary peak business demands or for temporary replacement of permitted vehicles, according to the procedures listed below. Vehicles to receive temporary service permits must meet all vehicle requirements for the classification of service to be performed.

- A. The application for the special temporary service permit must include:
 1. A statement of justification for the use of a temporary permit instead of a regular permit; and
 2. A certificate of insurance indicating that hired vehicles are covered by the policy.
- B. A nonrefundable application fee of \$20 and a fee of \$25 for each special temporary permit decal requested must accompany the application.
- C. When approved, Commission staff will record the numbers of all special temporary permit decals issued to the Certificate holder.
- D. Prior to affixing a decal to any rental/leased vehicle, the Certificate holder must provide the following additional information:
 1. The period when the special temporary permit will be in effect, including the start date and time and the end date and time;
 2. The name of the permitted driver(s) who will operate the vehicle;
 3. A copy of the rental/lease agreement, and the make, model, year, color and vehicle identification number (VIN) of the vehicle.
- E. The Commission staff will record the special temporary permit decal number to be assigned to each rental/leased vehicle.

- F. The Certificate holder will affix the numbered decal to the windshield of the vehicle.
- G. At the end of the temporary period, the Certificate holder must remove the decal and return it to the Commission office within three working days. All unused special temporary permits expire and must be returned to the Commission office no later than March 31, 2016.

2. VEHICLE WAIVER

The following requirements apply to a certificate holder seeking a one-year waiver from the vehicle age and mileage limits contained in Metropolitan Code of Law 6.74.230:

- A. The vehicle must be in service as a passenger vehicle for hire at the time of the application;
- B. The vehicle owner must file a waiver request annually no later than December 1;
- C. The vehicle must not have been used as a law enforcement vehicle prior to service as a passenger vehicle for hire.

Any vehicle granted a one-year waiver will be required to have a mechanical inspection every six months, and the inspection report must be filed with the Commission.

LOW SPEED VEHICLES

1. LICENSING AND PERMITTING FEES

Pursuant to various sections in 6.75 of the Metropolitan Code of Laws, the following fees are adopted for the licensing and permitting of low speed vehicle companies, drivers and vehicles:

- a. Company application fee: \$500
- b. Annual company renewal fee: \$250
- c. Annual vehicle permit fee: \$ 50
- d. Additional permit fee application: \$100
- e. Driver permit fee: \$20
- f. Driver permit replacement fee: \$20
- g. Criminal background fee: \$75 27

2. PASSENGER AGE LIMITATION

No individual from age zero (0) to age four (4) may be transported on a LSV. No individual age four (4) to age eight (8) and below 4'9" tall must be placed in a booster seat, strapped into the LSV in compliance with TCA 55-9-602, 603. 28

3. SEATBELT REQUIREMENT

No individual may be transported in a low speed vehicle (including the driver) unless wearing a seatbelt while vehicle is in operation. 28

4. OPERATIONAL AREA

All Low Speed Vehicles (unless permission is granted by the TLC or TLC staff director in advance) must operate within the following boundaries:

Generally following Blair Blvd to 12th Avenue to I-40 (inner loop) crossing I-40 (to include the inner loop) to the river then crossing to East Nashville then following the river to Shelby Park to Woodland Street to Gallatin Pike to Douglas Avenue to Dickerson Pike to the Spring Street crossing the river with the river as the border north to Van Buren Street to Third Avenue North to Coffee Street to Rosa Parks Blvd to Dominican Drive to 11th Avenue North to I-40 to 28th/31st Avenue Connector to Natchez Trace to Blair Blvd.

LSVs must use the Division Street /12th/Demonbreun Street viaducts to cross I-40. LSVs will not be allowed to operate on the following streets, Church , Charlotte, Broadway, West End or 21st outside of the inner loop west of I-40. In addition, state law prohibits LSVs to operate on any public streets with speed limits higher than 35 mph. 30

5. ANNUAL CONSIDERATIONS OF CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

The TLC shall establish annually a date for consideration of Certificates of Public Convenience and Necessity for LSVs as well as request for additional vehicles from existing companies. 30

6. OPERATIONAL HOURS

LSVs may not operate on the streets between 7-9 a.m. and 4-6 p.m. Monday through Friday. 29

PEDICABS/PEDAL CARRIAGES

1. LICENSING AND PERMITTING FEES

Pursuant to various sections in 6.75 of the Metropolitan Code of Laws, the following fees are adopted for the licensing and permitting of pedicab and pedal carriage companies, drivers and vehicles:

- a. Company application fee: \$500
 - b. Annual company renewal fee: \$250
 - c. Annual vehicle permit fee: \$ 50
 - d. Additional permit fee application: \$100
 - e. Driver permit fee: \$20
 - f. Driver permit replacement fee: \$20
 - g. Criminal background fee: \$75
- 27

2. ANNUAL CONSIDERATIONS OF CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

The TLC shall establish annually a date for consideration of Certificates of Public Convenience and Necessity for pedal carriages or Pedicabs as well as request for additional vehicles from existing companies. 30

3. OPERATIONAL HOURS

Pedal vehicles may not operate on the streets between 7-9 a.m. and 4-6 p.m. Monday through Friday. 29

TLC Rule Adoption Dates

ADOPTED: September 23, 1980	December 14, 2010	14
AMENDED: July 27, 1982	January 25, 2011	15
August 23, 1983	May 24, 2011	16
August 28, 1984	June 28, 2011	17
March 25, 1986	July 26, 2011	18
December 21, 1993	October 25, 2011	19
February 24, 1998	November 15, 2011	20
July 27, 1999	March 21, 2013	21
November 28, 2000	April 25, 2013	22
April 23, 2002	July 21, 2013	23
October 22, 2002	September 26, 2013	24
June 24, 2003	April 24, 2014	25
July 27, 2004	February 26, 2015	26
May 24, 2005	May 28, 2015	27
July 26, 2005	September 17, 2015	28
August 28, 2007	October 27, 2016	29
September 25, 2007	November 19, 2015	30
April 29, 2008	February 25, 2016	31
September 23, 2008	July 28, 2016	32
October 27, 2009	April 26, 2018	33
January 26, 2010		
August 24, 2010		