

METROPOLITAN NASHVILLE-DAVIDSON COUNTY

TRANSPORTATION LICENSING COMMISSION

Minutes

May 23, 2013

The Metropolitan Nashville-Davidson County Transportation Commission (TLC) met in regular session on this date at the Metropolitan Courthouse. Present were Vice Chairman Sal Hernandez, Commissioners Rhonda Marko, Sam Patel and Pat McNally. (4). Also present were Metro Legal Advisers Theresa Costonis, Rachelle Gallimore-Scruggs and Metro Director of Insurance C.B. Cobb along with TLC staff members Lisa Steelman and Interim Director Billy Fields.

In the absence of the Chair, Vice Chair Hernandez called the meeting to order, and then led the Pledge of Allegiance followed by a reading of the Notice of Appeal Statement which outlined the right of appeal for TLC decisions.

Minutes

Commissioner McNally, with a second from Commissioner Patel, moved to approve the minutes from the previous meeting.

ACTION: Approved 3-0

Public Hearings

The Vice Chair announced the first public hearing:

"Consideration of TLC Rules regarding taxicab liability insurance requirements, uninsured motorist insurance coverage and insurance company rating requirements."

The Vice Chair opened the public hearing.

Bruce Giles, representing Atlas Financial Holdings, Inc., which does business as American Service Insurance Co., advised the TLC that his company has been writing insurance for several months primarily with Checker Cab. He spoke about the differences between an admitted and a non-admitted carrier in the state of Tennessee and said the designation of an admitted carrier is very important and carries more weight than an A.M. Best rating in some jurisdictions. He urged the TLC to consider including the admitted status as part of any rule.

Nathan Spears, representing Geny Insurance, reminded the TLC that most of these issues had already been decided and that ratings do matter. He described the manner in which A.M. Best ratings are established and what the ratings mean.

Jamie Hobgood, Consumers Insurance, said his company has worked very hard for its B + + ratings and is based in Murfreesboro.

David McIndoo, Greater Nashville Insurance, said there is no foolproof way to insure companies will not go out of business. He shared his thoughts on insurance coverage and why the ratings are important and the risks of lower rated insurance companies.

C.B. Cobb, director of insurance for Metropolitan Government, described the Tennessee Guarantee Fund which carries a \$100,000 limit for accidents where an insurance carrier has defaulted. He also confirmed that this fund is only available for situations where the carrier was admitted and defaulted. Mr. Cobb pointed out that he thought the TLC should focus on the ratings rather than whether or not the carrier is admitted. He said the B + would be acceptable.

Mr. Giles returned to speak about some issues which were raised during the public hearing including E and O coverage as well as the limited number of companies who will actually "write" taxicab insurance.

With no one else desiring to speak, the Vice Chair closed the public hearing.

The Vice chair said the TLC's previous rulings on insurance coverage and A.M. Best ratings was proper and the deadliness should be extended. Commissioner Marko expressed her agreement that the previous action was good. Commissioner Patel expressed some concern if the uninsured motorist coverage were too high since it would increase premiums paid by the taxicab owners. Interim Director Fields shared his concerns of potential industry injury if the uninsured motorist coverage rates were set at too high a level, but he added that public safety must be the TLC's focus. Commissioner McNally asked about a date for

enacting these new coverage levels and Interim Director Fields suggested that it would be better to have new deadliness of 60 to 90 days from this meeting, but it should be as soon as possible. Commissioner McNally suggested that the dates for the liability coverage should be staggered with the uninsured motorist coverage with a six month start date for the uninsured motorist coverage after the effective date of the new liability coverage levels.

Following the discussion, Commissioner McNally, with a second from Commissioner Patel, moved to establish a rule which becomes effective on September 1, 2013, which requires all licensed taxicabs to have liability insurance coverage of 50/100/50. On March 1, 2014, all licensed taxicabs must carry uninsured motorist insurance coverage of 25/50/15 then on September 1, 2014; all licensed taxicabs must have liability insurance coverage of 100/300/50. All insurance carriers providing this coverage must have an A.M. Best rating of B + or better.

ACTION: Approved 3-0

The Vice Chair announced the second public hearing:

“Consideration of a program to allow all existing holders of taxicab Certificate of Convenience and Necessity to place into service as many as ten (10) percent new vehicles which are ADA accessible taxicabs and consider holding a special meeting to consider any applications.”

The Vice Chair opened the public hearing.

Interim Director Fields related the history of ADA accessible taxicabs in Metropolitan Nashville-Davidson County. He said, if approved, this program would allow each taxicab company to add up to 10 percent more taxicabs to their assigned number as long as each taxicab was met the ADA requirements. He said this would bring the total ADA accessible vehicles to 80 when the numbers were rounded up. Interim Director Fields added that in the case of certificate holders who already operated ADA accessible taxicabs, the current approved vehicles would be counted in the 10 percent program and regular taxicabs could be “backfilled” to maintain each company’s assigned number. He endorsed the idea of adding additional vehicles which will allow better options for people needing accessible transportation.

The following individuals spoke in favor of the new program:

Gif Thornton, TaxiUSA

Doug Trimble, Yellow Cab

Jerry Hall, Metro Government ADA Coordinator

Tom Hopton, Center for Independent Living, supported this proposal and offered to work to improve training practices on ADA accessible vehicles.

Terry Clements, Nashville Convention and Visitors Bureau

Interim Director Fields read a letter from MTA’s General Manager Dawn Distler in support of the program.

Ms. Costonis explained the process which needs to be followed in order to move forward with this program. She said a specially called meeting would be necessary in order to review any applications for additional taxicabs. She added that the TLC needs to determine if there is a need when considering public convenience and necessity.

The Vice Chair closed the public hearing.

Commissioner McNally, with a second from Commissioner Marko, moved that the TLC accept applications from certificate holders for additional taxicabs which meet the ADA requirements and would total no more than 110 percent of the current assigned number of permits per certificate holder and to hold a special meeting in June, 2013 for the purpose of considering any applications for these vehicles.

ACTION: Approved 3-0

Wreckers

The following individuals applied for renewal of their existing wrecker driver permits:

Vince R. Connors

Darrel Golden

Elvis W. Hunt

Commissioner Patel, with a second from Commissioner Marko, moved to approve the requests for renewing wrecker drivers.

ACTION: Approved 3-0

Interim Director Fields reported the following drivers have made application for new wrecker driver permits:

- Benefield, Stephanie A.
- Brown, Courtney M.
- Carrigan, Richard E.
- Cowles, Charles W.
- Easley, Christopher G.
- Forbes, Kyle D.
- Martin, Marlow J.
- Novelle, Anthony J.
- Shaver, Charles D.

Commissioner McNally, with a second from Commissioner Marko, moved to approve the applications.

ACTION: Approved 3-0

Interim Director Fields reported that American Locators and Recovery Service Inc. applied for a non-consent towing permit and the application was in order with the company meeting the criteria established by rule.

Commissioner Marko, with a second by Commissioner McNally, moved to approve the non-consent towing permit.

Action: Approved 3-0.

Interim Director Fields reported that Dad's Towing Service has requested to operate the Emergency Wrecker Zone currently assigned to West Nashville Wrecker through a zone transfer. Interim Director Fields stated that this had to be done in a public hearing, but needed to be presented to the TLC in advance. He added that any other company could apply to operate the zone.

In addition, Interim Director Fields announced that the annual Emergency Wrecker Zone hearing would be held in June as well. He stated that he would work with Metro Legal to make certain all appropriate notices and procedures were followed leading up to the meeting.

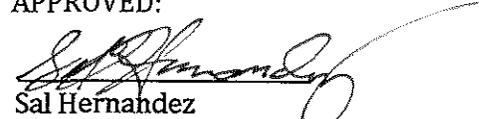
Other Business

With no further business, the meeting was adjourned.

ATTEST:


Billy Fields
Interim Director

APPROVED:


Sal Hernandez
Vice Chair