

November 6, 2025

Proposed MTLC Rule Amendments for November 20th Meeting

Newly proposed language in red

Current language proposed to be deleted in ~~strikethrough~~

ENTERTAINMENT TRANSPORTATION

Section 801 CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

~~b) Because the subcategory of ETV that meet the definition of Seated Sightseeing or Charter Tour vehicles as defined in section 804 (b), serve a distinct public necessity and convenience, different from that served by other ETV, the Commission shall make a separate finding of fact with regard to the existence or lack thereof of a requirement that further or additional Seated Sightseeing or Charter Tour vehicles are required to serve the public convenience and necessity; this finding will be in addition to the finding that further or additional of the types of ETV that do not meet this definition are required to serve the public convenience and necessity.~~

Section 802 FEES

- a) ETC Initial application fee \$ 500.00
- ~~b) Sightseeing Certificate of Public Convenience and Necessity fee \$ 2,500.00~~
- ~~c) Sightseeing Certificate of Public Convenience and Necessity annual renewal fee \$ 2,500.00~~
- ~~d) Sightseeing Vehicle annual fee \$ 500.00~~
- e) Certificate of Public Convenience and Necessity fee \$ 5,000.00
- f) Certificate of Public Convenience and Necessity annual renewal fee \$ 5,000.00
- g) Vehicle annual fee \$ 1,000.00
- h) Driver Initial application fee includes the background check \$ 125.00
- i) Driver annual permit fee \$ 50.00
- j) Driver permit replacement fee \$ 20.00
- k) Background check fee \$ 75.00

Note: Fees are non-refundable and are not prorated. ~~“Sightseeing” as defined in section 804 (b).~~

Section 804 ENCLOSED/UNENCLOSED

~~b) Where the vehicle consistently operates on one or more fixed routes, where all passengers are required to remain seated at all times while the vehicle is in operation, and where alcohol is never permitted or served on the vehicle, the vehicle may be classified as a Seated Sightseeing or Charter Tour vehicle.~~

~~c) ETV are required to be fully enclosed, with the exception of those meeting the definition for the subcategory "Seated Sightseeing or Charter Tour vehicle." Seated Sightseeing or Charter Tour vehicles are exempt from the requirement applicable to other types of ETV that the vehicle be required to be enclosed.~~

SEATED SIGHTSEEING VEHICLES

Section 1000 CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

- a) Each year the MTLC shall set a date to hold public hearings for the purpose of consideration of any applications to receive a certificate of public necessity and convenience to operate a Seated Sightseeing Vehicle (SSV) or to consider requests from existing Certificate holders to increase fleet numbers. Applications along with fee payment must be made at least 45 days prior to the meeting. If a completed application (including all supporting materials and required documents) is presented after the 45-day deadline, the application will not be considered.
- b) In making the finding for the award of a Certificate of Public Convenience and Necessity, the MTLC shall, at a minimum, take into consideration:
 - 1) The number of SSV already in operation.
 - 2) Adequacy of existing service to meet the public need.
 - 3) The applicant's experience in the operation of an SSV.
 - 4) The applicant's history of violations and/or citations of alcohol laws, noise violations, HUB Nashville complaints, and other non-compliant behavior.
 - 5) The ability of the applicant to comply with the laws and regulations, including the equipment and service proposed to be furnished.
 - 6) The applicant's financial responsibility and condition.
 - 7) Safety of the public in the operational area.
 - 8) The probable effect of increased service on local traffic conditions.
 - 9) Traffic flow.

10) Compliance with existing noise ordinances.

Section 1001 FEES

- a) SSV Initial application fee \$ 500.00
- b) Sightseeing Certificate of Public Convenience and Necessity fee \$ 2,500.00
- c) Sightseeing Certificate of Public Convenience and Necessity annual renewal fee \$ 2,500.00
- d) Sightseeing Vehicle annual fee \$ 500.00
- e) 4-6 PM Operations application \$ 250.00
- f) Driver Initial application fee includes the background check \$ 125.00
- g) Driver annual permit fee \$ 50.00
- h) Driver permit replacement fee \$ 20.00
- i) Background check fee \$ 75.00

Note: Fees are non-refundable and are not prorated.

Section 1002 INSURANCE REQUIREMENTS

- a) Certificate holders must comply with, but not limited to, the liability insurance requirements contained in Tennessee Code Annotated title 65, chapter 15.
- b) Holders of certificates of public convenience and necessity shall maintain commercial general (public) liability insurance, inclusive of contractual liability, in an amount of not less than one million dollars written on an occurrence basis. Insurance shall be issued by an insurance company qualified to do business in the state and naming the metropolitan government as an additional insured.
- c) Such holders shall also maintain commercial automobile liability insurance that shall afford protection to any third-party sustaining injury or damage as a result of the negligent operation of any SSV, with the minimum amount of insurance being as follows for the following types of vehicles:
 - 1) Three million dollars per incident, known as combined single limit insurance coverage for vehicles with 16-person or more passenger capacity.
 - 2) Two million dollars per incident, known as combined single limit insurance coverage, for vehicles with fewer than 16-passenger capacity.

- 3) All SSV, regardless of size shall have uninsured/underinsured motorist insurance coverage in an amount not less than one million dollars (bodily injury per person)/one million (per accident)/one million (for property damage). All of the above-referenced policies shall be issued by an insurance company qualified to do business in the state and naming the metropolitan government as an additional insured.
- d) Any insurance policy issued in compliance with this article shall remain in place at least through the length of the licensing, and for any SSV insured thereunder such policies shall expressly provide that they may not be canceled, except after thirty days written notice to the MTLC.
- e) SSV will not operate unless in compliance with insurance requirements mandated by this rule section.

Section 1003 OPERATIONS

- A) In the event of inclement weather, SSV may not operate. Inclement weather exists when the National Weather Service issues any of the following or if SSV operators are notified by NDOT:
 - 1) Severe Thunderstorm Warning
 - 2) Tornado Warning
 - 3) Flood Warning
 - 4) If either snow or ice is present on the roadway surface, operations should be halted until the notice is given by NDOT to allow operations to resume.
- b) The vehicle must be properly marked with the company's name displayed in letters not less than 6" on both sides of vehicle. Lettering must be painted or otherwise permanently attached (no magnetic signs).
- c) Alcohol and controlled substances tests will be conducted after a crash involving an SSV driver which results in: (1) a fatality; (2) bodily injury which requires immediate medical treatment away from the scene of the crash, or (3) where one or more vehicles incur disabling damage requiring the vehicle to be towed away from the scene or resulting in private property damage and/or the SSV driver receives a citation under state or local law for a violation arising from the crash.

Tests should be completed as soon as practical after the crash. Alcohol tests must be administered within two hours following the crash. Controlled substance tests should be administered within 24 hours following the crash. If the SSV driver fails to have the test administered within these time limits, the SSV company shall cease attempts to secure the administration of the tests and shall prepare and maintain a record stating the reasons the test was not promptly administered. A copy of this record shall be sent to the MTLC staff as soon as practical.

Recognizing the limitations inherent in the preceding paragraph, an SSV driver who is subject to post-crash testing shall remain readily available for such testing or may be deemed by the MTLC to have refused to submit to testing. Nothing in this section shall be construed to require the delay of necessary medical attention for injured people following a crash, or to prohibit a driver from leaving the scene of a crash for the period necessary to obtain emergency assistance.

Each SSV company must create and adopt a written policy for conducting employee drug screens, while remaining compliant with standards and regulations of the MTLC. Drug testing companies including but not limited to Concentra, Workforce Essentials, ReliaLab, may be contracted to manage this policy. The SSV company must choose how the program/process will be managed. This includes a means for on-site collections including responding to emergency rooms, crash location, employer's place of business, etc., which includes performing after-hour collections. The adopted program must be submitted to the MTLC for approval.

If the crash results in an MNPd investigation and the investigation results in substance abuse testing of any type, the MTLC will defer to the investigation findings.