

METROPOLITAN NASHVILLE-DAVIDSON COUNTY
TRANSPORTATION LICENSING COMMISSION

Minutes

March 21 2013

The Metropolitan Nashville-Davidson County Transportation Commission (TLC) met in regular session on this date at the Metropolitan Courthouse. Present were Chair Brian Winfrey, Vice Chairman Sal Hernandez, Commissioners Rhonda Marko, Tom Turner, Sam Patel, Pat McNally and Curt Wallen (7). Also present were Metro Legal Advisers Theresa Costonis and Rachelle Gallimore-Scruggs, along with Metro Director of Insurance B.C. Cobb, and TLC staff members Lisa Steelman, Debbie Saddler and Interim Director Billy Fields.

The Chair 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 decision.

Minutes

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

ACTION: Approved 6-0.

Public Hearings

The Chair asked Interim Director Fields to explain the TLC Rule request for non-consent towing requirements.

Interim Director Fields explained that the TLC, by practice, had required any company desiring to perform non-consent towing services have one year of experience as a licensed towing company in Metropolitan Nashville-Davidson County, but that this practice had yet to be delineated in the written TLC Rules. He explained that due to the nature of this service, staff believed it is critical for public safety to only have experienced companies, with no history of sanctions or penalties, allowed to perform this service. Historically, Interim Director Fields reminded the TLC, there had been numerous complaints and problems with less tested companies, which led to the implementation of this practice. Interim Director Fields suggested that some members of the commission had served for many years and would likely remember some of the situations which had arisen prior to this policy regarding non-consent towing complaints. For example, some companies were found to have been routinely and illegally towing vehicles from private parking lots. Interim Director Fields asked the TLC to adopt the following rule:

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 operating 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.

The Chair asked if the TLC had any questions about the proposed rule for representatives from the Legal Department. Commissioner Turner reminded the TLC of previous problems related to predatory towing as well as confrontational situations which arose from some non-consent towing, which included physical threats to members of the TLC during a meeting as well as having testimony from a police officer about an operator carrying a weapon while riding on the back of a wrecker. He said it was a good idea to have a record of no penalties or sanctions for at least a one year period prior to obtaining a non-consent license, and that this was more than appropriate. The Chair said that it has been the Commission's previous practice to not grant non-consent towing licenses to any company without at least one year of experience as a licensed company and that this rule would essentially be a codification of prior practice. The Chair stated that he believed that this rule and underlying policy is what is expected by the industry, this has been the practice of the TLC for some time, and this was a codification of the practice. The Chair noted that no one had signed up to speak on the subject, but if there were any comments.

Larry Boggs, West Nashville Wrecker, spoke in support of the rule and said that this should have been in place years ago. He emphatically stated that it should be as many as five years before a company should be allowed to do non-consent towing, and that the industry supports this suggested rule. There were no other public comments.

Commissioner McNally, with a second from Commissioner Turner, moved to adopt the rule.

ACTION: Approved 6-0.

The Chair asked Interim Director Fields to explain the rule request for an increase in liability insurance requirements and rating requirements for insurance carriers.

Interim Director Fields explained that the Metropolitan Code of Law allows the TLC to establish minimum rate of liability insurance for taxicabs. He explained that by practice, the TLC accepted the state minimum requirement which is 25-50-15. Interim Director Fields stated the RPM Report, accepted by the TLC in 2012, recommended that liability insurance should be increased to 100-300-100. In addition, he explained that the Metropolitan Department of Law recommended the same level of coverage as the report suggested would be appropriate. Interim Director Fields also stated that the Department of Law recommended that only insurance carriers with an A.M. Best Rating of A- or better should be allowed to provide this liability coverage. Interim Director Fields asked the TLC to adopt the following rule:

Pursuant to 6.72.210, the TLC establishes the minimum rate for liability insurance for taxicabs operating under this ordinance to be 100/300/50. Further, all liability insurance must be issued by an insurer licensed to do business in the state of Tennessee with an A.M. Best Rating of no less than A-, effective May 31, 2013.

B.C. Cobb, Metro Director of Insurance, spoke in support of the increased liability limits for taxicabs. The TLC also asked questions about uninsured motorist insurance coverage, as well. He also said the A.M. Best rating was related to the solvency of the company itself.

The following individuals appeared to speak on increasing liability insurance limits and the ratings of the insurance carriers.

Nathan Spears
David McIndoo
Doug Trimble
Ray Crocker

Commissioner Hernandez moved to set the rates for taxicab liability insurance be 50-100-50 effective on May 31, 2013 then increased to 100-300-50 on May 31, 2014 with a minimum rating of the insurance carrier being B ++ A.M. Best rating. The motion also included a recommendation that each taxicab carry 50-100-50 uninsured motorist insurance. There was no second offered. Interim Director Fields asked the TLC not to consider the uninsured motorist rule at this time since that specific issue had not been properly noticed for this meeting.

After some discussion, Commissioner Hernandez then moved, with a second from Commissioner Marko, that effective May 31, 2013, all taxicabs be required to carry liability insurance of 50-100-50 then be raised to 100-300-50 effective on May 31, 2014 and the insurance carrier providing the liability insurance must carry a B+ rating from A.M. Best.

ACTION: Approved 6-0.

Wreckers

The following companies applied for renewal of existing general wrecker permit:

New Hope Towing

Commissioner Patel, with a second from Commissioner Turner, moved to approve the renewing wrecker company requests.

ACTION: Approved 6-0.

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

Darib, Shahid H.
McKay-Norris
Ogle, Larry W.

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

ACTION: Approved 6-0.

The following companies applied for new general wrecker company permits:

Acme Wrecker & Towing
Mikey's Custom Auto

All Pro Towing and Transport

Commissioner Patel, with a second from Commissioner Wallen, moved to approve the request for new general wrecker company licenses.

ACTION: Approved 6-0.

The following drivers made application for new wrecker driver permits:

Boyd, Ronald D.
Munk, Ralph M.

Parr, Rodney G.
Robinson, James A.

Commissioner Patel, with a second from Commissioner Turner, moved to approve the applications.

ACTION: Approved 6-0

Interim Director Fields asked the commissioner to consider the following driver applications separately with a review of their application and background checks:

Albright, Vernon H.

Humphries, Albert B.

Pagan, Jose A.

Interim Director Fields said that Mr. Albright had an assault charge from an incident in February, 2013 as a part of his application. After some discussion, Commissioner Marko, with a second from Commissioner McNally, moved to approve the application.

ACTION: Approved 6-0.

Interim Director Fields explained that Mr. Humphries had a charge of assaulting a police officer on his background check and the inspectors asked for him to appear before the TLC. Mr. Humphries responded to questions about his background check. After a brief discussion, Commissioner McNally, with a second from Commissioner Turner, moved to approve the application.

ACTION: Approved 6-0.

Interim Director Fields explained that there were some criminal charges not listed on Mr. Pagan's application, including domestic assault. There was discussion about the issue of whether or not the charges were disclosed. After hearing Mr. Pagan's explanation of the charge as well as his entire criminal record, Commissioner Marko, with a second from Commissioner Turner, moved to defer consideration of this application until someone from a wrecker company is present to speak on Applicant's behalf.

ACTION: Approved 6-0.

Other Business

Interim Director Fields advised the TLC that he would be asking for a Public Hearing for the purposes of considering rule changes regarding taxicab insurance requirements for uninsured motorist coverage, as well GPS tracking and related issues at the April, 2013 meeting.

With no further business, the meeting was adjourned.

ATTEST:

APPROVED:

Billy Fields
Interim Director

Brian Winfrey
Chair