

**METROPOLITAN NASHVILLE-DAVIDSON COUNTY
TRANSPORTATION LICENSING COMMISSION**

**Minutes
October 30, 2014**

The Metropolitan Nashville-Davidson County Transportation Commission (TLC) met in regular session on this date in the Sonny West Conference Center at the Howard Office Building. Present were Chair Sal Hernandez, Vice Chair Tom Turner and Commissioners Pat McNally, Curt Wallen, Ben Jordan, Sam Patel and Rhonda Marko (7) also present were Metro Legal Advisers Theresa Costonis, Tara Ladd and Metro Insurance Manager BC Cobb along with TLC Staff Lisa Steelman, Millie Carman and Billy Fields.

The Chair and called the meeting to order at 1:35 p.m. and 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 From Previous TLC Meeting

Commissioner Patel with a second from Commissioner Jordan moved approval of the previous TLC meeting minutes with no changes.

ACTION: Motion approved 6-0

The Chair opened the public hearing for the purposes of Consideration of legislation regarding amendments to the Metropolitan Code of Law in section 6.74 "Other Vehicles for Hire".

The following people spoke:

Jillian Irvin	Ross Winetsky	John Murphey
Meghan Joyce	Andrea Thompson	Abib IbrahimAbdul Gure
Joe Okpaku	Ali Bokhari	Bashir Gure
Jakima Young	Aubrey Haley	Jeni Williams
Del Ambaw	Jim Burrow .	Jacob Quicken
Ken Sircy	Mehari Wolekidan	Matt Ratliff
Kate Krebs	Devang Bhatt	Abdi Naser
Mike Kaiser	James Hendrix	Khalil Ahmed
Nathan Spears	Eric Ripple	Richard Simpkins
Adugna Denber	Bryan Pieper	Fasil Mohomed

With no one else wishing to speak, the Chair closed the public hearing at 3:22 p.m.

After some discussion, Commissioner McNally, with a second from Vice Chair Turner, moved to recommend the draft legislation to the Metropolitan Council with the following changes:

6.74.30 B. 2

Replace "ten years" with "seven years"

6.74.050

Replace 6.74.50, sections B. 1 through C.3 in its entirety with:

A. Minimum insurance requirements.

1. 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.

2. Such holders shall also maintain commercial automobile liability insurance in an amount of not less than an amount to be set by the MTLC by rule, in consideration of the type of vehicle and the number of passengers it is designed to carry, and uninsured/underinsured motorist insurance coverage in an amount not less than \$25,000 (bodily injury per person)/\$50,000 (per accident)/\$15,000(for property damage). All vehicles permitted under a single certificate shall be covered under one master policy held by that certificate holder with coverage of not less than one million dollars combined single limit. The holder of the certificate of public convenience and necessity shall certify under oath to the MTLC that it has met and will continue to meet all requirements as necessary to ensure that coverage remains in force for each passenger vehicle for

hire currently or in future affiliated with the holder of the certificate of public convenience and necessity. Documentation of compliance with these requirements shall be available to the MTLC staff upon request. In the case of a TNC, the TNC's commercial automobile liability insurance coverage shall be consistent with the provisions of subsections B.3. and C., below.

3. Automobile liability insurance with regard to TNC Vehicles may either be consistent with subsection C., below, or be a policy of the TNC Operator in which case the TNC Operator's minimum policy limits shall consist of amounts to be set by the MTLC by rule, including for bodily injury per person, per accident, property damage and uninsured/underinsured motorist insurance coverage for bodily injury, per accident and property damage, for incidents occurring while the TNC Operator is active on the TNC digital platform.

4. The insurance company must be licensed to do business in the State of Tennessee or an eligible surplus line with the Tennessee Department of Commerce and Insurance and have a rating from AM Best or another other equivalently reliable rating system that meets the requirements of the rules or regulations adopted by the MTLC. Surplus line insurance may be required to have a higher rating than insurance from a company licensed to do business in the State of Tennessee.

C. Insurance Alternatives for TNC's

1. To cover TNC Operators that do not maintain a personal automobile liability policy as provided in subsection B.3, above, the holder of a TNC's certificate of public necessity and convenience shall, in the alternative, maintain one master commercial automobile liability policy held by that holder of the certificate of public convenience and necessity with coverage of not less than one million dollars combined single limit, under which all vehicles permitted under that holder's single certificate of public convenience and necessity and not already covered by a policy of the TNC Operator meeting the requirements of subsection B.3., above, shall be covered, and which policy shall provide primary coverage for any incident that arises out of the operation of a TNC Vehicle affiliated with that TNC any time after the TNC Operator operating that TNC Vehicle has accepted a ride on the TNC digital network or dispatch system until the passenger exits the vehicle. The TNC shall also provide uninsured/underinsured motorist insurance coverage in an amount not less than \$25,000 (bodily injury per person)/\$50,000 (per accident)/\$15,000(for property damage).

2. The TNC's policy shall be supplemental to the TNC operator's personal policy at times when the TNC operator is logged onto the TNC digital network or dispatch system but has not accepted a ride or is not carrying a passenger, but, in the event that with regard to a claim that arises out of TNC operations during this time period, the TNC Operator's personal insurance policy is not in place, denies coverage, or does not cover the full amount of the damages, the TNC's insurance shall become primary coverage for the TNC vehicle of that particular TNC Operator up to limits for this period to be set by the MTLC by rule.

3. The holder of the TNC's certificate of public convenience and necessity shall certify under oath to the MTLC that it has met and will continue to meet all requirements as necessary to ensure that coverage remains in force for each TNC Vehicle currently or in future affiliated with the TNC and not already covered by a policy of the TNC Operator meeting the requirements of subsection B.2., above. Documentation of compliance with these requirements shall be available to the MTLC staff upon request.

6.74.120.F.1

Replace "1. Has been convicted, pleaded 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:"

With:

E. Any applicant shall, in addition to any disqualifications listed elsewhere in this chapter, be disqualified if the applicant:

1. Has been convicted, pleaded guilty, nolo contendere, placed on judicial diversion pursuant to Tenn. Code Ann. Section 40-35-313, or been released from incarceration, probation or parole

within a period of seven 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 of America:

6.74.120 F.1

Delete Aggravated Domestic Assault and replace with Domestic Assault or Domestic Violence

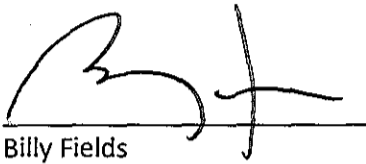
6.74.120 F.3

Remove it in its entirety.

ACTION: Motion approved 6-0

With no further business, the meeting was adjourned at 4:39 p.m.

ATTEST:



Billy Fields
Director/Executive Secretary

APPROVED:



Sal Hernandez
Chair