

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

**Minutes**

**March 21, 2024**

The Metropolitan Nashville-Davidson County Transportation Licensing Commission (TLC) met for its regular meeting on this date in the Jury Assembly Room of the Justice A.A. Birch Building. Present were Chair Sal Hernandez, Vice Chair Pat McNally, Commissioners Freddie Carr, Michael Hayes, Keith Pyle, Carey Rogers, and Charles Sueing (7). Also present were NDOT Director Diana Alarcon along with NDOT staff Lisa Steelman, Richard Rooker, Marty Sewell, and T.D. Schlafer. Also present were Metro Legal advisors Erica Haber and Theresa Costonis.

The Chair called the meeting to order then led the Pledge of Allegiance followed by a reading of the Notice of Appeal Statement which outlined the right of appeal of TLC decisions.

The Chair opened the floor for public comment from those gathered. Michael Winters, Grant Rosenblatt, and Jeanette Barker spoke. There were no further requests to speak.

Vice Chair McNally with a second from Commissioner Pyle moved approval of the minutes from the previous meeting.

ACTION:           Approved           5-0

Commissioner Carr arrived.

Marty Sewell of NDOT presented a PowerPoint presentation on the findings of the Connect Downtown study.

**Public Hearings**

The Chair announced a public hearing for the purpose of reviewing an ordinance to amend Title 6, Chapter 81 of the Metropolitan Code of Laws regarding Booting Services. Councilmember Kupin was present to speak as well as Steven Knapp and Cliff Wharton.

Metro Legal advisor Theresa Costonis introduced the proposed ordinance change:

ORDINANCE NO. BL2024-\_\_\_\_\_

An ordinance to amend Title 6, Chapter 81 of the Metropolitan Code, adding a new title to the chapter, changing references from “booting” to “vehicle immobilization” throughout, setting an annual expiration date, adding a hospitality training requirement, and adding a grace period for immobilization, making changes to the signage requirement for immobilization (formerly booting) services.

WHEREAS, the public safety is entrusted to vehicle immobilization service providers; and,

WHEREAS, sections need to be added to Chapter 6.81 to provide further protection to the citizens of Nashville and Davidson County who are subject to vehicle immobilization, and to the licensees and employees engaged in the act of installing a vehicle immobilization device; and,

WHEREAS, at its meeting on March 21, 2024, the Metropolitan Transportation Licensing Commission met and recommended the approval of this ordinance to Council; and,

WHEREAS, while in the past this chapter referred only to “booting,” new devices that also have the effect of preventing vehicles from being legally driven, and that do not consist of a boot on a vehicle’s tire, have been invented and are beginning to be commonly used; and,

WHEREAS, livability in Nashville is best served with a process to properly license companies engaged in immobilization services; and,

WHEREAS, it is in the best interest of the citizens of the Metropolitan Government of Nashville and Davidson County that this amendment be approved.

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. That Chapter 6.81 of the Metropolitan Code is hereby deleted in its entirety and replaced with the following:

**Chapter 6.81 – VEHICLE IMMOBILIZATION SERVICES**

**Article I. - Definitions**

**6.81.005 - Definitions.**

For the purpose of this chapter, the words and phrases used in this chapter shall have the following meanings, unless otherwise clearly indicated by the context:

"Vehicle immobilization" means the attachment of any device to a vehicle that prevents the vehicle from legally being driven.

“Vehicle immobilization device” means a device that when attached to a vehicle prevents that vehicle from legally being driven. A vehicle immobilization device includes, but is not limited to, a “boot.”

"Vehicle immobilization license" means a license issued by the transportation licensing commission authorizing the holder thereof to engage in the business of providing vehicle immobilization services within the area of the metropolitan government.

"Vehicle immobilization service" means a person, business, or firm engaged in the practice of installing vehicle immobilization devices for a fee or other compensation within the area of the metropolitan government, provided that the vehicle's owner/lien

holder, a metropolitan police officer in the performance of his/her official duty, a parking patrol officer for a college or university engaging in the practice of installing vehicle immobilization devices, a Nashville Department of Transportation and Multimodal Infrastructure (NDOT) parking enforcement patrol officer in the performance of his/her official duty, or a contractor thereof, while engaged in performing services for NDOT, shall not be considered a vehicle immobilization service.

## **Article II. - License for Operation**

### **6.81.010 - Purpose and intent.**

It is declared to be the purpose and intent of this chapter that all vehicle immobilization services doing business within the area of the metropolitan government be licensed and required to have adequate insurance coverage in force as set out in this chapter for the protection and welfare of the public. The provisions of this chapter shall regulate the use of vehicle immobilization devices and vehicle immobilization services within the area of the metropolitan government.

### **6.81.015 - License required to provide vehicle immobilization service.**

No person shall engage in the business of providing vehicle immobilization services within the area of the metropolitan government without first obtaining and keeping in force a license from the commission to operate a vehicle immobilization service pursuant to Section 6.81.005. The license granted by the commission allows vehicle immobilization services to operate on private property only. It shall be unlawful for a vehicle immobilization service to install a vehicle immobilization device on any vehicle located on any portion of a public street within the area of the metropolitan government, unless it is doing so as a contracted service at the behest of MNP, NDOT or a parking patrol officer for a college or university engaging in the practice of installing vehicle immobilization devices.

### **6.81.020 - Applications—Conditions.**

- A. Any person desiring to engage in the business of providing vehicle immobilization services within the area of the metropolitan government shall make application to the commission, which application shall be upon forms to be adopted and provided by the commission. The completed application must contain all the information required by such form and must be verified under oath.
  
- B. The form to be adopted and provided by the commission shall require such information as the commission determines to be necessary and proper, including, but not limited to, the following:
  - 1. The full name and address of the person, firm or corporation desiring to obtain a license and whether he is the owner, lessee or bailee of the proposed vehicle immobilization operation;

2. The location and description of the place and premises from which the applicant intends to operate a vehicle immobilization service;
  3. The names and addresses of at least two references as to the applicant's financial responsibility;
  4. That the applicant is of good moral character and is ready, willing and able to comply with all the laws of the metropolitan government, the State of Tennessee, the United States and the rules and regulations of the commission;
  5. That the applicant will list with the commission the names, home addresses and ages of all employees to be used or employed by the applicant in the business of providing a vehicle immobilization service, with the exception of part-time or emergency employees whose names will be furnished once a month. The applicant will update the list upon each renewal of his/her license;
  6. That the applicant will take out and maintain in full force and effect such policies of insurance as are herein required;
  7. The applicant will comply with the mandatory rates and charges as herein provided and as may hereafter be adopted by the commission.
  8. The applicant will be twenty-one years of age.
- C. Criminal Background Investigation. Upon receiving an application for a license from an applicant, the applicant must undergo an identification and background check as required by state law as more specifically provided by rule and regulations adopted by the MTLC. Upon receipt of the background check report, the MTLC Director shall determine whether the applicant's background check disqualifies him or her from eligibility for an employee's permit/license.
- D. Application Approval and Disapproval. Upon disapproval of license application by the MTLC Director, the applicant may file an appeal with the MTLC within thirty days of denial and request an appearance before the MTLC. The appeal shall be heard by the MTLC at the next available commission meeting with the appellant appearing in person for consideration of the application.
- E. New Application after Denial. Upon denial of an application for a license, no new application shall be considered for a period of three months.

**6.81.030 – Making false statement—Power not to grant application.**

Any person making a false statement in any application required by the commission shall forfeit his/her license or permit and shall not be eligible to receive or hold a license or permit from the commission for a period of ten years. The commission shall have the power to not issue any

license or permit when it finds that such issuance would interfere with the public health, safety and welfare of this community.

**6.81.040 - Liability insurance required.**

No license to operate a vehicle immobilization service shall be issued, become effective or continue in force and effect unless there is in full force and effect a liability insurance policy covering the licensee and his/her vehicle immobilization operation with not less than a one million dollar single limit, one million dollar umbrella, naming the metropolitan government as an additional insured. Such liability insurance policy shall be with an insurance company authorized to do business in Tennessee and approved by the commission and shall be filed with the secretary of the commission.

**6.81.050 - License—Issuance and contents.**

- A. If, after the hearing provided for in Section 6.81.190, the commission finds upon examination that the applicant is capable, willing and qualified to provide a vehicle immobilization service and can conform to the laws of the metropolitan government, the State of Tennessee, the United States and the rules and regulations of the commission; then, the commission may grant and issue to such applicant a license to operate a vehicle immobilization service; otherwise, the application shall be denied.
- B. Such license shall state the name and address of the licensee, the date of issuance, and such other information as the commission determines to be necessary and proper.

**6.81.060 - License—Fees, expiration, transfer and display.**

- A. A license issued by the commission to any person permitting such person to operate a vehicle immobilization service shall be issued for a period of one year at a fee of five hundred dollars. The commission shall have the authority to adopt future increases in this fee.
- B. A license issued hereunder shall not be sold, assigned, mortgaged or otherwise transferred without commission approval and shall expire immediately upon the licensee terminating the vehicle immobilization service or upon revocation by the commission.
- C. A current license issued by the commission shall be prominently and conspicuously displayed at all times upon the premises from which the licensee operates his vehicle immobilization service.

**6.81.065 - Annual renewal.**

All licenses issued under this section shall expire on January 31st of the year following the date on which the certificate was issued. All certificates may be renewed by the director for each successive year between January 1st and January 31st of each year. A renewal fee in an amount to be established by the commission based upon the cost of processing the application for each

approved license to operate vehicle immobilization services company shall be charged at the annual renewal. Failure to renew a license by January 31st shall result in forfeiture of the license. A renewal application shall provide all conditions required in 6.81.020. The MTLC Director, in his or her discretion, may extend a license previously issued under this chapter that expires in 2024 to January 31, 2025, in order to align the expiration dates of all licenses regulated under this chapter.

**6.81.070 - Payment of fee.**

The licensee shall provide a vehicle owner the option of paying the fee to remove the vehicle immobilization device from the vehicle by cash, debit card or major credit card. In addition to the aforesaid payment options, a licensee may accept payment by check. For purposes of this subsection, the term "major credit card" means a Visa, MasterCard, American Express, Discover and Diner's Club card.

**Article III. - Employees**

**6.81.080 - Permit required for employees—Permit fee—Identification badge.**

- A. Each employee of a vehicle immobilization service desiring to engage in the practice of installing and removing vehicle immobilization devices from vehicles within the area of the metropolitan government shall make an application to the commission for a permit, which application shall be upon forms to be adopted and provided by the commission. The completed application must contain all the information required by such form and must be verified under oath.
- B. The applicant shall be eighteen years of age.
- C. The applicant shall have a valid Tennessee driver license that complies with all applicable requirements of state law as further specified in rules to be adopted by the MTLC.
- D. Criminal background investigation.
  - 1. Upon receiving an application for a permit from an applicant, the applicant must undergo an identification and background check as required by state law as more specifically provided by rules and regulations adopted by the MTLC. Upon receipt of the background check report, the MTLC Director shall determine whether the applicant's background check disqualifies him or her from eligibility for an employee's permit.
  - 2. Additionally, the license holder shall check the National Sex Offender Database to verify whether the permit applicant is listed on the database, and shall certify under oath to the MTLC that it has conducted this check and verified that the applicant does not appear to be on the database. Any permit applicant listed on the database shall be disqualified for eligibility for an employee's permit.
  - 3. Any permit applicant shall, in addition to any disqualifications listed elsewhere in this chapter, be disqualified if the applicant:

- a. Has been convicted, pleaded guilty, nolo contendere, placed on judicial diversion pursuant to Tenn. Code Ann. Sec. 40-35-313, or been released from incarceration, probation or parole within a period of seven years prior to the date of the application for violation of any of the following criminal offenses under the laws of Tennessee, any other state, or the United States of America:
- Homicide,
  - Rape,
  - Aggravated Assault,
  - Kidnapping,
  - Robbery,
  - Burglary,
  - Domestic assault or domestic violence,
  - Child sexual abuse,
  - Any sex-related offense,
  - Leaving the scene of an accident,
  - Criminal solicitation or criminal attempt to commit any of the above,
  - Perjury or false swearing in making any statement under oath in connection with the application for an employee's permit,
  - The felony possession, sale or distribution of narcotic drugs or controlled substances.
- b. If, at the time of the application, the applicant is charged with any offense in a. above, consideration of the application shall be deferred until entry of a plea, conviction, acquittal, dismissal, or other final disposition of the charges.
- c. Has been convicted for a period of two years prior to the date of application of the violation of two more sections of the Code or other ordinances governing the operation of vehicles for hire.
- d. Has failed to disclose any criminal conviction, except traffic citations, on the application for a permit.

E. Application Approval and Disapproval. Upon disapproval of a permit application by the MTLC Director, the applicant may file an appeal with the MTLC within thirty days of denial

and request an appearance before the MTLC. The appeal shall be heard by the MTLC at the next available commission meeting with the appellant appearing in person for consideration of the application.

- F. New Application after Denial. Upon denial of an application for an employee's permit or license, no new application shall be considered for a period of three months.
- G. A permit issued by the commission to an employee of a vehicle immobilization service permitting such person to engage in the practice of installing vehicle immobilization devices shall be issued for a period of one year at a fee of fifty dollars, plus an additional forty dollars for an investigation of the person applying for the permit. The commission shall have the authority to adopt future increases in the permit fee and the fee to pay for the cost of the investigation of the permit applicant.
- H. A permit issued hereunder shall not be sold, assigned, mortgaged or otherwise transferred from one person to another and shall expire immediately when the permittee is no longer employed by a vehicle immobilization service or upon revocation by the commission.
- I. A current permit issued by the commission shall be carried by the employee at all times he/she is engaged in the act of installing vehicle immobilization devices.
- J. All persons engaged in the act of installing vehicle immobilization devices shall wear an identification badge including the person's first and last name, the name of the company, and the permit number of the employee.
- K. Permits issued under this chapter shall be coterminous with the permittee's valid Tennessee driver license. Any time that a permittee's driver's license is suspended, revoked, or cancelled, the permittee shall immediately self-report said action to the MTLC and their license issued by the commission shall likewise be immediately suspended, revoked, or cancelled. The license issued by the commission shall immediately be surrendered to the MTLC until such time as their driver's license is reinstated.
- L. All persons engaged in the act of installing vehicle immobilization devices must wear a uniform which contains the name and/or logo of the vehicle immobilization service company on the right or left chest of the shirt or jacket the employee is wearing.

**6.81.085 – Expiration—Issuance and replacement fee.**

- A. Each vehicle immobilization service employee permit shall be issued for a period of one year or any part thereof, or for such other time period the metropolitan transportation licensing commission prescribes, with all permits issued pursuant to this chapter expiring on January 31st of each year. Upon its expiration, the MTLC Director, in his or her discretion, may extend a permit previously issued under this chapter that expires in 2024 to January 31, 2025, in order to align the expiration dates of all employee permits regulated under this chapter.
- B. A permit shall be issued to qualified applicants upon the payment of a fee in an amount to be established by the commission plus the cost of investigation. If the permit for the preceding issuance has been revoked, no new permit shall be issued without prior commission

approval. Permits may be renewed by the director between January 1st and 31st of each year. A renewal fee in an amount to be established by the commission shall be charged for each permit issued. A fee in an amount established by the commission shall be charged for all replacement or temporary vehicle immobilization service employee permit. Such fees shall be in addition to the cost of any investigation.

**6.81.090 - Licensee responsibilities—Compliance required.**

- A. No licensee shall permit any of its employees while engaged in the practice of installing vehicle immobilization devices to engage in activities or practices contrary to the public safety or welfare or contrary to the proper discharge of their duties in the course of their employment.
- B. Each licensee shall be responsible for its employees complying with the laws of the metropolitan government, the State of Tennessee, the United States and the rules and regulations of the commission which reflect on the fitness of such employees to be employed in the operation of a vehicle immobilization service, and violations by the employees of a licensee shall be cause for revocation, suspension, probation or failure to renew the license of the licensee and the permits of the employees.

**6.81.095 - Hospitality training program—Participation required.**

- A. Every newly permitted vehicle immobilization service employee shall have attended a hospitality program approved by the MTLC prior to receiving a permit.
- B. Every previously permitted vehicle immobilization service employee shall attend a hospitality training course or refresher course approved by the MTLC prior to applying for renewal of a permit each year.

**Article IV. - Equipment and Operation**

**6.81.100 - Vehicle requirements and damages.**

- A. Vehicles being used to assist in the operation of a vehicle immobilization service must display on each side, in plain view, the name of the vehicle immobilization service, and the telephone number of the vehicle immobilization service. The lettering shall be in a contrasting color to the color of the vehicle, or if a vehicle magnet is used, the lettering shall be in a contrasting color to the color of the magnet. The lettering shall be at least 1.5 inches in height.
- B. A vehicle immobilization service must maintain a 24-hour a day, 365 days per year phone number that is staffed by a live operator to communicate immediately with a driver of a vehicle that has had a vehicle immobilization installed on it by the vehicle immobilization service.
- C. In the event that the application of a vehicle immobilization device damages a vehicle, then the vehicle immobilization service must pay the cost of repairs for that damage.

- D. It shall be unlawful for either a vehicle immobilization service to install vehicle immobilization devices on vehicles on private property without having a valid written contract specifically for such services entered into with the private property owner, lawful lessee, managing agent or other person in control of the property.

**6.81.110 - Minimum equipment required.**

- A. Each vehicle used by a vehicle immobilization service company shall be equipped with and have available at all times all of the equipment which the commission may reasonably require by its rules and regulations to ensure the safe operation of the vehicle immobilization service.
- B. At the time of application for a license, the commission shall furnish to the applicant in writing a list of such equipment as the commission deems to be the minimum requirements for each vehicle and the licensee shall carry and have available at all times and in good working order in each of his/her vehicles such required equipment until a new list is furnished the licensee by the commission. The commission may furnish such new or revised list of such equipment from time to time as it deems necessary, and each licensee after being furnished same shall comply therewith.

**6.81.120 - Operating records.**

Each licensee shall maintain or cause to be maintained such records as the commission may, by rules and regulations, require for the purpose of enforcing the provisions of this chapter and the rules and regulations of the commission.

**6.81.130 - Notices at time vehicle immobilization device is installed.**

- A. A notice must be affixed using a temporary adhesive to the driver side window of every vehicle for which a vehicle immobilization device is installed.
- B. Such notice shall measure not less than five inches in width and seven inches in height, and shall include the following information:
  - 1. A warning not to move the vehicle. Such warning shall expressly state that movement of the vehicle may cause damage to the vehicle.
  - 2. The reason for and time of immobilization.
  - 3. The name of the vehicle immobilization service and a twenty-four hour telephone number at which the vehicle immobilization service can be reached.
  - 4. The fee required for removal of the vehicle immobilization device.
  - 5. A reference to Chapter 6.81 of the Metropolitan Code regulating the immobilization of vehicles.

**6.81.140 – Vehicle immobilization fees.**

The maximum fee which may be charged for vehicle immobilization device removal shall not exceed seventy-five dollars. The commission shall have the authority to adopt future increases in this fee.

**6.81.150 - Receipts.**

The vehicle immobilization service shall render to the operator or owner of any vehicle from which a vehicle immobilization device is removed a receipt for the amount charged, either by a mechanically printed receipt or by a specially prepared receipt on which shall be the name of the licensee, amount of charges and appropriate taxes, date of transaction and the type of vehicle upon which a vehicle immobilization device was installed. The licensee shall keep a copy of such receipts which shall be made available to the commission or its inspectors at all times.

**6.81.160 - Disposition of revenue.**

- A. The commission shall remit to the metropolitan treasurer all fees and other revenues derived from the license and permit fees collected under the provisions of this chapter and the metropolitan treasurer shall maintain an account thereof.
- B. Such fees shall be remitted as required by the director of finance and the amounts so collected shall be used to defray the expenses of the commission including, but not limited to, the payment of the salaries of the commission's inspectors.
- C. Payment therefrom shall be upon requisition or voucher executed by a person or persons authorized by the director of finance.

**6.81.170 - Prohibited acts.**

It is declared that the following acts are prohibited and unlawful and the license or permit of any person and/or company doing any such acts or failing to comply with the provisions of this chapter may be revoked, suspended, placed on probation or not renewed by the MTLC director or the transportation licensing commission:

- A. To tow a vehicle upon which a vehicle immobilization device has been installed from any private property if the vehicle immobilization device has been on the vehicle less than twenty-four continuous hours. After twenty-four hours, the vehicle may be towed, but only if properly authorized by the private property owner or lessee, which authority may not be delegated by the property owner or lessee to a third person or entity.
- B. To refuse to remove a vehicle immobilization device because the device is damaged.
- C. To fail to respond and arrive to a vehicle upon which a vehicle immobilization device has been installed to remove the vehicle installation device within one hour of being contacted

- by the owner or operator or to fail to remove the vehicle immobilization device within one hour after full vehicle immobilization device removal payment has been received.
- D. For a vehicle immobilization service to make any payment to an owner, employee, agent, or person in possession of a commercial parking lot in excess of the reasonable and customary parking fee ordinarily charged by the parking lot thereon.
  - E. For any vehicle immobilization service to be licensed hereunder if that vehicle immobilization service is also engaged in the business of parking lot ownership or owns the property where vehicle immobilization services are being performed.
  - F. For a person or company to engage in the business of providing vehicle immobilization services within the area of the metropolitan government without first obtaining and keeping in force a license from the commission to operate a vehicle immobilization service.

**6.81.180 - Signage—Unpaid parking violations.**

- A. No vehicle immobilization device shall be placed on a vehicle parked on private property unless a permanently affixed sign measuring not less than twenty-four inches in height and eighteen inches in width is posted on the property. Signs ordered in these dimensions that shrink very slightly as a result of the printing process shall still be deemed compliant with this section, so long as they are no less than 1/2" smaller than this requirement. Signs shall be conspicuously located at each designated entrance to a parking lot or parking area where parking prohibitions are to be effective. Where there is no designated entrance, such signs shall be erected at each and every parking space. The bottom of such signs located at a designated entrance to a parking lot shall be at least four feet above the site grade. Where there is no designated entrance, the bottom of such signs shall be six feet above site grade. Signs that were printed and placed in accordance with the prior version of this section, referencing booting, may remain in place and be deemed compliant with this section until July 1, 2025, except that where there is no designated entrance, signs shall be placed at each parking space within 30 days of the date this ordinance takes effect. Such signs shall include the following information in red lettering on a white background:

Parking Policy Strictly Enforced

A Vehicle Immobilization Device will be Attached to Violators' Vehicles at Owner's Expense

\$75.00 Maximum Vehicle Immobilization Fee

[Name and 24-hour phone number of vehicle immobilization company].§

Consumers are protected from violations of TCA 47-18-3203. Violations may be reported to the Attorney General and Reporter.

- B. Once signs have been installed in a parking lot or area, the vehicle immobilization service must email photos of each of the signs in the lot to the MTLC. The photos must clearly show the entrance to the parking lot or parking area. After receipt of the photos, the MTLC will schedule an inspection and the MTLC may grant a conditional approval via email, which can be revoked if, upon inspection, the signs are not in compliance. Except as provided above in subdivision 6.81.180.A., if the MTLC finds that the signs are not in compliance, the company must correct the signs within forty-eight hours or the conditional approval will be revoked.

- C. If a vehicle immobilization device is placed on a vehicle parked on private property for failure to pay the required parking charge, the owner or operator of the private property may require the owner of the vehicle to pay the applicable vehicle immobilization device removal fee plus all unpaid parking fines in order to have the vehicle immobilization device removed.
- D. Vehicle immobilization companies will allow a 15-minute grace period for improperly parked vehicles prior to installing an immobilization device; unless signed as a reserve space.

## **Article V. - Hearings**

### **6.81.190 - Hearing for applicant for license.**

- A. Upon receipt of an applicant's written request to appeal a decision of the director denying any license provided for in this chapter, the commission shall hold a public hearing for the applicant after giving the applicant at least a fifteen-day notice of the time and place of such hearing.
- B. The commission is empowered to make all such rules and regulations which it considers necessary and proper for any hearings provided for by this chapter.

### **6.81.200 - Hearing before suspension, revocation or probation and after refusal to renew license or permit.**

- A. Upon the MTLC director becoming aware of a failure of a vehicle immobilization service to comply with any provision of this chapter or the MTLC rules and regulations, the MTLC director shall send notice of the deficiency to the vehicle immobilization service. Once a vehicle immobilization service has been notified of any deficiency, other than violations of Section 6.81.170, by the MTLC director, the vehicle immobilization service shall address said deficiency within five business days of receipt of notice from the MTLC director. If the vehicle immobilization service fails to address the deficiency within five business days, the MTLC director is authorized to suspend, revoke, otherwise restrict, or not renew any license or permit issued under this article for failing or refusing to comply with the provisions of this chapter or the MTLC rules and regulations. For violations of Section 6.81.170, the vehicle immobilization service must correct the violation immediately.
- B. No action to suspend, revoke or place on probation any license or permit provided for in this chapter shall be taken by the commission or the MTLC director, except in emergency situations, until the licensee or permittee has been furnished a written statement of the Metropolitan Code violations and a notice of the time and place of the hearing before the MTLC to be held thereon. The furnishing of such notice and the reasons for the MTLC director's proposed action shall be given to such licensee or permittee at least fifteen days prior to the date of the hearing. If at such hearing, the commission finds the licensee or permittee has violated the Metropolitan Code or any provision of Section 6.81, it may suspend, revoke or place on probation the license or permit previously issued by it.

- C. Upon the failure to renew any license or permit, the commission or MTLC director shall so notify the licensee or permittee, giving the licensee or permittee the reasons for its failure to renew the license or permit. The licensee or permittee may by a simple written request addressed to the commission, ask for and request a hearing by the commission as to the reasons for the commission's or MTLC director's failure to renew the license or permit. The commission shall then grant the licensee or permittee a hearing and shall fix the time and place for such hearing within thirty days and shall promptly notify the licensee or permittee of the time and place. It shall be incumbent upon the commission at the hearing to substantiate the reasons for its failure to renew the license or permit.
- D. At any hearing provided for in this chapter, the licensee or permittee shall have the right to be represented by an attorney of his/her choice, to present evidence, to have witnesses testify under oath on his behalf, and the strict rules of evidence shall not apply.

Section 2. That this ordinance shall take effect from and after its adoption, the welfare of the Metropolitan Government of Nashville and Davidson County requiring it.

After some discussion, Commissioner Pyle with a second from Commissioner Hayes moved to defer consideration on recommendation of the proposed ordinance until the April 2024 meeting. The Commission requested that Metro Legal return a printed and redlined version of proposed changes to the ordinance at that meeting.

ACTION:           Approved           6-0

The Chair announced a public hearing for the purpose of reviewing a proposal that would modify Title 6, Chapter 80 of the Metropolitan Code of Laws regarding Emergency Zone Wreckers. Lieutenant Taylor Schmitz and Jonathan Massie from the Metro Nashville Police Department (MNPd) presented a PowerPoint on the Autura software system.

Barry Whitworth of Dad's Towing, Michael Winters of Nashville Tractor, and Captain Jason Proctor of MNPd were also present to speak.

After some discussion, Vice Chair McNally with a second from Commissioner Carr moved to table consideration on the Autura software system indefinitely, with the expectation that MNPd and the Emergency Zone Wrecker companies would meet to discuss further.

ACTION:           Approved           6-0

Chair Hernandez and Commissioner Sueing left the meeting. The Vice Chair assumed the role of Chair.

Mr. Rooker offered a reminder that all Entertainment Transportation (ET) company applications were due Monday, March 25, 2024, at noon. ET driver permits expire Sunday, March 31, 2024.

#### **Consent Items**

Dav's Towing, Always Towing, and Towing Near Me reapplied to operate as general wrecker companies after failure to timely renew. Commissioner Carr with a second from Commissioner Pyle moved to approve.

ACTION: Approved 4-0

All Out Towing LLC requested to change address from 208 Crutchfield Avenue to 2610 Eugenia Avenue. Commissioner Carr with a second from Commissioner Pyle moved to approve.

ACTION: Approved 4-0

The following new applications were submitted for Certificates of Public Convenience and Necessity for Other Passenger Vehicles for Hire (OPVH):

▪ Dreamride LLC ▪ Soca's Luxury Services ▪ Luxury Honey Transportation LLC ▪ Shannon Squared LLC dba Nash Pink Ride ▪ Lior Limo ▪ Nashville Express Livery ▪ J Land Transportation LLC ▪ Koyee Service LLC ▪ Platinum Express Limo Service LLC ▪ Sal's Transportation ▪ Divine Limo and Transport Service ▪ Orchild Luxury Transportation

Commissioner Carr with a second from Commissioner Rogers moved to approve.

ACTION: Approved 4-0

Luxury Limousine Service LLC reapplied as an OPVH company after failure to timely renew. Commissioner Carr with a second from Commissioner Rogers moved to approve.

ACTION: Approved 4-0

Nashville Chauffeur Inc requested to add partner Ali Salman and Luxx Rides Transportation LLC requested to add partners Johanna Palermo and Jordan Sanders. Commissioner Carr with a second from Commissioner Rogers moved to approve.

ACTION: Approved 4-0

Abyssinia Limo Service requested to change name to Abyssinia Limo LLC and A La Bottom Accommodations LLC requested to change name to Everscene LLC. Commissioner Hayes with a second from Commissioner Rogers moved to approve.

ACTION: Approved 4-0

### **Probationary Status Review**

Chip Schmeelk, Principal of Nashville Booting LLC, was present to present evidence regarding Nashville Booting's probationary status. Mr. Schmeelk was placed under oath. A list of 395 immobilizations and their refund status was provided to Mr. Rooker via email, as well as a complaint resolution process. Copies of these documents were distributed to the Commission prior to the meeting.

Commissioner Hayes moved that the Commission had reviewed the voluminous data of those who had been refunded and that Nashville Booting LLC had met the requirement necessary to end their probation. Commissioner Rogers seconded the motion.

ACTION:        Approved        4-0

Commissioner Carr with a second from Commissioner Rogers moved to defer the remaining agenda items until the April meeting.

ACTION:        Approved        4-0

Commissioner Rogers with a second from Commissioner Pyle moved to adjourn.

ACTION:        Approved        4-0

ATTEST:

APPROVED:

\_\_\_\_\_  
Richard Rooker  
Interim Executive Secretary

\_\_\_\_\_  
Sal Hernandez  
Chair

\_\_\_\_\_  
Date

\_\_\_\_\_  
Patrick McNally  
Vice Chair

\_\_\_\_\_  
Date