



## METROPOLITAN TRANSPORTATION LICENSING COMMISSION

# RULES AND PROCEDURES

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## **ADMINISTRATION**

### **Section 100 MEETINGS**

The Commission shall hold its monthly meetings within a public facility convenient for public participation on the fourth Thursday of each month unless an alternative date and time is determined. All meetings are open to the public. Special or called meetings will be held in public facilities and will be open to the public as well.

### **Section 101 ORGANIZATION**

The Commission shall organize itself with a Chair and a Vice Chair, with the Commission Director serving as Executive Secretary. The Chair of the Commission shall certify the organization of the Commission by letter to the Metropolitan Clerk, listing offices of the Commission and the date of the election.

### **Section 102 ELECTION OF OFFICERS**

The Commission, at its October meeting of all even number years, will elect a Chair and Vice Chair for a two-year term. Both the Chair and Vice Chair may succeed themselves. In case of resignation, removal or any other departure of either Chair or Vice Chair, a special election will be held to fill the position. 1

### **Section 103 COMPLAINTS**

Complaints (by the public or regulated individuals or companies) regarding taxicabs, wreckers or other functions of the Transportation Licensing Commission must be filed in writing by the complainant. Anyone wishing to file a complaint may do so via HUB Nashville, letter, fax, or e-mail. Upon request, a complaint form will be mailed. Complaints must be returned to the Commission office at least 14 days prior to a Commission meeting in order to be considered for the agenda. The Commission reserves the right to hear a complaint which does not meet the 14-day time period. All complaints must be filed within 30 days from the incident however the Commission reserves the right to hear complaints outside of those parameters.

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### **Section 104 ACCOMMODATIONS**

Reasonable accommodations will be made for individuals with a disability who require or request the services of the Commission. All requests for accommodations should be made to the Transportation Licensing Commission staff by calling (615) 862-6777.

### **Section 105 COMMISSION HEARING NOTIFICATION**

Persons or companies, who are required to appear before the Commission, will be mailed a notice by certified mail 10 days prior to the Commission hearing. A copy of the correspondence will be provided to the driver's company. 1

### **Section 106 ROBERT'S RULES OF ORDER**

The Commission adopts Robert's Rules of Order as its normal procedural guide. The Commission may make modifications. Changes must be part of the record and placed in a Commission operations guide. 1

### **Section 107 AGENDA ITEMS**

All items to be presented to the Commission must be delivered to the Commission Staff at least 15 days prior to the meeting in order for the items to be considered for the agenda. The Commission Director may, with discretion, add items for the agenda which do not meet this criterion. 1

### **Section 108 INTERNET ACCESS**

Effective July 1, 2002, all companies operating under the Commission's Certificate of Convenience and Necessity must be able to communicate and be communicated with through the Internet. Each company must have an active email address and the ability to access Internet websites. All changes to the e-mail address must be reported to the Commission staff within 24 hours of the change. In addition, regulated companies must be able to electronically (Internet) file documents with the Commission. 1

### **Section 109 POSITIVE DRUG TEST**

If a positive drug/alcohol test is reported for a new driver applicant, the applicant will be ineligible for a driver's permit for six months. At this end of this period, an applicant may reapply for the permit, but must test negative for drugs/alcohol and will be placed on a six-month probationary period. During the six months probationary period, the applicant must consent to random testing not to exceed one test per month. If the applicant tests positive a second time, the applicant will be ineligible to reapply for a period of one-year. Appeals of the denial may be made to the Commission. 1

### **Section 110 FINANCIAL STATEMENT DEFINITION**

Certified financial statements, when required by the Metropolitan Code of Laws, is defined (by rule) as an audit which is completed by a certified public accountant or a statement of net financial worth totaling \$500,000 accompanied by a review of financial statements describing in detail (including real property and other assets) assets and liabilities prepared by a certified public accountant. Whenever the Commission requires a certified financial statement, the statement must be submitted within sixty (60) days of the date of certification. 2, 12

### **Section 111 APPLICATION OR TRANSFER OF LICENSE OR CERTIFICATE**

When there is an application to transfer a license or a certificate from an existing regulated company to another company (individual or corporation), the application must be filed 30 days prior to the Commission meeting. At the Commission meeting, the application will be presented to the Commission for its consideration then automatically deferred to the next meeting. This period will be used for evaluation, consultation, and investigation of the application. If the Commission Director deems the situation to be an emergency, a special meeting may be called, or the issue may be added to the current Commission meeting if proper notification has been accomplished. Other companies or individuals wishing to apply must do so 30 days prior to the meeting in which the transfer will be considered. 2, 12

### **Section 112 APPLICANT DISQUALIFICATION**

When an applicant for a driver's permit does not answer all questions truthfully and fully on the application, particularly the question relating to arrests, violations of laws, or convictions, or when the answer to this question is "none" and a background check reveals otherwise, then the application is disqualified and shall not be placed on the agenda for a hearing. 13

### **Section 113 TENNESSEE VEHICLE REGISTRATION REQUIREMENT**

Certificates of Convenience and Necessity and other permits or licenses issued through the authority of the Transportation Licensing Commission shall only be issued to companies which operate vehicles or conveyances which are in compliance with Tennessee vehicle registration requirements. In addition, only vehicles eligible to meet these criteria will be eligible for consideration of any permit or license. 32

### **Section 114 DRIVER'S PERMIT QUALIFICATIONS**

The following will apply to all applicants seeking a driver's permit from the TLC:

- a. All applicants must have valid vehicle operator's license "F" endorsements or Commercial Driver's Licensing (CDL).
- b. All applicants shall submit an official motor vehicle record (MVR) issued by the Tennessee Department of Safety within thirty days of the date of application unless otherwise directed by a specific ordinance requirement.
- c. All applicants' background will be reviewed to determine if he/she is listed on the National Sex Offender Database. Any applicant listed on the database shall be disqualified for eligibility for a driver's permit.
- d. Applicants shall be ineligible to receive a permit if:
  1. He or she has been convicted, pled guilty, or pled nolo contendere in the last five years for any of the following offenses involving bodily injury or death and in the last three years for any of the following offenses not involving injury or death:
    - a. Hit and run;
    - b. Driving under the influence of an alcoholic beverage or drug;
    - c. Reckless driving;
  - d. Felony reckless endangerment

This rule shall be supplemental to all current requirements in effect and govern where the Metropolitan Code is silent with respect to this subject to TLC Rule section 114. 33

### **Section 115 BUSINESS INSURANCE REQUIREMENTS**

No Certificate of Public Convenience and Necessity or License to operate a business or service shall be issued unless there is proof of general business liability insurance covering the certificate holder/license holder and/or the business operations of not less than a one-million-dollar single limit naming the metropolitan government as an additional insured unless otherwise authorized through the Metropolitan Code of Law. Such a liability insurance policy shall be with an insurance company authorized to do business in Tennessee and shall be filed with the TLC staff. This rule shall be supplemental to all current requirements in effect and govern where the Metropolitan Code is silent with respect to this subject. 33

### **Section 116 ORDERS FROM THE DEPARTMENT OF PUBLIC HEALTH**

All permittees and certificate holders must follow all orders of the Metropolitan Government's Department of Public Health and its Director subject to the limited public health emergency declared by the Board of Public Health or be subject to discipline by the Transportation Licensing Commission. 8

**Section 117 COMPANY REAPPLICATION FOLLOWING TLC DENIAL**

A. In the event a company's application for an operating permit or Certificate of Public Convenience and Necessity (for general wrecker services, booting service or other passenger vehicles for hire) is denied, a new application from the company will not be considered for a period of ninety (90) days. Further, in the event of a second denial, a new company application will not be considered for a period of one year.

B. In the event a company's application for either a Certificate of Public Convenience and Necessity or an operating permit is denied, a new application from the company will not be able to be considered until the TLC's next scheduled annual meeting (for taxicabs, emergency wreckers, horse-drawn carriages, low speed vehicles, pedal carriages, pedicabs or entertainment transportation) regarding the type of certificate or license sought. If a permit, certificate or license is revoked, the company will not be able to be considered until the second annual meeting following the date of revocation. 42

## TAXICABS

### **Section 200 COMPLETE APPLICATION REQUIRED**

Unless all information requested is provided on the application for a Certificate of Public Convenience and Necessity, or an application for a driver's permit, the application will not be put on the agenda for consideration.

### **Section 201 PHYSICIAN CERTIFICATES**

In addition to the requirement to provide a current federal D.O.T. medical card with the application for a driver permit, any driver whose D.O.T. medical card is certified by a medical examiner as qualified for less than two years shall be required to provide a new valid medical card on or prior to its expiration date. Failure to do so may result in suspension of the driver's permit until a new medical card is provided. 12

(suspended 2-26-2015)

### **Section 202 RETENTION OF TAXICAB PERMITS**

All cab companies presently operating ten (10) cabs or less shall be allowed to retain one extra permit only; all cab companies presently operating more than ten (10) cabs shall be allowed to retain extra permits in a number equivalent to ten percent (10%) of the number of cabs in operation; all permits in excess of these quotas as defined above shall automatically be canceled thirty (30) days from the date of their issuance. Any permit cancellation executed by the staff of the Transportation Licensing Commission may be appealed to the Commission only on the basis that the staff's action was made using inaccurate vehicle insurance and registration information.

### **Section 203 CHANGING FARE RATES**

Before any taxicab company may change its fares within the minimum and maximum rates prescribed in the taxicab ordinance, a letter setting out the proposed fares to be charged must be filed and approved by the Transportation Licensing Commission.

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### **Section 204 DIRECT DESTINATION REQUIRED**

All taxicab drivers shall drive the shortest and most direct route in transporting a passenger from the point of pick-up to the point of destination, unless requested otherwise by the passenger.

### **Section 205 RULES ON CONDITION AND INSPECTION OF VEHICLES**

A. All cabs when damaged and drivable must be repaired within two (2) weeks of the accident by a licensed mechanic and/or a licensed paint and body shop. In the event that said repairs are not made within the time allotted, the cab shall be removed from service. It shall be made the duty of the taxicab inspectors to determine whether proper repairs have been made, and they shall have the authority to order the removal of a cab from service for noncompliance with this rule or to extend the time for repairs to be made upon a showing of good cause.

B. All cabs shall be kept in good mechanical condition.

C. All drivers permit cards must be placed on the sun visor of the passenger side visible to all passengers.

D. An inspection form shall be adopted by the Transportation Licensing Commission to be used by the taxicab inspectors in their inspection of said taxicabs. It shall be mandatory for all taxicabs to be approved for all categories listed thereon.

E. The following equipment shall be in all new, existing and replacement vehicles:

1. Two-way radios or a device to be used as a method of communication between the dispatch office/operations department and the taxicab vehicle.
2. A cellular phone or dispatch computer with two-way communication and a panic button that will alert the dispatcher of a taxicab vehicle in distress and the GPS location of the distressed taxicab vehicle so that all times there are modalities to receive assistance if needed. New equipment must be approved by Commission Director. 21
3. Four-inch identification numbers not to exceed 3 digits placed on each side and rear of the taxicab.
4. Top lights
5. Taximeters 12

**Section 206 LIABILITY INSURANCE**

- A. The forms for filing liability insurance agreements shall be furnished to all taxicab companies by the Transportation Licensing Commission.
- B. All licensed taxicabs must have liability insurance coverage of 50/100/50. Effective June 1, 2015, all licensed taxicabs must carry uninsured motorist insurance coverage of 50/100/50. All insurance carriers providing this coverage must have an A.M. Best rating of B + or better or a Demotech rating of A or better. 26

**Section 207 OPERATION OF USED, MARKED, EQUIPPED TAXICABS**

Any owner of a vehicle used, marked, painted, or equipped, as a taxicab shall not operate said vehicle for any purpose unless the vehicle is assigned or under contract to a company that holds a Certificate of Public Convenience and Necessity issued by this Commission. In the event a vehicle marked, painted or equipped as a taxicab is not assigned or under contract with a company holding a certificate of Public Convenience and Necessity issued by the Commission, within seventy-two (72) hours from the time the association or contract is terminated, the driver of said vehicle, or the owner of the said vehicle holding a drivers certificate or owners certificate issued by this Commission, shall remove all evidence what would mislead the public into believing that said vehicle was associated with a particular taxicab company.

**Section 208 SIZE-SPECIFICATION OF TAXICABS**

Size and specifications of vehicles used as taxicabs:

- A. All vehicles must have a minimum of four (4) side doors, or equivalent (such as vans).
- B. All vehicles must have a minimum one hundred (100) inch wheelbase as set forth in the Southeastern edition of the National Automobile Dealers Association Official Manual.

## **Section 209 INSURANCE COVERAGE**

Insurance companies who provide insurance coverage to the owners or operators of taxicabs in the Metropolitan area shall provide proof of such coverage to the Transportation Licensing Commission by filing with the Commission Staff a copy of the insurance policy. In the event that a policy is not available for filing with the Commission Office, a sixty (60) day binder may be filed but the policy must be on file with the Office prior to the expiration date indicated on the binder.

## **Section 210 CERTIFICATE CHANGES**

Once a Certificate of Public Convenience and Necessity is issued, no change of address, name, officers, management or any other material item in a taxicab company's application may be made without the prior approval of the Transportation Licensing Commission.

## **Section 211 TAXIMETERS**

In accordance with Metro Code Section 6.72.265, only a company certified by a taximeter manufacturer and approved by the Transportation Licensing Commission may perform authorized installation, service and repairs on a taximeter. Said certification shall be on file with the Commission. A certificate holder's failure to have installation, service and repairs performed by a certified company may result in having the taxicab removed from service until such time as the installation, service or repairs are made in compliance with this rule. A certificate holder's failure to remove the taxicab from service when ordered to do so may result in suspension or revocation of the certificate.

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## **Section 212 SOLICITATION RESTRICTIONS**

No taxicab driver or owner, or taxicab company owner, or holder of Certificate of Public Convenience and Necessity issued by this Commission, or any agent of the aforementioned, may offer to pay any person, company or corporation any money or other thing of value for the purpose of soliciting passengers for any taxicab.

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## **Section 213 VEHICLE RESTRICTIONS**

A. The year model of a vehicle placed in service for the first time as a taxicab shall not be older than seven (7) years of age.

B. Any taxicab, not over seven (7) years of age, may be transferred from one taxicab company to another, as long as all other requirements are met, including passing reinspection. Any taxicab over five years of age may be transferred from one taxicab company to another, as long as the move is completed within ninety (90) days and all other requirements are met, including passing re-inspection.

C. Within seventy-two (72) hours after a taxicab is taken out of service, the owner of the vehicle shall remove all evidence that would mislead the public into believing that said vehicle is still associated with a particular taxicab company. All equipment removed from the vehicle must be returned to its owner.

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## **Section 214 HOSPITALITY TRAINING**



Taxicab driver applicants approved for a new permit who have successfully completed the Taxi Pro School will be credited with receiving hospitality training within the current training cycle. Certificate holders may negotiate with the Tennessee Foreign Language Institute to sponsor additional Taxi Pro School sessions, if approved by the Commission.

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### **Section 215 MEDICAL EXCEPTIONS**

The exceptions currently allowed by the Commission to Metropolitan Code of Law 6.72.110(C)(5), which requires a taxicab driver applicant to provide a current and valid D.O.T. medical card, are as follows:

- A. Loss of vision in one eye
- B. Insulin-using diabetes

### **Section 216 TAXICAB WAIVER**

The following requirements apply to a taxicab seeking a one-year waiver from the nine-year age restriction contained in Metropolitan Code of Law 6.72.245:

- A. The vehicle must be in service as a taxicab at the time of the application.
- B. The vehicle owner must file a waiver request annually no later than July 1.
- C. The vehicle must not have more than four hundred thousand miles on the odometer.
- D. The vehicle must not have been used as a commercial or law enforcement vehicle prior to service as a taxicab.
- E. The vehicle must not have been in service as a taxicab for more than five years.

Any vehicle granted a one-year waiver will be required to have a mechanical inspection every four months and the inspection report must be filed with the Commission. No vehicle shall be granted more than two waivers.

### **Section 217 MECHANIC/SERVICE CENTERS**

Any mechanic or service center performing taxicab mechanical inspections, as required in Metropolitan Code of Law 6.72.240, will complete, and sign a form provided by the Commission. The form will require the mechanic to certify that he/she is ASE certified and has no financial interest in a taxicab vehicle, taxicab company, or meter installation/repair company. Taxicab vehicle owners will be required to obtain and submit a copy of this form and a safety certificate form detailing the results of the mechanical inspection to the commission.

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### **Section 218 MINIMUM STANDARDS**

Minimum standards for certificates and permits that will be considered by the Commission when reviewing applications for additional permits are as follows:

- A. Volume of complaints per annum
- B. Having a defined complaint resolution process
- C. Having dispatcher training and an accreditation program
- D. Having a vehicle self-inspection program
- E. Capital investment per annum (for vehicles, dispatch/communications and office management tools)
- F. Driver training programs
- G. Driver probationary periods
- H. Driver rewards programs
- I. Underserved areas service programs and special passenger accommodations (disabled, senior citizens).

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## **Section 219 TAXICAB FARES**

### **Meter Fares**

- Meter pull \$5.00
- Miles- \$.25 per .1 mile or \$2.50 per mile
- Time - \$.35 per min or \$21.00 per hour
- \$2.00 per extra passenger

### **Flat Rates**

- Airport to/from downtown - \$30.00
- Downtown to/from Opryland - \$30.00
- Opryland to/from Airport - \$30.00
- Airport to/from West End - \$35.00

- West End to/from Opryland - \$35.00
- \$2.00 per extra passenger

## **Section 220 DISPLAY OF DRIVER PERMITS**

Taxicab driver permits shall be displayed in full view of the passenger(s).

## **Section 221 PASSENGER ASSISTANCE**

A taxicab driver is required to assist passengers with getting in and out of the taxicab, if requested or needed. The driver must also be able and willing to assist with a reasonable amount of passenger belongings. If a taxicab driver is unable to perform these duties, the driver must provide a physician's statement to that effect to the Commission.

## **Section 222 TAXICAB DRIVER'S BILL OF RIGHTS**

The Commission adopts a "Bill of Rights for the Driver of Taxicabs" which falls within the authority of the Commission. The Bills of Rights will be provided by the Commission and shall be displayed in full view of the passenger(s) at all times. This information will be posted in each taxicab and will be available to passengers upon request:

Taxicab drivers have the right to:

- A. Refuse or discharge any passenger for disorderly or verbally abusive behavior.
- B. Refuse any passenger who is involved in any illegal activity.
- C. Discharge any passenger who becomes dangerous and causes harm to others.
- D. Refuse a fare which could lead the driver into a dangerous situation.
- E. Disallow any smoking or drinking in the taxicab.
- F. Collect the exact fee as determined from the taximeter or flat-rate fee plan.
- G. Know the exact destination of the passenger before embarking on any trip. 12

## **Section 223 FEES FOR RECORDS CHECK**

A \$75 fee, pursuant to Metropolitan Code of Law 6.72.110(F), will be assessed for all record checks requiring an investigation by law enforcement agencies.

## **Section 224 CLASSIC AUTOMOBILES**

A “Classic Automobile,” pursuant to Metropolitan Code of Law 6.72.245, is defined as a vehicle at least 35 years old. The vehicle must be in good working order and in sound physical condition. Further, the vehicle must pass all appropriate mechanical inspections, pass annual inspections by Commission staff and meet the waiver provisions in Rule 18. Classic Automobiles must meet all standards established for taxicabs in Davidson County.

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### **Section 225 SPECIAL EVENTS SURCHARGE**

This section is reserved.

### **Section 226 ADVERTISEMENT ON TAXICABS**

Advertising is permissible on Taxicabs. Pursuant to Metropolitan Code of Law 6.72.420, the Commission limits advertisement to the inside of the vehicle (while not obstructing the driver’s view); to the roof (not to obstruct the top light, but the top light may be incorporated into the advertisement); and on the trunk and hood (while not obstructing the driver’s view). All local, state, and federal restrictions and guidelines apply. Advertisement determined to be non-compliant must be removed pending a hearing before the Commission.

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### **Section 227 ADDITIONAL PASSENGERS**

Additional taxicab passengers may be charged \$1 per person (beyond the primary passenger) if all are going to the same location. Additional passenger fees will also apply to any flat rate fares.

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### **Section 228 WIRELESS COMMUNICATION (Cell Phone) USAGE**

Taxicab drivers are prohibited from using cell phones unless the taxicab is lawfully standing or parked.

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### **Section 229 DRIVER PERMITS WITH COMPANY IDENTIFICATION**

All driver permits will carry the name of the taxicab company of which the driver is affiliated. When a driver makes a change, a new permit with the appropriate taxicab company name must be issued and a \$10 fee paid by the driver.

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### **Section 230 DRIVER CHANGING COMPANY AFFILIATION**

In the event of a driver choosing to move to a new company, the driver must complete a form provided by the Commission. Once completed, the receiving company must complete the appropriate section of the form. The driver then must file the completed form with the Commission staff and pay \$10 for a replacement permit for the new company. Drivers shall not drive until the application has been filed, approved and the fees paid.

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### **Section 231 ADA-ACCESSIBLE TAXICABS AND WAIVERS**

- A. Vehicles identified as ADA-Accessible Taxicabs must meet the “Accessibility Specifications for Transportation Vehicles (Part 38)[Code of Federal Regulations] [Title 49, Volume 1, Parts 1 to 99][Revised as of October 1, 1997].”

- B. Vehicles identified as ADA-Accessible Taxicabs must pass an annual inspection, as directed by the Commission. This inspection will include a mechanical inspection of the vehicle as well as an inspection of the lift/ramp system and secure systems for the lift/ramp and the wheelchair, as appropriate. A copy of the inspection report must be filed with the Commission.
- C. Drivers operating ADA-Accessible Taxicabs must successfully complete a training program, as directed by the Commission.
- D. The year model of a vehicle placed in service for the first time as an ADA Accessible Taxicab shall not be older than eight (8) years. Any ADA-Accessible Taxicab, not over eight (8) years of age, may be moved from one taxicab company to another, as long as all other requirements are met, including passing re-inspection.
- E. The following additional requirements apply to an ADA-Accessible Taxicab seeking a waiver from the nine-year age restriction contained in Metropolitan Code of Law 6.72.245:
  1. The vehicle must be in service as an ADA-Accessible Taxicab at the time of the application.
  2. The vehicle owner must file the waiver request annually no later than July 1.
  3. No vehicle shall be granted more than three waivers.

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### **Section 232 AIRPORT SURCHARGE**

With the exception of trips to destinations covered by the flat fare, the Commission authorizes an airport departure surcharge of \$4.00 for departures from the Metropolitan Nashville International Airport ground transportation area. This surcharge will be affected by activation of the taximeter at the “For Departures from The Airport Only” rate of \$7.

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### **Section 233 COMPANY REPORTING AND PAYMENT OF FEES**

All taxicab companies will submit current vehicle and driver lists to the commission staff, in a format prescribed by the director, no later than the first of each month. Quarterly decal fees must be paid no later than January 1, April 1, July 1, and October 1 of each year.

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### **Section 234 DRIVER APPEARANCE**

Drivers are prohibited from wearing the following as outer garments: T-shirts and other undergarments, tank tops, swimwear, jogging suits, body shirts, shorts, cutoff pants, trunks, sandals, clogs, and other similar attire. Offensive words or symbols on clothing are also prohibited.

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### **Section 235 TAXICAB DECALS**

A uniquely numbered decal, signifying compliance with requirements for permitting, payment of quarterly fees, and vehicle inspection will be affixed to the rear window of each taxicab by a Transportation Licensing Inspector. This will be accomplished during annual inspection or during the inspection required when a new or replacement vehicle is placed into service as a taxicab. These decals are not transferable. When any

vehicle is to be removed from service as a taxicab, the decal shall be removed and evidence of its removal shall be provided to the Commission office.

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### **Section 236    TEMPORARY FUEL SURCHARGE**

Effective June 28, 2011, a temporary fuel surcharge, increasing the per-mile meter rate to \$2.10/mile, is approved. This temporary fuel surcharge shall go into effect on July 10, 2011, and expire on January 10, 2012.

17 (Expired)

### **Section 237    GPS TRACKING REQUIREMENT**

All taxicabs shall be equipped with a Geographical Positioning System, hereinafter “GPS”, tracking device. These devices shall be operational in its tracking and recording modes at all times in which the vehicle is in service and available to transport passengers. The holder of the Certificate of Convenience and Necessity shall make any GPS data available to the TLC or its staff within 24 hours of its request.

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## WRECKERS

### Section 300 APPLICATION FORMS FOR LICENSE

Applications shall contain:

- A. The name and address under which an applicant will conduct the wrecker service.
- B. The full names and addresses of persons and partnership members, or if a corporation, the names and addresses of executive officers.
- C. A description of the duties of each position in the business.
- D. Previous experience in the wrecker and towing business, if applicable.
- E. Number of wreckers to be used.
- F. A description of each wrecker including the trade name, model, type, and serial number.
- G. Location and description of place and premises from which operation of wrecker and towing services will be operated.
- H. Declaration of whether equipment is owned or leased on full-time or part-time basis.
- I. Financial statement of applicant, including:
  - 1. Description of the extent of ownership in business.
  - 2. A detailed list of assets.
  - 3. Identification of the assets to be used in the business.
  - 4. List of debts and liabilities of owners and members of partnership.
  - 5. Names and addresses of at least two references as to applicant's financial responsibility, including banks.
  - 6. Certified financial statements must be made available for emergency zone applicants.
- J. Description of available space where applicant intends to accommodate and protect all towed motor vehicles.
- K. A list of the names and addresses of all drivers.

- L. Evidence of required liability and garage keeper insurance.
- M. Certification by the applicant that the company is an equal-opportunity employer and will comply with the applicable Federal Wage and Hour regulations.
- N. A written statement if any governmental license has been refused, including the date of refusal.
- O. A sworn statement as to truth and correctness of all statements contained in application.

### **Section 301    LICENSES AND PERMIT**

A license shall be issued to each company approved by the Commission to operate within the Metropolitan area, showing the name of the licensee, address of the licensee, and expiration license date. The license shall be prominently and conspicuously displayed at all times upon the premises of the licensee. The permit issued for each wrecker the licensee operates shall be gummed, with a numbered decal and shall be displayed at all times on the lower right-hand side of the windshield.

### **Section 302    APPLICATION FOR WRECKER DRIVER PERMITS**

Each application for a wrecker driver permit shall be signed by the applicant and shall be duly attested to by a notary public. The applicant must appear in person with a valid Tennessee driver's license to apply for a license. All appropriate fees must be paid in advance. Applicants must complete a criminal background check.

An applicant shall be disqualified if the applicant has been convicted, pled 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 any of the following offenses under the laws of Tennessee, or any other state of the United States:

- A. Homicide;
- B. Rape;
- C. Aggravated assault;
- D. Kidnapping;
- E. Robbery, Burglary, or Auto Theft;
- F. Child sexual abuse;
- G. Any sex-related offense;
- H. Leaving the scene of an accident;
- I. Criminal solicitation, or criminal attempt to commit any of the above;



- J. Perjury or false swearing in making any statement under oath in connection with the application for a driver's permit;
- K. The felony possession, sale or distribution of narcotic drugs or controlled substances.

If, at the time of application, the applicant has been charged with any of the above offenses, consideration of the application shall be deferred until entry of a plea, conviction, acquittal, dismissal or other final disposition of the charges.

An applicant shall also be disqualified if the applicant has been convicted of or released from incarceration due to two or more felony offenses within the past ten years.

Applicants with a record or lesser convictions may be required to appear for a Commission hearing to determine if a permit will be approved. If an applicant is required to appear for a Commission hearing, a management representative of the employing wrecker company must also appear at the hearing. Upon denial of an application for a wrecker driver permit, no new application may be submitted for consideration for a period of 3 months.

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**Section 303 RIDERS IN WRECKERS**

There shall be no riders on the wrecker or in the car being towed, other than employees of the wrecker service or the driver or passengers of the disabled vehicle.

**Section 304 EQUIPMENT REQUIRED ON EMERGENCY WRECKER SERVICE WRECKERS AND GENERAL WRECKERS RESPONDING TO ROADSIDE EMERGENCIES**

A. All wrecker units in service must have the following equipment:

- 1. Shovel or scoop;
- 2. Broom;
- 3. Firefighter's ax;
- 4. Crowbar;
- 5. Fire extinguisher - must be a minimum of 20 lbs;
- 6. Absorbent material (i.e. OIL-DRY) – must be a minimum of 10 lbs.

B. All wreckers used in towing must have the following equipment:

- 1. Rubber type belt;
- 2. Tow sling or steel tow bars.

The wrecker company shall inquire at the time of notification of any vehicle accident if a rollback is required and necessary to move the wreckage from the street. 9

**Section 305 VEHICLES TOWED WITHOUT OWNER'S CONSENT OR ON POLICE ORDER**

Any vehicle towed without consent of the owner, or upon order of the Police Department, must be reported to the Metropolitan Police Department Vehicle Impound Lot within one hour of towing the vehicle.

### **Section 306 POLICE DISPATCHER CALLING WRECKER COMPANIES**

The dispatcher shall not attempt to call any wrecker company through the tow-in lot. The dispatcher shall first call the applicable zone wrecker company. If there is no answer, the dispatcher shall then call wrecker company in the nearest zone. The dispatcher shall report to the Transportation Licensing Commission all companies who do not answer their phones, or who do not respond promptly. 9

### **Section 307 WRECKER COMPANIES TOWING TO ANY DESTINATION**

The wrecker company shall transport the vehicle by the most direct, safe route, and shall arrival at the scene of an accident within 30 minutes after dispatch. Once a vehicle is undertow, it will be transported without delay or stops, unless requested by the vehicle owner or warranted by emergency, to its destination.

### **Section 308 REGULATION OF EMERGENCY WRECKER SERVICE APPLYING TO ZONES**

- A. In the case of an accident involving one or more motor vehicles, where services of a wrecker are needed, the police dispatcher shall contact the zone wrecker by telephone. If the dispatcher cannot reach the zone wrecker, he may contact another wrecker service. The police dispatcher shall make the final decision as to which wrecker service to contact if he/she is unable to reach the zone wrecker.
  
- B. Any licensee of a wrecker company, or his/her employee, that receives a call for an accident from the police dispatcher for an accident that is not in the wrecker company's assigned zone, must immediately notify the police dispatcher of the error. Any wrecker company, licensee or employee of a wrecker company who intentionally violates the aforesaid rule by operating in an unauthorized zone will be subject to disciplinary action by the Transportation Licensing Commission. 9

### **Section 309 EMERGENCY PRECAUTIONS**

Any wrecker engaged in the towing a vehicle, whether during daylight hours or nighttime hours, must display the emergency flashing lights, as well as the lights on the top of the wrecker cab. Drivers of emergency wrecker services must wear reflective clothing when clearing vehicles. 9

### **Section 310 INTERPRETATION OF CODE SECTIONS**

Pursuant to Section 6.80.520(B)(3) of the Metropolitan Code of Laws, the radio at the wrecker company's principal place of business shall be staffed by at least one person from 6 a.m. until 10 p.m. each day. The words "direct line" in Section 6.80.520(B)(4) should be interpreted to mean "telephone." 18

### **Section 311 WRECKER REGULATIONS FOR TYPES OF TOWING EQUIPMENT**

- A. Police dispatcher shall be furnished a list of the size of wreckers serving each emergency zone.
- B. Police officer on the scene of an accident will notify the dispatcher to call A, B, C or D class wreckers direct and verify departure time.
- C. Wrecker inspectors shall certify all new C class wreckers.
- D. All C class wreckers must meet the State Wrecker Service Standards, a copy of which is on file in the Metropolitan Clerk's office and is incorporated herein by reference.

**Section 312 CLARIFICATION FOR TOWING HOURLY RATES, CHARGES**

Any labor time must be shown on the VR report, with the time indicated and verified by the police officer at the scene of the accident.

9

**Section 313 CLARIFICATION OF THE SPECIAL PREPARATION FOR TOWING CIRCUMSTANCES**

Pursuant to Section 6.80.550(G) of the Metropolitan Code of Laws, the operator of any wrecker service vehicle summoned to tow away any vehicle, whether on a public street, public property, or private property, shall not tow the vehicle away if the operator of the vehicle returns prior to the wrecker vehicle having left the location to which it was summoned.

9

**Section 314 LOCATION OF EMERGENCY WRECKER ZONE COMPANIES**

A company designated as an Emergency Wrecker Service must be located within Davidson County and within the boundaries of the zone to which it is assigned. However, subject to the Commission's approval, a company designated as an Emergency Wrecker Service may be located a reasonable distance outside of the boundaries of the zone to which it is assigned, so long as the company remains inside Davidson County.

**Section 315 WRECKER DISPATCHING ERRORS**

Any emergency wrecker service which receives a call from the Emergency Communications Center (ECC) dispatcher, and subsequently determines that they were given an incorrect address with the location outside of their zone, shall inform the dispatcher of the error, but will also acknowledge that the company will respond to the call. The company will then notify the Transportation Licensing Commission staff of the error within 3 business days, to enable the staff to determine if there are discrepancies between the official zone map and the ECC computerized map, and to resolve them. Any emergency wrecker service which takes a zone call, arrives on the scene, and then determines the location is outside their zone, should inform the MNPDP officer that the vehicle is located outside their assigned zone. If the MNPDP officer orders the emergency wrecker service to tow the vehicle in lieu of summoning the proper emergency wrecker service for that zone, the wrecker service must take the vehicle to the storage lot of the responding zone company or to the Metro Impound Lot, as directed by the officer.

18

**Section 316 UNSOLICITED WRECKERS**

If a wrecker company is at the scene of an accident when a police officer arrives without being called by police or a person involved, the officer in charge should ask the unsolicited wrecker to leave the scene unless it is the appropriate zone wrecker. 2

### **Section 317 SOLICITATION PROHIBITED**

The owner, operator or representative of any wrecker company is prohibited from soliciting business at the scene of an accident. 2

### **Section 318 CHASING PROHIBITED**

All wreckers are prohibited from “chasing or running” wrecks or breakdowns without an official call from the Metropolitan Police dispatcher or at the request from an owner. 2

### **Section 319 NOTIFICATIONS CONCERNING EMPLOYEE MISCONDUCT**

Wrecker Companies will notify the Commission office if an employee is arrested, cited by the police, fired for cause or any other situation that could cause concern for public safety. 9

### **Section 320 PERSONAL PROPERTY**

Personal property contained in towed vehicles must be released to an owner upon their request, unless the investigating officer places a hold on the vehicle or otherwise restricts such release. Reasonable proof of ownership must be required prior to the release of property. 9

### **Section 321 REPAIR WORK**

Wrecker company operators shall not perform repair work on towed vehicles without the owner’s written consent. 2

### **Section 322 STATE REGULATIONS**

All regulations imposed and enforced by the state of Tennessee are adopted as a part of the Transportation Licensing Commission Operating Rules and Procedures. 2

### **Section 323 NON-CONSENT TOWING**

#### **A. Private Property**

Prior to towing a vehicle or personal property from private property without the vehicle or personal property owner’s consent, the towing company must have express written authorization for the towing of that vehicle or personal property from the owner of the private property or designated agent. When an individual is designated by a private property owner to act as an agent to authorize towing from the property, such designation must be in writing and signed by the private property owner. There shall be some relationship between the private property owner and the designated agent, and there must be no relationship between the designated agent and the towing company. No employee of a wrecker company or designee of a wrecker company may patrol or otherwise participate in the decision making process regarding which vehicles are to be towed from private property; This includes placing any

sticker, signal or any other form of designation on any vehicle to be towed. Contracts or written agreements between a towing company and private property owners for non-consent towing must be retained by the towing company and must include the property owner's signature and the signature(s) of any agent(s) designated by the private property owner. The towing company must make these documents available for inspection by the Commission or any designated representative at any time. Maximum allowable rates for non-consent towing from private property will be as specified in Section 6.80.550(H) of the Metropolitan Code of Laws. 7,9

**B. Non-Consent Towing requirements**

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 after having operated 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. 21

**Section 324 EMERGENCY WRECKER SERVICES DRIVER TRAINING**

Effective May 1, 2012, all drivers of Emergency Wrecker Services Class C wreckers must have completed the following training:

- A. A nationally recognized recovery training course approved by the Commission director; and
- B. NIMS training modules IS-100b and IS-700.

Emergency wrecker services shall provide evidence of training completion to the Commission office before allowing a driver to drive a Class C wrecker. 18

**Section 325 WRECKER VEHICLE INSPECTION STANDARDS**

- A. Effective November 14, 2011, wrecker vehicles will be lettered with the name of the entity operating the wrecker. No name or distinctive logo of another licensed company may appear on the vehicle.
- B. Reserved. 19

**Section 326 RATES FOR EMERGENCY WRECKER SERVICES DIRECTED BY LAW ENFORCEMENT AND NON-CONSENT**

**A. RATES FOR EMERGENCY WRECKER SERVICES DIRECTED BY LAW ENFORCEMENT.**

**Towing/Recovery – Vehicles 7,000 Pounds GVWR and Under.**

- 1. Towing (\*No additional fees may be charged for using other equipment, including dollies, trailers, lifts, slim-jim, go-jacks, winching, or for mileage\*) Vehicles towed to the Metro Impound Lot or vehicles towed at police request **\$225.00**

\*Mileage: Charges for mileage may only be incurred for out-of-county miles, and only when towing at a police officer's request. This rate is not to exceed **\$6.00 per mile**.

2. Miscellaneous small vehicles or equipment including but not limited to wagons, carts, etc. may be towed or removed at MNPD request or other Metropolitan agencies. Miscellaneous vehicles or equipment towed to the impound lot or other Metro facility **\$225.00**
3. Labor: Charges for labor, including winching, may be charged only after the first hour, and may not exceed a rate of **\$200.00 per hour**. If more than one wrecker is required to remove a vehicle, the rate chargeable for each additional wrecker may not exceed the base rate of **\$200.00 per hour** after the first hour. Wrecker companies are authorized to charge an additional fee of **\$100.00** for any winching performed over 50 feet off the roadway.
4. Towing of abandoned vehicles, trailers, containers, or other miscellaneous pieces of equipment from the public right of way **\$225.00** Note: If additional equipment or services must be used for the removal from the public right of way, the appropriate charges for the use of these may be applied, regardless of whether they are set forth herein.

**B. Towing/Recovery – Vehicles Over 7,000 Pounds GVWR.**

Base Rates – “Towed” vehicles are vehicles which can be driven but are towed to the lot at the request of the owner or police officer. “Wrecked” vehicles are vehicles which cannot be driven and must be towed to the lot.

	Recovery Base Rate	
	Towed	Wrecked
<b>Straight Trucks, Vans, etc.:</b>	<b>\$370.00</b>	<b>\$475.00</b>
<b>Tandem-Axle, Not Loaded:</b>	<b>\$430.00</b>	<b>\$535.00</b>
<b>Tandem-Axle, Loaded:</b>	<b>\$465.00</b>	<b>\$575.00</b>
<b>Recreational Vehicles:</b>		
<b>25 Feet &amp; Under in Length</b>	<b>\$370.00</b>	<b>\$460.00</b>
<b>Over 25 Feet in Length:</b>	<b>\$505.00</b>	<b>\$610.00</b>
<b>Buses (Large):</b>	<b>\$505.00</b>	<b>\$610.00</b>

**C. Additional Fees:**

Hourly Rate for necessary preparation or removal of bumpers, drive shafts before towing is possible, and reconnection after towing: **\$190.00 per hour.**

Labor Rates after first hour for wrecker and driver:

<b>Class B Wrecker</b>	<b>\$290.00</b>
<b>Class C Wrecker</b>	<b>\$410.00</b>
<b>Class C Rotator, if Needed</b>	<b>\$560.00</b>

When wreckers are required to wait at the scene for functions to be performed by others (e.g., emergency personnel), waiting time charges may not exceed one-half the allowable labor rate. When the use of outside labor and equipment is required, charges may include not more than 35% mark-up.

When the use of air bags is required under special recovery circumstances, an additional rate of **\$6750.00** may be charged. Recovery of vehicle submerged in water: **\$425.00**. Recovery of vehicle burned by fire: **\$340.00**. Set out fee **\$50.00** or proof of insurance in full force & effect.

**D. Emergency Wrecker Services Storage Rates**

Storage rate, per day, after the first two hours, is as follows (fee for the second day of storage may not be charged until the vehicle has been held on the lot for twenty-six hours). \*\*

<b>Motorcycle, ATV</b>	<b>\$35.00</b>
<b>Mower, Miscellaneous Equipment</b>	<b>\$35.00</b>
<b>Car</b>	<b>\$55.00</b>
<b>Tractor</b>	<b>\$80.00</b>
<b>Motor Home, 26 Feet &amp; Under in Length</b>	<b>\$70.00</b>
<b>Motor Home, More than 26 Feet in Length</b>	<b>\$80.00</b>
<b>Tractor-Trailer, Commercial Bus,</b>	<b>\$80.00</b>

<b>House Trailer</b>	
<b>Boat, Under 19 Feet in Length</b>	<b>\$40.00</b>
<b>Boat, 19-26 Feet in Length</b>	<b>\$55.00</b>
<b>Boat, More than 26 Feet in Length</b>	<b>\$70.00</b>

\*\* No storage fee may be charged for vehicles stored two hours or less. \*\*

#### **E. RATES FOR NON-CONSENT TOWING FROM PRIVATE PROPERTY, STORAGE.**

Any towing and storage firm engaged in the business of non-consent towing from private property shall not charge the owner of any towed vehicle or personal property in excess of the following:

##### **1. Towing:**

<b>Vehicles Under 7,000 pounds GVWR</b>	<b>\$210.00</b>
<b>Vehicles Over 7,000 pounds GVWR</b>	<b>\$370.00</b>
<b>Length of 25 Feet and Under</b>	<b>\$370.00</b>
<b>Length More than 25 Feet</b>	<b>\$510.00</b>

The towing fee shall be all-inclusive. No additional fees may be charged for using dollies, trailers, lifts, slim-jim, or any other equipment or service or for mileage. Except in the event the interior of a salvageable vehicle will be exposed to the elements, wrecker companies are authorized to charge a one-time fee of **\$55.00** for materials and labor associated with wrapping a vehicle to protect the interior.

**Storage:** The maximum fee for storage of any vehicle or equipment 7000-lbs GVWR and under removed from private property is **\$55.00 per day**, for any vehicle or equipment over 7000-lbs GVWR removed from private property is **\$80.00 per day**. No storage fee may be charged for vehicles stored two hours or less.

#### **F. OTHER RATES**

**Drop Fee:** All licensees who engage in the business of towing vehicles from public or private property shall post a notice on each vehicle, in letters not less than two (2) inches high and appearing in a legible manner on the boom or rear of the wrecker as follows:

**FEE TO DROP VEHICLE BEFORE DEPARTING: \$100.00**

If the owner or operator of the vehicle is present and removes the vehicle to be towed from the premises before it is connected to the towing vehicle, the owner or operator shall not be charged any fee.



**G. Vehicles over 7,000 pounds: C-Class Drop Fee: \$240.00**

If the owner or operator is present after the towing vehicle has been connected to the vehicle to be towed, then the vehicle shall not be towed: but the owner or operator shall be liable for the drop fee, in lieu of towing, provided that the owner or operator forthwith removes the vehicle from the premises. A vehicle shall be deemed connected if every procedure required to secure the vehicle to the wrecker or wrecker equipment so that the vehicle may be safely towed has been completed at the time the owner or operator arrives, including the attachment of any safety chains.

**Lienholder Processing Fee** In addition to the rates authorized above, wrecker companies are authorized to charge a one-time administrative processing fee of **\$75.00** for any car remaining in storage on the company lot for twenty-four hours, to offset direct costs for notification of the owner or lienholder as required by state law, and an additional **\$50.00** administration processing fee for each additional notification sent to the owner or lienholder as required by law. 49

In the event the interior of a salvageable vehicle will be exposed to the elements, wrecker companies are authorized to charge a one-time fee of **\$55.00** for materials and labor associated with wrapping a vehicle to protect the interior.

41

A **10% fuel surcharge** has been approved until such time that the cost per gallon of diesel fuel returns to an amount below \$3.25.

41

## HORSE-DRAWN CARRIAGES

### Section 400 CARRIAGE DRIVER PERMIT FEES

A \$20 fee shall be collected annually for anyone applying to operate a horse drawn carriage. In addition, a \$75 fee will be assessed for all record checks requiring an investigation by law enforcement agencies. There shall be a \$10 permit replacement fee charged. 4

### Section 401 CARRIAGE FEES

A \$25 fee shall be collected annually for each horse-drawn carriage to be operated on any Metropolitan street. 2

### Section 402 ANNUAL CARRIAGE COMPANY CERTIFICATE FEES

A \$100 fee shall be collected annually for each company wishing to operate a horse drawn carriage service within Metro. If a request for an amendment or a temporary change of the certificate is made, a \$25 fee shall be collected. 2

### Section 403 CESSATION OF OPERATIONS FOR ADVERSE TEMPERATURE CONDITIONS

Carriage operations may not be conducted when temperatures are below 25 degrees Fahrenheit or there is ice on the road. Operations may not be conducted when temperatures are above 95 degrees Fahrenheit. Official temperature will be as reported by TDOT 511. Exceptions to this Rule may be granted by the Director, on a case-by-case basis, for special events only. 8, 14

### Section 404 SOLICITATION PROHIBITED

Rule vacated 1-31-2013

### Section 405 NEW DRIVER TRAINING

All newly permitted carriage drivers must complete a training program under the supervision of a qualified instructor or trainer prior to operating a horse-drawn carriage alone on city streets. Company owners shall develop training programs and submit instructor/trainer qualifications information to the Commission director for approval. At a minimum, driver training must include the following sequence:

- A. Demonstrating proficiency under the direct supervision of the instructor/trainer on at least 20 rides without passengers;
- B. Demonstrating ability to successfully negotiate an approved obstacle course;
- C. Demonstrating ability to control the carriage horse by voice commands and rein control;
- D. Demonstrating proficiency under the direct supervision of the instructor/trainer on at least 10 rides with passengers.

Company owners will be responsible to ensure all previously permitted drivers can meet requirements B. and C. above. 14

**Section 406 CARRIAGE EQUIPMENT AND VISIBILITY**

Carriages shall be equipped with rear-view mirrors, tail lights, brake lights, rear-facing turn signals, and side-facing lights. Lights must be clearly visible at night for a distance of at least 80 feet. 14

**Section 407 INSURANCE**

Proof of insurance coverage shall be required for a minimum of six passengers. If the carriage is a limousine carriage or other carriage capable of transporting more than six passengers, then proof of insurance shall be required for nine passengers. 14

**Section 408 DOCUMENTATION REQUIRED FOR OPERATIONS DURING DAY HOURS OR SPECIAL EVENTS**

The Transportation Licensing Commission (“TLC”) adopts the horse and carriage operational routes and/or zones developed and approved by the Traffic and Parking Commission (“T & P”) staff and directs the TLC staff to assist the T & P staff, if necessary. Any horse and carriage operations outside of the approve zones and/or routes must be approved in advance by T & P staff and TLC staff must be notified.

23

**Section 409 ANNUAL CONSIDERATIONS OF CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY**

The TLC shall establish annually a date for consideration of Certificates of Public Convenience and Necessity for Horse-Drawn Carriages as well as request for additional vehicles from existing companies. 31

## OTHER PASSENGER VEHICLES FOR HIRE

### Section 500 SPECIAL TEMPORARY SERVICE PERMITS

Certificate holders operating livery or shuttle services may apply for special temporary permits for rental/leased vehicles in anticipation of a need to meet temporary peak business demands or for temporary replacement of permitted vehicles, according to the procedures listed below. Vehicles to receive temporary service permits must meet all vehicle requirements for the classification of service to be performed.

- A. The application for the special temporary service permit must include:
  - 1. A statement of justification for the use of a temporary permit instead of a regular permit; and
  - 2. A certificate of insurance indicating that hired vehicles are covered by the policy.
  
- B. A nonrefundable application fee of \$20 and a fee of \$25 for each special temporary permit decal requested must accompany the application.
  
- C. When approved, Commission staff will record the numbers of all special temporary permit decals issued to the Certificate holder.
  
- D. Prior to affixing a decal to any rental/leased vehicle, the Certificate holder must provide the following additional information:
  - 1. The period when the special temporary permit will be in effect, including the start date and time and the end date and time;
  - 2. The name of the permitted driver(s) who will operate the vehicle;
  - 3. A copy of the rental/lease agreement, and the make, model, year, color and vehicle identification number (VIN) of the vehicle.
  
- E. The Commission staff will record the special temporary permit decal number to be assigned to each rental/leased vehicle.
  
- F. The Certificate holder will affix the numbered decal to the windshield of the vehicle.
  
- G. At the end of the temporary period, the Certificate holder must remove the decal and return it to the Commission office within three working days. All unused special temporary permits expire and must be returned to the Commission office no later than March 31 of the current year.

### Section 501 VEHICLE WAIVER

The following requirements apply to a certificate holder seeking a one-year waiver from the vehicle age and mileage limits contained in Metropolitan Code of Law 6.74.230:

- A. The vehicle must be in service as a passenger vehicle for hire at the time of the application;
- B. The vehicle owner must file a waiver request annually no later than December 1;
- C. The vehicle must not have been used as a law enforcement vehicle prior to service as a passenger vehicle for hire.

Any vehicle granted a one-year waiver will be required to have a mechanical inspection every six months, and the inspection report must be filed with the Commission.

## **Section 502 SPECIAL PURPOSE VEHICLE DEFINED**

Special Purpose Vehicles (SPVs) have the definition provided in Sections 6.74.010 and 6.74.025 of the Metropolitan Code. The TLC hereby adopts the following clarifications of and expansions to add to that definition. SPVs may not pull or convey any other vehicle, including but not limited to, trams, trailers or wagons, and must be fully enclosed. SPVs do not include those motor vehicles defined as low speed or medium speed vehicles, all-terrain vehicles, and any bicycle, or shared urban mobility device. SPVs must meet the requirements of all federal, state, and local laws. SPVS must have a GVWR of less than 10,001 pounds with seating for not less than six passengers, or more than 15, including the driver, and may not allow their passengers to stand while the SPV is in operation. A vehicle that also meets the definition of an entertainment transportation vehicle (ETV), as defined in Chapter 6.77 of the Metropolitan Code of Laws and the TLC Rules and Procedures, may not be licensed as an SPV or operated as such. <sup>44</sup>

## LOW SPEED VEHICLES

### Section 600 LICENSING AND PERMITTING FEES

Pursuant to various sections in 6.75 of the Metropolitan Code of Laws, the following fees are adopted for the licensing and permitting of low-speed vehicle companies, drivers and vehicles:

- |                                       |       |
|---------------------------------------|-------|
| a. Company application fee:           | \$500 |
| b. Annual company renewal fee:        | \$250 |
| c. Annual vehicle permit fee:         | \$ 50 |
| d. Additional permit fee application: | \$100 |
| e. Driver permit fee:                 | \$20  |
| f. Driver permit replacement fee:     | \$20  |
| g. Criminal background fee:           | \$75  |

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### Section 601 PASSENGER AGE LIMITATION

No individual from age zero (0) to age four (4) may be transported on an LSV. No individual age four (4) to age eight (8) and below 4'9" tall must be placed in a booster seat, strapped into the LSV in compliance with TCA 55-9-602, 603.

28

### Section 602 SEATBELT REQUIREMENT

No individual may be transported in a low-speed vehicle (including the driver) unless wearing a seatbelt while vehicle is in operation.

28

### Section 603 OPERATIONAL AREA

All Low-Speed Vehicles (unless permission is granted by the TLC or TLC staff director in advance) must operate within the following boundaries:

Generally following Blair Blvd to 12<sup>th</sup> Avenue to I-40 (inner loop) crossing I-40 (to include the inner loop) to the river then crossing to East Nashville then following the river to Shelby Park to Woodland Street to Gallatin Pike to Douglas Avenue to Dickerson Pike to the Spring Street crossing the river with the river as the border north to Van Buren Street to Third Avenue North to Coffee Street to Rosa Parks Blvd to Dominican Drive to 11<sup>th</sup> Avenue North to I-40 to 28<sup>th</sup>/31<sup>st</sup> Avenue Connector to Natchez Trace to Blair Blvd. The area of Cowan Street with Dickerson Pike is an operational border.

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LSVs must use the Division Street /12<sup>th</sup>/Demonbreun Street viaducts to cross I-40. LSVs will not be allowed to operate on the following streets, Church, Charlotte, Broadway, West End or 21<sup>st</sup> outside of the inner loop west of I-40. In addition, state law prohibits LSVs to operate on any public streets

with speed limits higher than 35 mph.

30

**Section 604 ANNUAL CONSIDERATIONS OF CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY**

The TLC shall establish annually a date for consideration of Certificates of Public Convenience and Necessity for LSVs as well as request for additional vehicles from existing companies.

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**Section 605 OPERATIONAL HOURS**

LSV rush hour operational restrictions were vacated by vote of the Commission on December 13, 2018.

35

## PEDICABS/PEDAL CARRIAGES

### Section 700 LICENSING AND PERMITTING FEES

Pursuant to various sections in 6.75 of the Metropolitan Code of Laws, the following fees are adopted for the licensing and permitting of pedicab and pedal carriage companies, drivers, and vehicles:

- a. Company application fee: \$500
- b. Annual company renewal fee: \$250
- c. Annual vehicle permit fee: \$ 50
- d. Additional permit fee application: \$100
- e. Driver permit fee: \$20
- f. Driver permit replacement fee: \$20
- g. Criminal background fee: \$75

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### Section 701 ANNUAL CONSIDERATIONS OF CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

The TLC shall establish annually a date for consideration of Certificates of Public Convenience and Necessity for pedal carriages or Pedicabs as well as request for additional vehicles from existing companies. 30

### Section 702 OPERATIONAL HOURS

Pedal vehicles may not operate on the streets between 7-9 a.m. Monday through Friday. During the rush hour period between 4-6 p.m. Monday through Friday, pedal vehicles may operate on routes or zones that are approved by the Director of the TLC and NDOT's Chief Engineer. Pedal vehicle operators must log and report to NDOT any deviations from approved routes within 72 hours. 29, 50, 51

### Section 703 OPERATIONAL BOUNDARIES

Harrison Street to Third Avenue North to Union Street to First Avenue North crossing Broadway to First Avenue South crossing the Korean Veterans Bridge to Hermitage Avenue to Lindsley Avenue to Division Street to 16<sup>th</sup> Avenue South to Grand Avenue to Edgehill to 8th Avenue to 21<sup>st</sup> Avenue South to Broadway to 20<sup>th</sup> Avenue South crossing West End to 20<sup>th</sup> Avenue North to Charlotte Avenue crossing 14<sup>th</sup> Avenue South to Martin Luther King Blvd. to 10<sup>th</sup> Circle North to 10<sup>th</sup> Avenue North to Harrison Street. 37



## ENTERTAINMENT TRANSPORTATION

### Section 800 MTLC AUTHORITY

The Metropolitan Transportation Licensing Commission (MTLC) shall have the authority to promulgate, implement, and enforce additional rules and regulations pertaining to entertainment transportation vehicles (ETV), provided such rules and regulations are consistent with the provisions of chapter 6.77.420(C).

### Section 801 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 an Entertainment Transportation Company (ETC) 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) 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.
- c) 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 ETV already in operation.
  - 2) Adequacy of existing service to meet the public need.
  - 3) The applicant's experience in the operation of an ETC and its vehicles.
  - 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 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 803 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 ETV, 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 medium and large buses with 16-person or more passenger capacity.
  - 2) Two million dollars per incident, known as combined single limit insurance coverage, for small buses, modified trucks, or automobiles with fewer than 16-passenger capacity.

All ETV, regardless of size/category 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) Such holders operating tractors or trucks pulling trailers/wagons 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 ETV, with the minimum amount of insurance coverage being two million dollars per incident, known as combined single limit insurance coverage, and uninsured/underinsured motorist insurance coverage in an amount not less than one million dollars (bodily injury per person)/one million dollars (per accident)/one million dollars (for property damage). These policies shall be issued by an insurance company qualified to do business in the state and naming the metropolitan government as an additional insured.
- e) Liquor liability insurance requirement vacated by vote of the Commission on June 20, 2024. <sup>47</sup>
- f) Any insurance policy issued in compliance with this article shall remain in place at least through the length of the licensing, and for any ETV insured thereunder such policies shall expressly provide that they may not be canceled, except after thirty days written notice to the MTLIC.
- g) ETV will not operate unless in compliance with insurance requirements mandated by this rule section.

#### **Section 804 ENCLOSED/UNENCLOSED**

- a) "Enclosed vehicle" means any motor vehicle that is fully enclosed by metal, plexiglass, or glass on all sides and on the top/roof. Any vehicle not meeting this definition would constitute an "unenclosed vehicle." A vehicle is unenclosed if any portion of it lacks solid sides and a roof, including all appurtenances attached thereto, including, but not limited to, a pickup truck or a wagon or trailer pulled by a tractor, within which passengers are capable of standing and circulating while the vehicle is in motion. For purposes of this section, a vehicle "side" must be a full side enclosure of the vehicle and cannot consist of solely a guard rail or railing. It may contain windows capable of being opened, but all windows shall be fully closed while the vehicle is in operation. Enclosed vehicles shall maintain any required emergency access or exits but the emergency access or exits may not be used to avoid the safety goals intended by the enclosure.
- 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.

#### **Section 805 SAFETY**

- a) Certificate holders must comply with, but not limited to, the safety rules and regulations contained in T.C.A. title 65, chapter 15.
- b) Entrances and exits of all vehicles must be clearly marked and securely closed when the vehicle is in operation. These areas must also have barriers capable of stopping a person from falling through the opening.
- c) The certificate holder's staff shall ensure that passengers understand that they may not and do not open the primary door or any emergency doors at any time during the chartered transportation period.
- d) Vehicles must have additional devices to protect public safety as well as prevent violations of the noise ordinance.
- e) Rails must be used on all retrofitted ETV and must measure a minimum of 40 inches in height from the floorboard. Rails must be constructed of metal or wood. Balusters (short columns or pillars made of metal, hard plastic or wood) may be present for safety purposes. The top rail must not be large enough to serve as a food or drink resting area.
- f) To enhance safety and encourage traffic flow, entertainment transportation vehicles must travel in a manner consistent with the flow of traffic and may not operate on or between the northernmost boundary of Union Street and the southernmost boundary of Korean Veterans Boulevard, and on or between 1<sup>st</sup> Avenue and the westernmost boundary of 8<sup>th</sup> Avenue, during the rush hour period between 4:00-6:00 p.m., Monday through Friday. During this time period, ETVs may only operate on routes or zones outside of that area, that are approved by the Director of the TLC and NDOT's Chief Engineer. 45
- g) Vehicles must undergo a full mechanical inspection annually. Additional mechanical inspections may be required if determined to be necessary by MTLC staff or the Metropolitan Police Department.
- h) Prior to the use and operation of any vehicle under the provisions of chapter 6.77, the vehicle shall be thoroughly examined and inspected by the certificate holder or a third party in accordance with rules and regulations prescribed by the MTLC. These rules and regulations shall be promulgated to provide safe transportation and specify such safety equipment and regulatory devices as the MTLC shall deem necessary. When a certificate holder finds that a vehicle has met all the terms established by the MTLC, the holder shall certify this under oath to the MTLC director, who shall authorize a permit to be issued.
- i) Any ETV in which open containers of alcoholic beverages are present, with up to 25 passengers onboard, shall have one staff member, in addition to the driver, assigned to ride with the passengers to ensure that behavior is compliant with the rules and not unsafe. If an ETV has 26 or more passengers onboard and open containers of alcoholic beverages are present, it shall have 2 staff members, in addition to the driver, dedicated to this purpose.

## **Section 806 COMPLIANCE REQUIRED**

- a) Certificate holders are responsible for knowing and complying with all local, state, and federal safety laws, ordinances and regulations whether or not they are mentioned in MTLC rules.
- b) Compliance with all local, state, and federal regulations and rules is required, which includes (but is not limited to) providing evidence of a Davidson County Business License, appropriate Metropolitan Beer Board permits, appropriate Metropolitan Public Health permits as well as other necessary documents.

## **Section 807 VEHICLE OPERATIONS**

- a) No ETV may conduct normal operations within a one city block boundary of a school, daycare center, healthcare facility, or place of worship. Operations will be silent, and passengers cautioned on behavior when routes to/from loading zones require passage inside the boundary of a school, daycare center, healthcare facility, or place of worship. Additionally, when ETVs are operating beneath the Music City Center on 6<sup>th</sup> Avenue between Demonbreun and Korean Veterans Boulevard, operations will be silent, and passengers cautioned on behavior. <sup>45</sup>
- b) ETV may only operate in the zones established by the MTLC or its staff. These rules may be amended in future to refer to specific zones.
- c) Certificate holders must not permit a passenger to ride on any part of an ETV other than the designated seating area while the ETV is in motion. All ETV in which passengers may at any time be standing while the vehicle is in operation, shall be equipped safety devices, such as hand straps, grab bars, and padded hard surfaces, that meet with the approval of the MTLC Director.
- d) ETV may only load and unload in locations in the public right of way approved by the Metropolitan Government or on private property with the owner's approval.
- e) Alcohol and controlled substances tests will be conducted after a crash involving an ETV 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 ETV 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 ETV driver fails to have the test administered within these time limits, the ETC 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 ETV 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 ETC 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 ETC 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.

- f) ETV may begin operations after 9 a.m. and must cease operations from the public roadway at 11 p.m. Any deviations from this schedule must be requested in writing to the MTLC Director 10 days in advance of the requested deviation. Where merited, the MTLC Director may grant this request.
- g) In the event of inclement weather, ETV may not operate. Inclement weather exists when the National Weather Service issues any of the following or if ETC 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.

## **Section 808 VEHICLES**

- a) Vehicles operated under MCL 6.77 shall be divided in categories as follows:
  - 1) Buses
    - i. Small Bus with up to 15 passenger capacity
    - ii. Medium Bus with 16-to-30-passenger capacity
    - iii. Large Bus with 31-or-more-passenger capacity
  - 2) Modified Trucks
  - 3) Modified Automobiles
  - 4) Tractors
  - 5) Trailer/Wagons
- b) Each vehicle while in operation must remain in compliance with all federal, state, and local regulations as well as all rules established by the MTLC. Each vehicle will be inspected in the manner specified by the MTLC staff.

- c) Certificate holders must attest under oath that the vehicle has met all regulations and rules established in Chapter 6.77 of the Metropolitan Code of Law as well as the MTLC or its staff.

The vehicle must be equipped with a fire extinguisher marked with the vehicle number and the location of such equipment shall be marked and clearly visible.

- d) The vehicle must be equipped with road hazard electronic flares and/or cones/markers for safety in the event of a roadside breakdown.
- e) 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).
- f) The assigned number must be displayed in letters/numbers not less than 4", located on the rear quarter panel behind tires on both sides of vehicle.
- g) The vehicle must be marked with a QR Code not less than 6" on both sides of the vehicle that links to HUB Nashville.
- h) The exterior of the vehicle may not be equipped with strobe lights, flashing lights, neon lights, laser lights, or spotlights.
- i) Certificate holders must have each vehicle inspected and approved for operations by an authorized third-party vendor.

The list of approved vehicle inspection vendors includes:

- 1) West Power Services, 902 Murfreesboro Pike, Nashville, TN 37217
  - 2) At the discretion of MTLC staff, additional inspection vendors may be added.
- j) Vehicles may not operate until approved inspection documents are filed with MTLC staff.

### **Section 809 SOUND**

- a) Compliance with the noise ordinance in Title 9, chapter 20 of the Metropolitan Code of Laws is required.
- b) ETV must have installed devices which are able to monitor and govern all sound amplification, so as to be consistent with 9.20.020(B) of the Metropolitan Code of Laws.
- c) No amplification devices including speakers may be aimed outside of the vehicle's interior.
- d) No airhorns, sirens, whistles, or after-market noise-making devices allowed other than the vehicle's factory-installed horn.

### **Section 810 ALCOHOL**

- a) All certificate holders and their staff may only allow the consumption and service of alcoholic beverages on ETVs to the extent doing so is in compliance with state law and regulations, including but not limited to those of the Tennessee Alcoholic Beverage Commission, and those of the Metropolitan Beer Board. <sup>45</sup>
- b) The certificate holder shall be responsible for verifying that all passengers are 21 years of age or older via a personal identification application or scanning device.
- c) Passengers under the age of 21 shall not be permitted to ride an ETV where alcohol is present.

**Section 811 MISCELLANEOUS**

- a) Driver must be in uniforms as described by the company in its application.
- b) All ETV must be equipped with GPS devices and the data from these devices must be stored in such a way as to allow the MTLC and/or designated third party to be able to capture data related to operations for a period of 30 days.
- c) All ETV must be equipped with cameras which record activities outside the vehicle in the front and the back. These video and/or photographic records must be maintained for a period of 30 days and be available to MTLC staff or the Metropolitan Police upon request.
- d) All vehicles are subject to inspection at any time by MTLC staff, NDOT, MNPd, and other governmental departments.
- e) Vehicles may not dispose of trash accumulated throughout the course of an ETV excursion in Metro owned trash receptacles. Trash must be properly disposed on private property with written permission from the property owner and on file with MTLC staff. Recycling is encouraged. Any litter resulting from an ETV excursion would be considered a violation of this rule.

**Section 812 VIOLATIONS**

All provisions of chapter 6.77 shall be governed by the enforcement provisions of Section 6.77.390 thereof, which provides:

The inspectors of the metropolitan government are authorized and are instructed to observe the conduct of holders of certificates and permits operating under this chapter. Upon discovering a violation of the provisions of this chapter, the inspector may either report the violation to the licensing MTLC, which will order or take appropriate action, or issue a citation as authorized under Section 6.77.420.

Section 6.77.420 in turn provides in pertinent part:

6.77.420 Violations-Penalties-Additional regulations.

- a) All provisions of this chapter shall be governed by the penalties and procedures for general ordinance violations set forth in Section 1.01.030.
- b) Notwithstanding any provision contained herein, the MTLC shall have the authority to enforce the provisions of this chapter.



In the case of enforcement pursuant to Section 6.77.390, where the violation is reported to the licensing MTLC, if the MTLC determines after a properly noticed hearing (at which the alleged violator may appear, present evidence and be represented) that a violation occurred, the MTLC may suspend, revoke or place on probation the certificate holder's certificate or the driver's permit, as appropriate. In the case of enforcement via a citation as authorized under Section 6.77.420 and Section 1.01.030, the citation shall be tried by the Metropolitan Environmental Court in accordance with its procedures, and as set forth in Metro Code Section 1.24.030, and upon a finding by the court that a violation occurred, the court may order civil penalties (fines) of \$50 per violation per day and/or injunctive relief. Likewise, the citation process described above may also be pursued against any unlicensed, unpermitted party who operates an ETV within Davidson County.

The following constitute violations:

a) Certificate Holders

- 1) Allowing unpermitted ETV to operate within the Metropolitan government area.
- 2) Allowing unpermitted person to operate an ETV within the Metropolitan government area.
- 3) Allowing unpermitted ETV to operate without required liability insurance.
- 4) Allowing ETV to operate in an unsafe manner.
- 5) Failure to report any changes in insurance to the MTLC immediately.
- 6) Failure to comply with a correction order issued to MTLC staff or the Metropolitan Police Department within the time specified in the order.
- 7) Failure to comply with the requirements established in Chapter 6.77 of the Metropolitan Code of Law or rules promulgated by the MTLC, or any other applicable federal, state or local law, ordinance or regulation.
- 8) Breaching the terms of the certificate.
- 9) Failure to pay required taxing and fees to the Metropolitan government, state of Tennessee or the federal government.
- 10) Failure to adequately train their company employees to comply with all provisions of Chapter 6.77 of the Metro Code and these regulations.

b) Driver Permitting

- 1) Operating an ETV while under the influence of intoxicating beverages or drugs.
- 2) Operating an ETV while possessing a lighted cigarette, cigar, e-cigarette, smokeless tobacco or pipe at any time.
- 3) Operating an ETV without an ETV driver's permit.

- 4) Allowing more passengers to be carried in an ETV than for which there is proper seating, and at no time shall the driver allow any passenger to ride in any area of the ETV not specifically designed or designated as a seat.
- 5) Allowing a passenger under the age of twenty-one to ride in an ETV where alcohol is present.
- 6) Failure to observe and obey all state and local noise, environmental, and traffic laws and regulations.
- 7) Failure to comply with all metropolitan government, state, and federal laws, ordinances and regulations.

## **SHARED URBAN MOBILITY DEVICES (SUMD)**

### **Section 900 DEFINITIONS**

The following words and phrases shall have the meanings set forth below, unless the context clearly requires otherwise:

“Business District”, as defined in Tenn. Code Ann. §55-8-101(9), means the territory contiguous to and including a highway when, within any six hundred feet (600') along the highway, there are buildings in use for business or industrial purposes, including, but not limited to, hotels, banks, or office buildings, railroad stations and public buildings that occupy at least three hundred feet (300') of frontage on one (1) side or three hundred feet (300') collectively on both sides of the highway.

“Shared Urban Mobility Device (SUMD) system” or “System” means a system which provides urban mobility devices for short-term rentals for point-to-point trips Such a System can be a Lock-to SUMD System or a dockless SUMD system.

“Lock-to Shared Urban Mobility Device (SUMD) system” means a system which provides SUMDs for short-term rentals for point-to-point trips which must be locked or secured to a stationary object. A SUMD that is not lock-to would be dockless.

“Operator” means a corporation, firm, joint venture, limited liability company, partnership, person, or other organized entity that operates a SUMD system, whether for profit or not for profit.

“Powered” means electric or motorized; in the case of a UMD, it also means any other technology that allows the UMD to be self-propelled.

“Urban Mobility Device (UMD)” means bicycles, tricycles, scooters, hoverboards, skateboards, pedal cars, and other similar devices, whether they are powered or nonpowered. A UMD does not include devices used as assistive mobility devices by persons with disabilities.

“User” means a person who rents and uses a UMD from an operator.

### **Section 901 EXISTING CERTIFICATE HOLDER’S PERMITS**

Each existing certificate holder:

1. Continues to be bound by all representations, plans and commitments made in the Certificate of Public Convenience and Necessity Application they filed with the MTLC under the provisions of Prior Chapter 12.62, including but not limited to:
  - a. Images and description of SUMDs and mobile application;
  - b. Service area at launch, including any planned expansions during the pilot period;
  - c. A written plan for educating users on proper SUMD operation and parking;
  - d. A written plan for providing equitable access in neighborhoods and to communities and users that are underserved by mobility and transportation options, as

described in section 910, below.

- e. The indemnification signed pursuant to Section 903.E., below.
2. The Certificate Holder must continue to maintain a Certificate of Insurance, compliant with the provisions of Sec. 903.D., below.
3. The Certificate Holder must execute a bond agreement compliant with the provisions of Sec. 905.E., below.
4. The Certificate Holder must continue to make available to Metro five (5) account logins to allow Metropolitan Government staff to login to the operator's system as if they were a User, for oversight.
5. A certificate shall not be transferred or sold unless approved by the MTLC.
6. Operators must comply with any and all ordinances, regulations or policies that were duly and lawfully adopted by the Metropolitan Government after a permit was approved.

## **Section 902 APPLICATION FOR PERMITS THROUGH RFP PROCESS**

No new certificates of public convenience and necessity shall be issued without a competitive Request for Proposals ("RFP") process. All such RFP proposers must comply with all terms of the RFP in order to be eligible to receive certificates or permits. Through this RFP process, future applicants shall be selected to receive certificates of public convenience and necessity to operate SUMD systems. Once the RFP award is final, all previously granted certificates of public convenience and necessity that are at the end of their last term extension shall terminate. <sup>46</sup>

## **Section 903 SAFETY REGULATIONS**

A. To be eligible for a permit, the following standards must be met:

1. All bicycles used by operators issued a permit under this chapter shall meet the standards set forth in the Code of Federal Regulations (CFR) under Title 16, Chapter II, Subchapter C, Part 1512 – Regulations for Bicycles and ISO 43.150 – Cycles, subsection 4210. All bicycles shall meet the requirements for lights during hours of darkness described in Tennessee Code Annotated § 55-8-177. This includes a front light that emits white light and a rear red reflector.
2. All electric bicycles used by operators issued a permit under this chapter shall meet the standards set forth for bicycles, including a front light that emits white light and a rear red reflector, and shall meet the National Highway Traffic Safety Administration definition of low-speed electric bicycle. Each electric bicycle must have fully operable pedals, two (2) or three (3) wheels, any of which is twenty inches (20") or more in diameter, an electric motor of less than 750 watts, and a top motor-powered speed of less than 20 miles per hour when operated by a rider weighing 170 pounds. An electric bicycle must meet the standards set forth in Tennessee Code Annotated Title 55, Chapter 8, Part 3. If it is determined that any battery or motor on an electric bicycle is unsafe for public use, the Metropolitan Government reserves the right to terminate the permit issued under this pilot program.

3. All electric scooters used by operators issued a permit under this chapter shall meet the standards set for the for electric bicycles, including a front light that emits white light and a rear red reflector, except an electric scooter need not have fully operable pedals nor wheels of twenty inches (20”) or more in diameter. An electric scooter shall have a foot board for the user to stand upon and no seat. Each scooter shall have a top motor-powered speed of less than 15 miles per hour when operated by a rider weighing 170 pounds. If it is determined that any battery or motor on a scooter is unsafe for public use, the Metropolitan Government reserves the right to terminate the permit issued under this pilot program.
4. The MTLC is authorized to adopt safety standards to address other types of UMD’s, including but not limited to (non-electric) types of powered UMD’s, if it chooses to allow them.

B. All operators permitted pursuant to this program shall provide a mechanism for users to notify the operator of any safety or maintenance issues with the SUMDs.

C. All operators shall affix to any SUMD visible language that notifies the user:

1. A SUMD shall not be operated upon a sidewalk within a business district.
2. Whenever operating a SUMD upon a sidewalk, the user shall yield to any pedestrian and shall give a signal audible to such pedestrian before overtaking and passing him or her.
3. Helmet use is encouraged while riding.
4. When riding on a street, users must follow the rules of the road as one would in a motor vehicle.
5. All operators must provide a 24-hour customer service phone number for users and the general public to report safety concerns, complaints or ask questions.
6. Each SUMD must be labeled with a unique identifier which must be of a size and placed in such a way that the SUMD can be easily identified by a passer-by.

D. All permitted operators shall have a minimum of one million dollars (\$1,000,000) in automobile insurance and two million dollars (\$2,000,000) per occurrence in commercial general liability insurance. The Certificate Holder’s Insurance shall be primary for any liability arising out of its User’s use of that Certificate Holder’s SUMD.

E. Prior to a certificate of public convenience and necessity being issued, all certificate holders shall sign and record with the MTLC an indemnification agreement (in a form approved by the Metropolitan Department of Law) in which the certificate holder agrees to indemnify and hold harmless the Metropolitan Government of Nashville and Davidson County. The certificate holder shall further include in its agreements with its users a term that its users must agree to as prerequisite to the use of the SUMD: that the user fully releases and waives all liability of the Metropolitan Government for any injury or harm the user experiences arising from the user’s use of the certificate holder’s SUMD.

F. Permitted operators shall agree that the Metropolitan Government is not responsible for educating users on how to ride or operate a SUMDs.

- G. Permitted operators shall inform and regularly educate all users regarding all laws and regulations applicable to riding, operating and parking a SUMD and instruct users to comply with these laws and regulations.
- H. All SUMDs shall include on-board GPS to ensure an operator's ability to locate and retrieve them as needed.
- I. Operators shall ensure that on a regular basis all SUMDs are inspected, maintained, and replaced as necessary.
- J. All certificate holders are required to submit monthly reports to the MTLC certifying under oath their compliance with all of the requirements of the Ordinance and these Regulations. The MTLC staff, at their discretion, shall have the right to inspect all SUMDs and records of the operator in order to verify the accuracy of such certifications. Any false certifications shall result in the revocation of the certificate holder's certificate of public convenience and necessity, after notice and a hearing regarding same before the MTLC.
- K. Operators shall be capable of remotely disabling the use of a SUMD should it be reported or found to have a safety, maintenance or other hazardous condition.
- L. Operators should employ 2 full time employees per 100 SUMD's in their fleet. The primary responsibility of these employees shall be to rebalance fleets to address clustering, sidewalk blockage issues, respond to private property owner complaints, and ensure maximum effective utilization of Metro-provided SUMD corrals and overall fleet safety and reliability.
- M. Reasonable helmet promotional activities and increased education activity shall be conducted by all permitted operators and the same shall be reported to the MTLC on a quarterly basis and to the Metropolitan Council annually.
- N. Whenever any ice, snow or other freezing precipitation is present on the streets or sidewalks, SUMD's shall not be made available for operation. In addition, the MTLC Director may halt operations if it is determined that inclement weather will present a safety hazard.

#### **Section 904    PARKING AND USE OF SUMDS**

- A. Operators shall inform users on how and where to properly use and park a SUMD.
- B. Permits issued pursuant to this chapter are valid only for operations within the public right-of-way within the jurisdiction of Metro. Additional zones may be established for other locations upon coordination with the appropriate department, agency, and/or property owner.
- C. Any SUMD parked in any one location for more than two (2) consecutive days without moving may be removed by the department of public works and taken to a facility designated by the department for storage at the expense of the operator. Any SUMD causing any kind of ADA violation, including but not limited to impeding the accessibility of the pedestrian path of travel, access to a disabled parking space, entrance to a building, or access to a curb ramp, may be so removed by Metro immediately upon observing the violation without notice to the operator. The department of public works shall invoice the operator for the cost of this removal and storage. Any SUMD shall be upright when parked.

D. SUMDs shall not be parked in such a manner as to impede the right-of-way or impede access to the right-of-way, consistent with the following:

1. SUMDs shall be parked in the frontage zone as defined in the Major and Collector Street Plan (MCSP), or in the hard surfaces of a furnishing zone (e.g., concrete or asphalt surface; never in a planted area) as defined by the adopted standards of the metropolitan government, or at a bicycle rack owned or operated by the metropolitan government. Operators shall inform customers on how to park SUMDs properly, following the requirements for parking of bicycles outlined in Section 12.60.140.
2. Restrictions to eligible SUMD parking zones on sidewalks:
  - a. SUMDs shall not be parked on blocks where the frontage/furnishing zone is less than three feet wide, or where there is no frontage/furnishing zone. In other words, SUMDs shall not be parked on sidewalks less than 8 feet wide.
  - b. On blocks without sidewalks, SUMDs may be parked if the travel lane(s) and six-foot pedestrian clear zone are not impeded.
  - c. Metro, through the MTLC, shall determine certain block faces or areas where free-floating SUMD parking is prohibited. Geo-fenced areas may be used to designate where SUMD parking is or is not allowed; such areas shall include but not be limited to the areas shown on the map at the following link:  
  
[NEW LINK TO BE INCLUDED WHEN AVAILABLE](#) <sup>46</sup>
  - d. The determinations made by the MTLC re where parking is prohibited shall be made available as a map on the Metropolitan Government's website and the Metro Open Data Portal. Permitted operators shall clearly and conspicuously inform users about these block faces or areas where SUMD parking is not allowed, including in their mobile applications. It is encouraged, but not required, that wherever free-floating SUMD parking is prohibited that dedicated and preferred SUMD parking areas be available on public or private property within a reasonable distance.
  - e. SUMDs shall not be parked in the frontage/furnishing zone adjacent to or within:
    - i. Parklets;
    - ii. Transit zones, including bus stops, shelters, passenger waiting areas and bus layover and staging zones, except at existing bicycle racks;
    - iii. B-Cycle stations;
    - iv. Loading zones;
    - v. Disabled parking zone;
    - vi. Street furniture that requires pedestrian access (for example - benches, parking pay stations, bus shelters, transit information signs, etc.);

- vii. Curb ramps;
  - viii. Entryways; and
  - ix. Driveways.
- f. SUMD's shall not be parked on a sidewalk within the zone shown on the map at the following link unless they are parked within a corral:

NEW LINK TO BE INCLUDED WHEN AVAILABLE <sup>46</sup>

As more corrals are added, this zone may be expanded by the MTLC.

- g. At all times, SUMDs shall be parked in a manner compliant with the Americans with Disabilities Act, 42 U.S.C. § 12132, et seq.
- h. An SUMD found in a body of water, such as a fountain, pond, lake, stream, bay or any other body of water in a park or elsewhere within the area of the Metropolitan Government shall be deemed to constitute a violation of Metropolitan Code Section 10.24.130 and the SUMD system operator whose SUMD is found in such body of water shall be deemed responsible for the littering and for the \$50 fine therefore that may be imposed pursuant to Metropolitan Code Section 1.01.030.

E. All permitted operators shall provide contact information for relocation requests on each SUMD.

F. SUMD shall not be operated upon a sidewalk within a business district. The Traffic and Parking Commission may also determine specific areas as business districts. Signage will be installed by the MTLC or Department of Public Works indicating areas where the MTLC has determined that SUMDs are not to be operated on sidewalks. Each permitted operator shall reimburse the Metropolitan Government for the cost of the signage on a pro-rata basis, up to a maximum of \$10,000 per company per year.

G. Whenever operating a SUMD upon a sidewalk, the user shall yield to any pedestrian and shall give an audible signal before overtaking and passing such pedestrian.

H. All permitted operators shall comply with any restrictions developed by the Metropolitan Government regarding where SUMDs can be deployed, placed, parked, and operated.

I. Only one person shall be on a SUMD, unless it is equipped with seating for additional users.

J. An operator shall not allow a powered SUMD to be operated by a person who is less than eighteen (18) years or older. Operators will institute additional technological measures, including facial recognition technology, as an age verification system to analyze user data to determine the user's age. Any user that is not verified as being over eighteen (18) via the above must scan a government issued ID in order to proceed with renting an SUMD. <sup>46</sup>

K. An operator shall not allow an SUMD that meets the definition of a motorized vehicle to be operated by any person who does not have a valid driver's license.



L. In addition to penalties assessed for any separate violation of Tennessee law or Metropolitan Code of Laws, and except where it is specified otherwise in this chapter, any violation of this ordinance by a user in the operation or parking of a SUMD shall be a fine of twenty-five dollars (\$25) to be assessed on the SUMD and paid by the owner of the SUMD.

M. All Metropolitan Government departments and entities are encouraged but not required to find innovative ways to accommodate and incorporate the use and parking of SUMDs.

N. A powered SUMD shall only be operated by a person who is eighteen (18) years of age or older. It is unlawful for any person who is less than eighteen (18) years of age to operate a powered SUMD.

O. Subsection L. of this section, above, sets out the penalty for violation of subsection N. of this section.

P. Parking a SUMD where it is prohibited pursuant to Section 904, above, shall be a \$10 fine, (except for Section 904.D.2.h. which shall be a \$50 fine as provided in that section) assessed upon the operator. In its mobile application and elsewhere, a permitted operator shall clearly and conspicuously inform users where SUMD parking is prohibited and inform them that parking where it is prohibited shall result in a \$10 fine. The fine shall be collected from the user by the permitted operator through its mobile application or other means, and it shall be remitted to the Metropolitan Government within 60 days. Nothing herein shall prohibit permitted operators from seeking reimbursement of such fines from users whose actions incurred the assessment of fines.

Q. The department of public works shall continue its work on its program of assigning and marking a limited number of street parking spaces, small sections of sidewalk, areas adjacent to transit stops, and other rights of way as dedicated and preferred parking areas where SUMDs can park without penalty as long as they are properly parked and upright (the "Corral Program"), and report on it annually to the Metropolitan Council. Information on this program shall be made available as a map on the Metropolitan Government's website and the Metro Open Data Portal. Permitted operators shall clearly and conspicuously inform users about these dedicated and preferred or required parking areas for dockless SUMDs, called corrals, including in their mobile applications. Dedicated and preferred parking areas for dockless SUMDs, or corrals, may be located where parking for dockless SUMDs is otherwise prohibited pursuant to Section 904.D.2.e.

## **Section 905 OPERATIONS OF SUMDS**

A. All permitted operators shall have a staffed operations center within the boundaries of the Metropolitan Government of Nashville and Davidson County.

B. All permitted operators shall have a 24-hour customer service phone number for users and the general public to report safety concerns, complaints or ask questions. The phone number shall be visible on all of the operator's SUMDs, signage and other equipment. In addition, all operators shall jointly establish a "hotline" to be funded on a pro-rata basis by all permitted SUMD operators, that would take such calls for any brand of SUMD and have a required 30-minute response time by the operators to all accessibility or ADA related complaints and issues.

C. All permitted operators shall create and maintain a Nashville-specific website and/or social media platform that includes information on Metropolitan Government regulation of SUMDs and other relevant and appropriate information regarding their operation. The site shall also explain the terms of service,

including user instructions, privacy policies, and all fees, costs, penalties, and unexpected charges.

D. All permitted operators shall provide the Metropolitan Transportation Licensing Commission (MTLC) with contact information, such as name, phone number, and email, of a Nashville-based manager or operations staff available 24 hours a day, 7 days a week. The Nashville-based manager or operations staff shall be capable of re-balancing or relocating SUMDs and be able to respond to requests, emergencies, and other issues at any time, within 30 minutes.

E. All permitted operators shall have a performance bond of eighty dollars (\$80) per SUMD, with a cap of one hundred thousand dollars (\$100,000). The form of the bond shall be approved by the Metropolitan Department of Law. These funds shall be accessible to the Metropolitan Government for future public property repair and maintenance costs that may be incurred related to SUMD use, removing, and storing SUMDs improperly parked, or if a company is not present to remove SUMDs if its certificate of public convenience and necessity is terminated. If a permitted operator increases the size of their fleet, the performance bond shall be adjusted appropriately before deploying additional SUMDs. If a towing company is engaged by a property owner to remove an SUMD parked on that property owner's property, the towing company's cost in removing and storing the SUMD may be reimbursed from said bond, if the operator does not pay the towing and storage cost promptly upon application.

F. Permitted operators shall immediately respond to requests for rebalancing, relocation, reports of incorrectly parked SUMDs, or reports of unsafe/inoperable SUMDs by relocating, re-parking, or removing SUMDs, as appropriate. Improper parking of SUMDs is a violation, that may be cited (and be subject to a civil penalty and/or disciplinary action) immediately upon observation by a Metropolitan employee with citation authority, or upon that employee obtaining evidence establishing probable cause that a violation occurred. To ensure that their Users do not engage in such improper parking of SUMDs, operators should utilize technology that prevents Users from being able to "end a ride" (i.e., cease being charged for continuous use of the SUMD) unless the operator has reasonable assurance that the SUMD has been properly parked by a User.

G. Every SUMD shall have a unique identifier, such as a unit number, that is visible to the user and to passers-by on the SUMD.

H. If the Metropolitan Government or any department or agency thereof incurs any costs as a result of addressing or abating a permittee operator's violation of these requirements or incurs any costs of repair or maintenance of public property, upon receiving written notice of the costs, the permitted operator shall reimburse the Metropolitan Government for such costs within thirty (30) days.

I. After notice and a hearing, the MTLC may take disciplinary action, including revocation, suspension, reduction of fleet size, or probation, against any certificate holder who willfully fails to comply with this ordinance, any other provision of the Metropolitan Code or any other applicable law. MTLC staff is authorized to take any temporary action until a hearing is held.

J. Upon revocation or surrender of a certificate of public necessity and convenience, decommissioning shall be completed within thirty (30) days unless a different time period is determined by MTLC or its staff.

K. The MTLC and the Metropolitan Nashville Police Department shall establish, and all permitted

operators shall comply with, procedures and protocol in the event of extreme weather, emergencies, and special or large events.

L. Operation of SUMDs is prohibited after midnight and before 5:00 am, except for bicycles and electric bicycles, as defined below in section 909.B <sup>43</sup>

M. MTLC or its staff may establish limitations on the streets within the metropolitan area in which SUMDs can or cannot operate, and streets and areas where SUMDs shall be slowed down remotely by the operator, by using technology where reasonable and practicable where operation of SUMDs, or where speeds in excess of 10 miles per hour, is not permitted, including but not limited to in the following locations: <sup>46</sup>

1. Slow zone – Broadway between 7<sup>th</sup> Ave. and the Cumberland River (parking SUMDs on Broadway is prohibited);
2. Slow zone – 2<sup>nd</sup> Ave. between Broadway and Union Street
3. No ride zone – any Metropolitan greenways, to the extent applicable rules and regulations of the Board of Parks and Recreation would prohibit them; and
4. No ride zone – Within any Metropolitan Parks, except on paved streets located within the same.
5. No ride zone – The Vanderbilt University Medical Center areas shown on the attached Exhibit A.
6. No scooter ride zone – The Vanderbilt University areas shown on the attached Exhibit A.
7. No e-bike ride zone – The Vanderbilt University areas shown on the attached Exhibit A, unless a contracted agreement between Vanderbilt University and SUMD operators is approved by the TLC Director. <sup>43</sup>

N. The determinations shall be made available as a map on the Metropolitan Government’s website and the Metro Open Data Portal. Permitted operators shall clearly and conspicuously inform users about these determinations, including in their mobile applications. Any deviation from the approved hours, locations of operation, or streets and areas where SUMDs shall be slowed down remotely by the operator must be approved by the MTLC or its staff. Any approved deviation must be reported to the MTLC or the MTLC director prior to beginning of operations.

O. SUMD operators shall purge duplicate user accounts on a regular basis according to rules to be established by the MTLC.

## **Section 906 VIOLATIONS DEFINITIONS/EXPLANATION**

- 1) A “violation,” as used in MCL 12.62.080.4.b., is not the same as a complaint, which is just an allegation. In order to amount to a violation, a complaint reported to the TLC by a third party needs to be accompanied by some evidence upon which a conclusion that a violation of Chapter 12.62 occurred can be based. This conclusion can be drawn by MTLC staff, but staff should document the

evidentiary basis for their finding, and TLC staff should give the certificate holder an opportunity to respond to the complaint before the conclusion is drawn. Staff can also conclude in response to a complaint that there is no evidence of a violation. A violation directly witnessed by TLC staff, by other Public Works staff, or MNPD officers, however, need not be supported in this manner or with any evidence other than a signed statement by the employee or officer of what they observed, although, where possible or available, additional documentation of supporting evidence is desirable.

- 2) A violation (as described above) will only count against the certificate holder for the purposes of application of the criterion in MCL 12.62.080.4.b., under the following circumstances:
  - a. Where it can be attributed to the certificate holder itself, rather than to one of its users. Some non-exclusive examples of this would include (but not be limited to):
    - i. An instance of improper parking where a time stamp on the picture shows that the scooters were parked in a clump that way first thing in the morning – in other words, by the certificate holder’s agent setting them out in the morning.
    - ii. Evidence that a SUMD certificate holder was notified of an improperly parked scooter, and a time stamped picture showing that the scooter was still there more than 2 hours later.
  - b. Alternatively, the TLC staff becoming aware of a critical mass of violations by a certificate holder’s users (e.g. 25/month), would lead to a rebuttable presumption that the certificate holder is failing in its responsibility to inform, regularly educate and instruct its users to comply with applicable laws and regulations, as described in MCL 12.62.030.7. The information supporting this rebuttable presumption should be provided to the certificate holder, and the certificate holder should be given an opportunity to present evidence rebutting the presumption. If the certificate holder does not take this opportunity, or if they do, but their response is insufficient to rebut the presumption, this shall constitute a basis for a finding of a violation by the certificate holder. Again, some non-exclusive examples of this would include but not be limited to:
    - i. Photos of users riding scooters that are visibly identifiable as the certificate holder’s on sidewalks in areas that meet the definition of a business district (so it would have to be clear from the photos where they were taken), or
    - ii. Photos of scooters parked in prohibited areas, such as greenways or sidewalks that do not have a frontage or furnishing zone, or where that frontage or furnishing zone is less than 3 feet wide, or otherwise blocking the accessible path of pedestrian travel on a sidewalk.

## **Section 907 DATA SHARING**

A. Permitted operators shall provide the Metropolitan Information Technology Services Department ("Metro ITS") with anonymized and aggregated location data sharing and open data information regarding SUMD locations, ridership, aggregated (5 trip minimum) SUMD traffic patterns, and shall provide to Metro’s third-party vendor other data as required by Metro ITS, in a format acceptable to Metro ITS and Metro ITS’ third-party vendor. Metro’s third-party vendor will contract with Metro for the specific purpose of

aggregating and anonymizing the data provided to it by the operators, for Metro's benefit. Such data provided to Metro's third-party vendor that constitutes "raw" data, that is not anonymized and aggregated, will not be hosted on Metro servers."

#### **SECTION 908 FEES**

A. Applicants shall pay a program a certificate fee of \$10,000.00 per year, plus a fee of \$ 141 per SUMD per year to the MTLC for the administrative costs, enforcement costs, and operational costs, including salaries and benefits of dedicated staff, and including related capital project costs. This fee must be renewed annually and may be changed by the MTLC based on the authority granted to it by the metropolitan council, in the Ordinance, to establish additional fees the MTLC determines are necessary to carry out and enforce the Ordinance.

B. If any stations or other structures are proposed, each site shall require additional review deposits and permitting, including obtaining a separate encroachment permit.

#### **Section 909 NUMBER OF SUMDS ALLOWED**

A. Permitted operators' fleets shall be limited in number with separate limitations for each type or category of SUMD, such as bicycles, powered bicycles, and powered scooters. The MTLC may establish other categories of SUMDs.

B. Operators shall deploy a minimum of one (1) e-bike for every four (4) electric scooters subject to Commission approval. Any powered bikes that the operators add to their fleet per this provision must meet the definition of Class 1 or 2 electric bicycles as defined in Tennessee Code Annotated 55-8-301. Any other types of powered bicycles would be subject to the further fleet expansion criteria in Section 913. <sup>46, 51</sup>

C. A fleet increase metric has been enumerated below in Section 913.

#### **Section 910 EQUITABLE ACCESS**

A. Permitted operators shall have a plan to provide equitable access in neighborhoods and to communities and users that are underserved by mobility and transportation options.

B. Permitted operators are encouraged to:

1. Provide pricing options that address the needs of low-income residents;
2. Provide discount programs to low income individuals;
3. Develop options that do not require a smartphone;
4. Provide cash-payment options; and
5. Provide adaptive SUMDs that enable operation by people with disabilities.
6. Provide access to in-app instructions in multiple languages. <sup>46</sup>

## **Section 911 TERMINATION OF CERTIFICATES**

The SUMD certificates awarded through the RFP process shall terminate as determined through the RFP Process.

## **Section 912 SEVERABILITY**

If any sentence, section, subsection or provision of these Regulations, or the application of any provision of these Regulations to any person or circumstance be held invalid or unconstitutional, such declaration shall not affect the validity of other provisions or applications of these Regulations that can be given effect without the invalid provision or application; and to that end, the provisions of these Regulations are declared to be severable.

## **Section 913 FLEET INCREASE METRIC**

Companies may increase their fleet by no more than 50 scooters upon an affirmative vote of the TLC if the:

Company provides objective data that their maximum authorized fleet size is not meeting rider demand because the fleet is averaging 2.5 rides or greater per day of operation over the last 30 days fleet numbers;

*Company has a plan to equitably distribute the increased fleet throughout the city; and*

Company is in compliance with the current regulations of the TLC with regard to scooter operations, responsiveness, and other compliance measures that may be adopted from time to time by the TLC;

*Company has been substantially compliant with the 17 goals of the SUMD program as defined in BL2019-109 Section 2 (C);*

*Commission determines that on balance, the community will benefit from the additional fleet rather than be burdened by it;*

A company shall not be eligible for a fleet increase if it was granted a fleet increase of 30 or more scooters by the TLC within the last 60 days. 40

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