

ORDINANCE NO. BL2014-993

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to regulate low speed vehicles within certain portions of Nashville and Davidson County, and to amend Title 6 of the Metropolitan Code to provide for such regulations.

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

Section 1. That Title 6 of the Metropolitan Code of Laws shall be amended by adding a new Section 6.73, which shall contain the following:

**Chapter 6.73 – Low Speed Vehicles**

**6.73.010 – Definitions.**

For purposes of this chapter:

“Certificate” means a certificate of public convenience and necessity, a license granted, upon application and approval, by the Metropolitan Transportation Licensing Commission for the sole purpose of authorizing the certificate holder to provide transportation through a low speed vehicle, and may hold one or more permits as defined under this section.

"Certificate holder" or "Holder" means a person, company, corporation or association which has applied for, and been granted, a certificate of public necessity and convenience.

"MTLC" (unless otherwise described) means the Metropolitan transportation licensing commission as established by the metropolitan code.

"MTLC director" means the Commission director/executive secretary of the Metropolitan transportation licensing commission, as employed by the metropolitan department of public works on behalf of the Commission.

“Driver” means any individual who physically operates a low speed vehicle as a for-hire vehicle under this chapter. This person may share additional, company-related titles, such as owner, employee of the owner, holder or independent contractor.

"Driver permit" means a permit issued by the MTLC to drive and operate a low speed vehicle.

"For hire" means a transaction whereby any money, thing of value, charge tickets, surcharge, payment, pecuniary consideration or compensation, reward, donation, tip, or any other remuneration or profit is paid to, accepted by, or received by a driver, employee, agent, owner, or

any other representative of a passenger vehicle for hire or a passenger vehicle for hire company in exchange for the temporary use by or for the transportation of a passenger, whether such is paid voluntarily or upon solicitation, demand, request, contract, agreement, or as a surcharge; or otherwise in conjunction with the purchase of parking wherein the transportation is part of the services provided.

"Low speed vehicle (LSV)" means any four-wheeled electric or gasoline-powered vehicle, excluding golf carts, whose top speed is greater than twenty miles per hour (20 mph) but not greater than twenty-five miles per hour (25 mph), including neighborhood vehicles. Low speed vehicles must comply with the standards in 49 CFR 571.500. Vehicles meeting the definition of "golf carts" as defined in Tenn. Code Ann. 55-1-123 shall not be included in the definition of LSV's.

"Low speed vehicle (LSV) permit" means a permit issued by the MTLC for a LSV to carry passengers.

"Low speed vehicle (LSV) driver's permit" means a permit issued by the MTLC for a person to operate a LSV to carry passengers.

"Metro" means the Metropolitan Government of Nashville and Davidson County.

"Metropolitan area" means the area which comprises Nashville and Davidson County.

"MTLC Staff" means the inspectors, director and other staff employed by the MTLC.

"Owner" means the person who holds the legal title of the LSV.

"Person" means any individual, partnership, corporation, association or public or private organization of any character.

"Permittee" means a holder of any permit issued under this chapter.

"Rate card" means a card issued by the MTLC for display in each LSV, which contains the rates of fare then in force.

"Solicit" means the distribution of flyers or other material, or an appeal by bell, horn, whistle, words, or gestures by a driver or his or her agent directed at individuals or groups for the purpose of attracting passengers for immediate hire.

"Taxicab" means a motor vehicle regularly engaged in the business of carrying passengers for hire, donation, gratuity or any other form of remuneration, having a seating capacity of less than nine persons and not operated on a fixed route.

"Taxicab stand" means a place alongside a street, or elsewhere, where the MTLC has authorized a holder of certificate of public convenience to park for picking up or discharging passengers.

"Traffic and Parking Commission" means the Metropolitan Traffic and Parking Commission as established by the Metropolitan Charter and Code of Laws.

## **Article I – Certificate of Public Convenience and Necessity**

### **6.73.020 – Required and Term.**

- A. No LSV shall be used or operated on a for hire basis by any person in the territorial jurisdiction of the Metropolitan Government without an owner or operator having first obtained a certificate of public convenience and necessity. Each certificate shall be valid for one year and shall be subject to renewal pursuant to the provisions set forth in this article.
- B. It shall be unlawful for any person to transport or offer to transport passengers in any LSV for hire which does not have affixed to the vehicle a valid permit issued through the MTLC.
- C. Certificates shall not be transferred, sold or given from one owner to another including the sale of one LSV company in its entirety to another.
- D. The MTLC shall track all certificates, and after the renewal period, if the certificate has not been renewed it shall be determined to be void.

### **6.73.030 – Findings—Issuance of certificate or additional permits.**

- A. If the MTLC finds that further or additional LSV service in the metropolitan government area is required by the public convenience and necessity and that the applicant is fit, willing and able to provide such service and to conform to the provisions of this chapter and the rules promulgated by the MTLC, the MTLC may issue a certificate of public convenience and necessity, stating the name and address of the applicant, the number of vehicles authorized upon such certificate and the date of issuance.
- B. In making the above findings, the MTLC shall, at a minimum, take into consideration the number of LSVs already in operation, whether existing service is adequate to meet the public need; the character, experience, financial condition and responsibility of the applicant, and such criteria as may be adopted by the MTLC in its rules.

### **6.73.040 Application—Information and fees required.**

- A. An application for a certificate of public convenience and necessity shall be filed with the MTLC director in a format prescribed by the MTLC. Forms will be provided by the MTLC director and payment of a nonrefundable fee will be charged. The amount of the application fee shall be established by the MTLC and approved by the metropolitan council by resolution, as shall all other fees provided for in this chapter. It shall include a certification under oath by the

applicant that all required components of the application have been submitted and are complete, true and accurate, in a form established by the MTLC director. If a certificate is issued to the applicant, and this certification is found to have contained a misrepresentation, then that shall be deemed sufficient cause for revocation of the certificate.

B. An applicant will be ineligible for consideration if:

1. Any of the partners, officers, directors, or members are under twenty-one years of age and/or the passenger vehicle for hire business has no separate legal existence beyond a shareholder, owner, or partner who is under the age of eighteen years of age.
2. Any of the owners, partners, officers, directors, or members (collectively, "principals") has been convicted of, forfeited bond, pleaded guilty or nolo contendere to, or been released from incarceration for a felony or any crime involving a controlled substance, prostitution, assignation, obscenity, or any crime of a sexual nature in any jurisdiction within seven years immediately preceding the date of application; or has been convicted of, forfeited bond, or pleaded guilty or nolo contendere to multiple felonies. To verify this information, all principals of an applicant for a certificate shall be required to undergo a criminal background check as part of the determination of eligibility. Such background checks shall be conducted as provided for in the rules or regulations adopted by the MTLC. All costs of the criminal background check shall be borne by the applicant.
3. Any of the owners, partners, officers, directors, or members has violated any portion of this chapter or of Chapter 6.72 of the Metropolitan Code within five years immediately preceding the date of application.
4. Any portion of the application is incomplete or contains incorrect or untruthful information.

#### **6.73.050 – Issuance and Denial – Fees.**

- A. If the MTLC determines that LSV services are required and the applicant is qualified, the MTLC may issue a certificate.
- B. The MTLC shall adopt the criteria for determining the necessity for additional LSV certificates.
- C. Any person whose application for a certificate is denied by the MTLC director may file a written appeal with the MTLC within thirty days of denial and request an appearance before the MTLC and appear in-person for consideration of the certificate application.
- D. The certificate shall state the name, business address and telephone number of the applicant, the classification of service for which the certificate is issued, and the date of expiration. If the classification is for a special-purpose LSV, the certificate may also specify any limitations or restrictions that apply.

- E. The MTLC will set fees to be charged for the issuance of each approved LSV permit associated with the certificate.

**6.73.060 – Annual Renewal.**

- A. All certificates issued under the provisions of this chapter shall expire annually on the year following the date on which the certificate was issued. All certificates may be renewed by the MTLC director for each successive year. A renewal fee for each approved certificate and other licensing fees shall be charged at the annual renewal of the certificate.
- B. All applicants for renewal must be current with all assessments and taxes due to the Metropolitan Government.
- C. If a licensed LSV company or individual fails to renew prior to the end of the renewal period, the renewal applicant shall be treated as a new applicant.

**6.73.070 – Insurance Required.**

- A. Before any certificate shall be issued under this chapter by the MTLC, or before the renewal of such certificate shall be granted, the applicant shall be required to file a certificate of insurance, complete with a schedule of covered LSVs, with the MTLC director evidencing insurance coverage as required in this section.
- B. Minimum insurance requirements.
  - 1. Comprehensive general (public) liability and property damage insurance, inclusive of contractual liability, in an amount of not less than one million dollars combined single limit written on an occurrence basis.
  - 2. Comprehensive automobile liability in an amount of not less than one million dollars combined single limit written on an occurrence basis and uninsured/underinsured motorist insurance coverage in an amount not less than \$25,000 (bodily injury per person)/\$50,000 (per accident)/\$15,000 (for property damage). All vehicles permitted under a single certificate shall be covered under one master policy held by that certificate holder. The certificate of insurance shall also list the vehicle identification number of each vehicle that is insured. Any change in vehicles covered under the policy must be reported immediately to the MTLC director.
  - 3. The insurance company must be licensed to do business in the State of Tennessee or be an eligible surplus line insurer with the Tennessee Department of Commerce and Insurance and have a rating from AM Best or another equivalently reliable rating system that meets the requirements of the rules or regulations adopted by the MTLC. Eligible surplus line insurers may be required to have a higher rating

than a company licensed to do business in the State of Tennessee. The insurance policy shall name the Metropolitan Government of Nashville and Davidson County, its officials, officers, employees, and volunteers as additional insureds.

- C. The operation of any LSV within the Metropolitan area without having in force the public liability insurance policy as outlined in this section is hereby declared to be in violation of this article, subjecting the owner and/or certificate holder to all applicable penalties provided in this article and this chapter.
- D. Each applicant for a LSV license shall maintain workers' compensation insurance to the extent required by Tennessee law.
- E. Any insurance policy required by this section must be in a form satisfactory to the MTLC and must provide that the policy will not be cancelled and the amount of coverage will not be changed unless 60 days' prior written notice is given to the MTLC.
- F. The failure of a certificate holder to maintain continuous coverage of insurance as required by this section shall be deemed sufficient cause for revocation of the certificate.

**6.73.080 – Request for Additional Permits.**

An application for additional LSV permits must be filed with the MTLC or the MTLC director. If approved, the established permit fee will be applied.

**6.73.090 – Suspension and Revocation.**

- A. A certificate issued under the provisions of this chapter may be revoked, suspended, placed on probation, otherwise restricted, or not renewed by the MTLC if the holder thereof has:
  - 1. Violated any of the provisions of this chapter or failed to comply with any rule or regulation established by the MTLC;
  - 2. Violated any provision of this Code or other ordinances of the Metropolitan Government or laws of the United States or the State of Tennessee, the violation of which reflects unfavorably on the fitness of the holder to offer transportation services;
  - 3. Failed to pay assessments or taxes due to the metropolitan government; or
  - 4. Made a misrepresentation or false statement when obtaining a certificate or additional permits, or transferring a certificate.
- B. Prior to any action to revoke, suspend, place on probation, otherwise restrict, or not renew a certificate, the holder shall be given notice to the address listed on their certificate of the proposed action to be taken and shall have an opportunity to be heard by the MTLC.

- C. If the holder commits an act in violation of the criminal code and the MTLC director determines that holder poses a threat to the public safety, the MTLC director may enact an emergency suspension of the holder's certificate to remain in effect until the holder has the opportunity to be heard by the MTLC at the next available meeting, but in no circumstance later than sixty days from the date of the emergency suspension.

#### **6.73.100 – Enforcement by Police Officers**

Officers of the Department of Metropolitan Police shall have the authority to enforce this chapter. A police officer, upon observing a violation of this chapter, of any regulation or rule established by the MTLC or the MTLC director pursuant to this chapter, shall take necessary enforcement action to insure effective regulation of LSVs.

### **Article II – Driver Permit**

#### **6.73.110 – Permit Required – Violations and Term.**

- A. No person shall drive or otherwise operate a LSV engaged in the transportation of passengers unless he or she has a driver's permit. To qualify for a permit, an applicant must comply with all of the requirements and stipulations of this chapter, state and federal law, and any rules and regulations adopted by the MTLC.
- B. A person commits an offense if he or she operates a LSV in the Metropolitan area without a driver's permit issued by the MTLC.
- C. A business commits an offense if it employs or otherwise allows a person to operate a LSV owned, controlled, or operated by the permittee unless the person has a driver's permit issued by the MTLC.
- D. Each permit shall be valid for one year and shall be subject to renewal pursuant to the provisions set forth in this article.

#### **6.73.120 – Application – Information and Fees Required.**

A. An application for a passenger vehicle for hire driver's permit shall be filed with the MTLC and shall comply with regulations set forth by the MTLC or the MTLC director.

B. Such application shall be certified under oath and shall at a minimum contain the following information:

1. The name, residential address, telephone number and date of birth of the applicant. No applicant under twenty-one years of age will be accepted.
2. The type(s) of vehicle(s) which the applicant will drive under the certificate.
3. Any other request for information the MTLC Director considers necessary or relevant.

C. The applicant shall provide copies of the following documents in order to submit his application:

1. A valid Tennessee driver license that complies with all applicable requirements of state law as further specified in rules to be adopted by the MTLC.
2. A Social Security card or birth certificate.
3. If a resident alien, a current work permit or other valid United States Immigration and Customs Enforcement document.
4. On forms provided by the MTLC Director, the applicant will provide a statement under penalty of perjury of their physical and mental fitness to act as for-hire driver. Such other information as may be reasonably required by regulation promulgated by the MTLC pursuant to this chapter.
5. Certification that the driver has completed the certificate holder's mandatory driver training program approved by the MTLC director.

D. Each application shall be accompanied by an official driver record issued by the Tennessee Department of Safety, no more than thirty days previous to the date of application. All applicants are required to meet the following standards:

1. No convictions in the last five years for any of the following offenses involving bodily injury or death and no convictions 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.
2. For an initial permit, no more than four moving violations within the last three years and no more than two moving violations in the last year.
3. For a renewal permit, no more than four moving violations within the last three years and no more than two moving violations in the last year.

**6.73.130 Criminal background investigation.**

A. Upon receiving an application for a driver's permit from an applicant, the applicant must undergo an identification and background check as required by state law as more specifically provided by rules or regulations adopted by the MTLC. Upon receipt of the background check report, the MTLC Director shall determine whether the applicant's background check disqualifies him or her from eligibility for a driver's permit.

E. Additionally, certificate holder shall check the National Sex Offender Database to verify whether the applicant is listed on the Database, and shall certify under oath to the MTLC that it



has conducted this check and verified that the applicant does not appear on the Database. Any applicant listed on the Database shall be disqualified for eligibility for a driver's permit.

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

1. Has been convicted, pleaded guilty, nolo contendere, placed on judicial diversion pursuant to Tenn. Code Ann. Sec. 40-35-313, or been released from incarceration, probation or parole within a period of seven (7) years prior to the date of application for violation of any of the following criminal offenses under the laws of Tennessee, any other state, or the United States of America:

- Homicide,
- Rape,
- Aggravated assault,
- Kidnapping,
- Robbery,
- Burglary,
- Domestic Assault or Domestic Violence,
- Child sexual abuse,
- Any sex-related offense,
- Leaving the scene of an accident,
- Criminal solicitation, or criminal attempt to commit any of above,
- Perjury or false swearing in making any statement under oath in connection with the application for a driver's permit, or
- The felony possession, sale or distribution of narcotic drugs or controlled substances.

2. If, at the time of application, the applicant is charged with any offenses in 1. above, consideration of the application shall be deferred until entry of a plea, conviction, acquittal, dismissal, or other final disposition of the charges.

3. Has been convicted for a period of two years prior to the date of application of the violation of two or more sections of this code or other ordinances governing the operation of vehicles for hire.

4. Has failed to disclose any criminal conviction, except traffic citations, on the application for a permit.

**6.73.140 – Application Approval or Disapproval.**

Upon disapproval of a driver application by the MTLC director, applicants may file an appeal with the MTLC within thirty days of denial and request an appearance before the MTLC. The appeal shall be heard by the MTLC at the next available commission meeting with the appellant appearing in-person for consideration of the application.

**6.73.150 – Issuance - contents.**

Upon approval of an application for a passenger vehicle for hire driver's permit, the certificate holder shall certify under oath to the MTLC director that the application is complete and accurate prior to issuing a permit to the applicant, in a form approved by the MTLC director.

**6.73.160 – New application after denial.**

Upon denial of an application for a driver's permit, no new application shall be considered for a period of three months.

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

A. Each passenger vehicle for hire driver's permit shall be issued for a period of one year.

B. A permit may be issued to qualified applicants for driver permits upon the payment of an amount to be established by the MTLC to cover the costs of investigation and of a random sampling of the permit applications by the MTLC director. A fee in an amount to be established by the MTLC shall be charged for all replacement driver permits. Every driver shall at all times conspicuously display a permit on the clothing of the driver's upper body. A driver shall allow a customer, MTLC staff or a police officer to examine the permit upon request.

**6.73.180 – Suspension, Revocation, and Appeal.**

A. The MTLC director is authorized to suspend, revoke, otherwise restrict, or not renew any driver's permit issued under this article for failing or refusing to comply with the provisions of this chapter or the MTLC rules and regulations. Upon suspension, revocation, or other restriction of any driver's permit, appeals can be made to the MTLC by filing a written request within 30 days of the action being appealed.

B. If the driver commits an act in violation of the criminal code and the MTLC director determines that driver poses a threat to public safety, the MTLC director may enact an emergency suspension of the driver's permit to remain in effect until the driver has the opportunity to be heard by the MTLC at the next available commission meeting, but in no circumstance later than sixty days from the date of the emergency suspension.

C. A driver whose permit is revoked by the MTLC or MTLC director may not reapply for ninety days from the date of revocation and will be treated as a new applicant.

**6.73.190 – Revocation of a Valid Driver's License**

A LSV driver permit issued under this chapter shall be coterminous with the permittee's valid driver's license issued by one of the fifty states in the United States of America. Any time that a permittee's driver's license is suspended, revoked, or cancelled, the permittee shall immediately self-report said action to the MTLC and their LSV driver's permit shall likewise be immediately suspended, revoked, or cancelled. The LSV driver's permit shall immediately be surrendered to the MTLC until such time as their driver's license is reinstated.

**6.73.200 – Conduct of Drivers**

A driver shall at all times:

1. Act in a reasonable, prudent, safe, and courteous manner;
2. Not permit a person not possessing a LSV driver's permit to operate the LSV or exercise control over the operation of a LSV;
3. Not permit more passengers to be carried in a LSV than the number of approved seatbelts installed in the LSV, and at no time shall the driver allow any passenger to ride in any area of the LSV not specifically designed or designated as a seat;
4. Not permit any passenger twelve (12) years of age or younger to ride in a LSV unaccompanied by an adult;
5. Travel only roads with speed limits that do not exceed 35 mph. This subsection 6.73.210.5. does not prohibit a low speed vehicle from crossing a road or street at an intersection where the road or street has a posted speed limit of more than thirty-five miles per hour (35 mph).
6. Not operate a LSV in excess of 25 mph;
7. Not operate a LSV while under the influence of intoxicating beverages or drugs;
8. Observe and obey all state and local traffic laws and regulations;
9. Not permit a passenger to stand or ride on any part of the LSV other than the designated seating area while the LSV is in motion and to advise the passengers that they must be seated except when loading or unloading;
10. Wear a seatbelt at all times the LSV is in operation.
11. Comply with any other requirement adopted by the MTLC by rule, and refrain from any other conduct prohibited by the MTLC by rule.

**6.73.210 – Driver Appearance.**

- A. Every LSV driver, while on duty, shall keep a clean and well-groomed appearance, and shall be dressed in compliance with those rules adopted by the MTLC.
- B. The MTLC shall have the authority to adopt rules specifically governing the type(s) of permitted and prohibited attire.
- C. The MTLC shall have the authority to require drivers to visibly display a company identification and/or driver's permit issued by the MTLC while operating a LSV.

**6.73.220 – Alcohol in a LSV.**

- A. A certificate holder or driver violates this chapter if he or she provides an alcoholic beverage to a passenger for a fee or as part of the passenger transport service.
- B. A certificate holder or LSV driver violates this chapter if he or she provides, stocks, or otherwise permits any alcoholic beverage in the LSV.

**6.73.240 – Return of Passengers' Property.**

A driver of a LSV shall immediately attempt to return to a passenger any property left by the passenger in the LSV. If unable to locate the passenger, the driver shall turn the property into the certificate holder's company office at the end of the driver's shift or at the first available opportunity. In such cases, the certificate holder shall make a good faith effort to locate the passenger, and, if not successful, hold the property in storage at its location for at least 30 days, unless otherwise directed by the Director.

**6.73.250 – Passenger as Controller.**

Drivers of LSVs shall not cause a passenger to wait without the passenger's consent or to pick up additional passengers without the consent of current passenger(s).

**6.73.260 – Compliance with Provisions.**

Every driver granted a permit under this article shall comply with all Metropolitan government, state, and federal laws and regulations. Failure to do so may result in disciplinary actions including suspension and up to revocation of the LSV driver's permit.

**Article III – Equipment and Operation****6.73.270 – Vehicle Permit Required.**

Each LSV must have a permit issued by the MTLC. The permit will identify each LSV by a unique number in accordance with rules and procedures established by the MTLC, and will be associated with the specific classification and by certificate holder. The applicant shall provide the MTLC director with a description of the size and weight of the LSV and the length of time the vehicle can operate before recharging the battery. Permits are not transferable to other LSVs or other certificate holders.

**6.73.280 – Ownership and Control of Vehicles.**

All LSVs permitted under this chapter must be under the lawful control of a certificate holder demonstrated either by providing proof of ownership of the vehicle or a copy of a valid lease agreement.

**6.73.290 – Vehicle to Display Identification.**

All LSVs operated under the authority of this chapter shall be equipped with identification as prescribed by the MTLC in rules and regulations. No person shall equip, mark, paint, display marking lights or windshield lights, or in any way cause any other vehicle to resemble a permitted LSV or create a public impression that any other vehicle is a permitted LSV approved by the MTLC.

**6.73.300 – Vehicle Requirements.**

A. The frame of the LSV must be constructed of iron, steel, or aluminum alloy extrusions.

B. Each LSV in operation must meet all of the safety standards in 49 CFR 571.500 applicable to LSVs. In addition, Each LSV shall meet the following minimum specifications:

1. a fully operational horn;
2. driver's side and passenger side rearview mirrors;
3. disc or drum brakes, which must be able to stop the LSV within 15 feet at speeds up to 25 miles per hour;
4. a parking brake pedal/ handle system capable of keeping the LSV in a fixed position on both an incline and level terrain;
5. turn signal indicator, headlight switch, and horn button;
6. communication equipment while providing service, provided that radio scanners are prohibited in LSVs;
7. two headlights that have beam of at least 300 feet;
8. two front turn signals;
9. two reflectorized rear turn signals;
10. two reflectorized brake lights;
11. seat belts sufficient for the driver and every passenger
12. unobstructed four-way hazard lights visible from at least 500 feet;
13. rubber on all wheels
14. clean and maintained in a good state of repair. All LSVs shall be maintained by the certificate holder so as to be well painted and have a damage or deterioration free appearance, and in safe operational condition; and
15. All other requirements provided for in Federal or state law or regulations, provisions of this Code, and rules adopted by the MTLC.

C. Each LSV shall display a rate card, permit decal, and a sign limiting the passenger capacity to seven passengers.

**6.73.310 – Vehicle to Display Company Name, Color Scheme Insignia and Numbering – Restrictions.**

- A. Each LSV shall bear on the rear of the vehicle, above the taillights, in letters not less than two inches in height, the name of the company, phone number of the company, and may, in addition, bear an identifying design which has been approved by the MTLC.
- B. No LSV covered by the terms of this chapter shall be licensed which bears a color scheme, identifying design, monogram or insignia which, in the opinion of the MTLC, conflicts with or imitates any color scheme, identifying design, monogram or insignia used by another LSV company in such manner as to be misleading or such that it tends to deceive or defraud the public.
- C. If, after a certificate of public convenience and necessity has been issued for a LSV under this chapter, the color scheme, identifying design, monogram or insignia thereof is changed so as to be, in the opinion of the MTLC, in conflict with or imitate any color scheme, identifying design, monogram or insignia used by any other person, owner or operator, in such manner as to be misleading or such that it tends to deceive the public, the certificate of or certificate covering such LSV shall be suspended or revoked.

**6.73.320 – Inspection and Maintenance of Vehicles – Compliance Required.**

- A. Prior to the use and operation of any LSV under the provisions of this chapter, such vehicle shall be thoroughly examined and inspected by the certificate holder and found to comply with such rules and regulations as may be prescribed by the MTLC. These rules and regulations shall be promulgated to provide safe transportation and shall specify such safety equipment and regulatory devices as the MTLC shall deem necessary. Every LSV operating under this chapter shall be periodically inspected at such intervals as shall be established by the MTLC to ensure the continued maintenance of safe operating conditions. A certificate holder, owner or driver shall make the LSV available for inspection at such place within the Metropolitan area as the MTLC director or his designee may direct. If, upon inspection, the director or his designee determines that a LSV is not in compliance with this chapter or the LSV rules, the director or his designee shall, based upon the condition noted, order the LSV be removed from service or that the vehicle be brought into compliance within a reasonable period of time and require it to be re-inspected.
- B. Every LSV operating under this chapter shall be kept in a clean and satisfactory condition according to rules and regulations promulgated by the MTLC.
- C. Every LSV operating under this chapter shall annually undergo a detailed inspection conducted by an approved mechanic to determine if the vehicle conforms to the standards set out by the MTLC. A safety certificate form, when completed by an approved

mechanic as defined in Metropolitan Code Section 6.74.010, shall be provided to the MTLC director within thirty days of the inspection.

#### **6.73.330 – Rate Schedule and Card for LSVs.**

- A. No owner or driver of a LSV shall charge a greater sum for the use of a LSV than what is reported to the MTLC and is posted in plain view on the vehicle.
- B. The rate charged by a LSV company shall be based on:
  - 1. A flat rate for each passenger; or
  - 2. An hourly rate; or
  - 3. A contract rate as provided below in Section 6.73.350.
- C. The rate cards shall be displayed conspicuously on the LSV in such a position that it can be read easily by the occupants of the vehicle. Failure to display the rate card in a conspicuous manner shall be grounds for revocation or suspension of the permit for operation of the LSV in which the rate card was not properly displayed.
- D. Passengers shall be informed of the rate prior to embarking.

#### **6.73.340 – Contract Rates.**

Nothing contained herein shall prevent a holder of a certificate of public convenience and necessity from making a contractual agreement with a company, agency, or organization to furnish transportation for employees, associates, clients, customers or members at a rate that is based on mileage, number of passengers, number of service hours, number of trips, number of passenger hours, weekly or monthly fees. Such a contractual agreement that provides for rates that differ from the rates ordinarily charged by the LSV operator must be recorded upon a written document that is legally executed by all parties and kept on file at the certificate holder's place of business subject to inspection at any reasonable time by the MTLC.

#### **6.73.350 – Advertising on Vehicles.**

Subject to the rules and regulations of the MTLC, it shall be lawful for any person owning or operating a LSV to permit advertising matter to be affixed to or installed in or on such vehicles.

#### **6.73.360 –Equipment.**

- A. An owner, operator, or driver of a LSV shall daily inspect LSVs and all equipment at the time of departure from and return to the certificate holder's place of business, documentation of which shall be available to the MTLC staff upon request.
- B. No LSV engaged in the LSV business shall be driven or operated on a public street or byway of the city unless the owner or operator of the LSV has obtained a valid identification

card issued by the MTLC director pursuant to a procedure and fees established by this chapter.

C. A LSV used in passenger transportation service shall not drive or transport more passengers than there are proper seating for, excluding the driver of the vehicle, and at no time shall the driver allow any passenger to ride in any area of the vehicle that was not specifically designed as a seat; provided that in no event shall the number of passengers in a LSV exceed seven (7).

D. If, upon any inspection, a LSV is found to be unsafe, unclean or unsightly, the MTLC staff or police officer may direct that the vehicle be taken out of service until such condition is corrected. Such vehicle shall be re-inspected and approved by the MTLC staff before returning to service, at which time a new permit shall be issued and a service fee (established by rule) shall be collected.

E. The MTLC may, by rule, establish additional inspection requirements for a LSV and other equipment used in the LSV service.

#### **6.73.370 – Duty to Render Service – Business Requirements.**

All persons engaged in any LSV service shall provide the MTLC with a business address for notice purposes and shall have the responsibility to notify the MTLC promptly upon a change of address.

#### **6.73.380 – Operating Area.**

LSVs shall operate upon the streets and routes or zones established by the MTLC or its staff. Any deviation from these approved streets and routes or zones must be approved by the MTLC or its staff. Any approved deviation must be reported to the MTLC or the MTLC staff prior to beginning of operations

#### **6.73.390 – Records and Reports.**

A. Each holder shall maintain at a single location business records of its LSV business. The records must be maintained in a manner approved by the MTLC director and contain the following information:

1. An identification of the LSVs operating each day;
2. An identification of the drivers operating the LSVs each day and a statement of the hours each driver operated the vehicle each day; and
3. Any other information the MTLC director determines necessary for monitoring the activities, operations, service, and safety record of the licensee.



- B. A certificate holder shall make its records available for inspection by the MTLC staff, law enforcement officer or designated officials.

**6.73.400 – Accidents.**

A. All accidents arising from or in connection with the operation of a LSV shall be reported as required by state law and additionally reported within the period of time provided for in the rules and regulations adopted by the MTLC from the time of occurrence to the MTLC staff if the accident results in:

1. Death or bodily injury to any person, or
2. Damage to any vehicle, or to any property in an amount exceeding the sum of one thousand dollars.

B. A driver operating a LSV at the time of an accident involving bodily injury is required to report for a drug screen, within twenty-four hours from the time of occurrence, at a testing site approved by the MTLC director. Failure to report for a screen shall result in revocation of the driver's permit. If there is cause to suspect that the medical condition of the driver may have contributed to the accident, the MTLC director may suspend the LSV driver's permit until the driver provides such information as the MTLC Director deems adequate to establish the driver does not have a medical condition that makes driving unsafe consistent with the relevant rules and regulations relating to same established by the MTLC.

C. A LSV damaged in an accident, but still operable without placing the driver or passengers at risk, must be repaired within an amount of time as shall be reasonable under the circumstances as determined by the MTLC director taking into consideration such factors as the parts and labor hours needed to make the repair.

**6.73.410 – Passengers – Receiving and Discharging by Drivers.**

- A. When available, drivers shall pull to the right hand curb to receive and discharge passengers. If no curb space is available, drivers shall pull to the extreme right-hand side of the road to receive and discharge passengers, except upon one-way streets where passengers may be discharged at either side of the roadway. Nothing in this section shall be construed to permit the parking of a LSV at any place where parking is otherwise restricted or prohibited.
- B. Drivers shall not stop to load or unload passengers or their belongings in the intersections of any street, crosswalks or in any manner or other location that would be considered unsafe. No LSV shall load or unload in any such manner that will in any way impede or interfere with the orderly flow of traffic on the streets.

**6.73.420 – Passengers – Refusal to Pay Legal Fare.**

It is unlawful for any person to refuse to pay the legal fare of any LSV for the services mentioned in this chapter after having hired the same, and it is unlawful for any person to hire

any such vehicle with intent to defraud the person hired of the value of such service. A driver shall have the right to demand payment in advance for a fare projected to be twenty dollars or more and may refuse employment unless so paid.

**6.73.430 – Refusal to Carry Orderly Passengers.**

No driver may refuse or neglect to convey an orderly person or persons, upon request, unless currently employed, the distance requested is unreasonably long for a LSV, a route to the destination cannot be safely traveled in a LSV, or unless the LSV driver has reason to believe that the person is engaged in a violation of federal, state or local laws or has reasonable basis to fear injury to him or herself.

**6.73.440 – Disposition of Disorderly Passengers.**

Drivers shall act in a reasonable and professional manner in dealing with disorderly passengers.

**6.73.450 – Soliciting Passengers.**

No driver shall solicit passengers for a LSV, except when on the vehicle or while standing immediately adjacent to the curb. The driver of any LSV shall remain on the vehicle or immediately adjacent to the vehicle at all times when such vehicle is upon the public streets unless such vehicle is legally parked on the street.

**6.73.460 – Soliciting Business.**

No driver of a LSV shall offer any compensation of whatever form to any person or entity in exchange for the direction or recommendation of passengers to that driver's LSV.

**6.73.470 – Prohibited Manner of Soliciting.**

No LSV driver shall solicit patronage in a loud or annoying tone of voice or in any manner to annoy any person or obstruct the movement of any persons, or follow any person for the purpose of soliciting patronage.

**6.73.480 – Taxicab Stands – Prohibited Vehicles.**

LSVs shall not at any time occupy the space upon the streets that have been established as taxicab stands or other prohibited areas, provided that the metropolitan traffic and parking commission shall have the authority to designate specific areas of the roadway for use as a loading/unloading zone for LSVs.

**6.73.490 – Inspectors – Reporting or Citing Violations.**

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

MTLC, which will order or take appropriate action, or issue a citation as authorized under this chapter.

**6.73.500 – LSV Passenger’s Bill of Rights.**

The MTLC may promulgate rules containing a Passenger’s Bill of Rights for LSV’s at their discretion.

**Article IV – Violations – Civil Penalty Schedules**

**6.73.510 Violations – Penalties**

- 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.

Section 2. The MTLC and its Director are authorized to execute such documents as may be necessary and appropriate to carry out the regulations authorized by this Ordinance.

Section 3. This Ordinance shall take effect from and after its final passage, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

INTRODUCED BY:

\_\_\_\_\_  
Anthony Davis

\_\_\_\_\_

\_\_\_\_\_  
Members of Council

**Electronic Signature Page**

(Attach to Legislation Pursuant to Rule 8 of the Council Rules of Procedure)

A handwritten signature in black ink, appearing to read 'AD' followed by a stylized flourish.

Anthony Davis  
Councilmember, District 7