



Metropolitan Nashville and Davidson County, TN

Legislation Text

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An Ordinance to amend Chapter 6.80 of the Metropolitan Code of Laws to authorize the Metropolitan Transportation Licensing Commission to set certain fees related to wrecker and towing services.

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

Section 1. That Section 6.80.160 of the Metropolitan Code of Laws is hereby amended as follows:

6.80.160 License-Fees, expiration, transfer and display.

- A. A license issued by the commission to any person permitting such person to operate a wrecker service shall be issued for a period of one year at a fee set by the commission.
- B. A license issued hereunder shall not be sold, assigned, mortgaged or otherwise transferred without commission approval and shall expire immediately upon the licensee terminating the wrecker service or upon revocation by the commission.
- C. A current license issued by the commission shall be prominently and conspicuously displayed at all times upon the premises from which the licensee operates his wrecker service.

Section 2. That Section 6.80.165 of the Metropolitan Code of Laws is hereby amended as follows:

6.80.165 Annual renewal.

All wrecker operation licenses shall expire annually the year following the date on which the certificate was issued. All certificates may be renewed by the director for each successive year. A renewal fee , as set by the commission, for each approved permit to operate a wrecker shall be charged at the annual renewal of the wrecker operation license. Failure to renew a license prior to its expiration shall result in forfeiture of the license.

Section 3. That Section 6.80.230 of the Metropolitan Code of Laws is hereby amended as follows:

6.80.230 Wrecker permit-Fees, transfer, expiration and display.

- A. A wrecker permit shall be issued for each general wrecker for a period of one year or any part thereof at a fee set by the commission.
- B. A wrecker permit issued hereunder shall not be sold, assigned, mortgaged or otherwise transferred from one licensee to another and shall expire immediately upon the licensee terminating the wrecker service or on revocation by the commission. A wrecker permit may be transferred from one wrecker of the licensee to another wrecker of the licensee in accordance with the rules and regulations of the commission whenever a wrecker is taken out of service or exchanged for another.
- C. A current wrecker permit issued by the commission shall be subject to the provisions of this chapter and the rules and regulations of the commission and shall be prominently and conspicuously displayed at all times in the wrecker of the licensee for which it was issued.

Section 4. That Section 6.80.330 of the Metropolitan Code of Laws is hereby amended as follows:

6.80.330 Driver's permit-Fees, transfers, expiration and display.

- A. A driver's permit issued by the commission to a driver or driver's helper permitting such person to drive, ride in or assist in the operation of a wrecker shall be issued for a period of two years at a fee of twenty dollars, plus an additional forty dollars for an investigation of the person applying for the permit. The commission shall have the authority to adopt future increases in the fee to pay for the cost of the investigation of the permit applicant.
- B. A driver's permit issued hereunder shall not be sold, assigned, mortgaged or otherwise transferred from one person to another and shall expire immediately when the permittee is no longer employed in the operation of a wrecker service as a driver or driver helper or upon revocation by the commission.
- C. A current driver's permit issued by the commission shall be carried by the driver or driver helper at all times he is either driving, riding in or assisting in the operation of a wrecker.

Section 5. That Section 6.80.535 of the Metropolitan Code of Laws is hereby amended as follows:

6.80.535 License-Fees, expiration, transfer and display.

- A. A license issued by the commission to any person permitting such person to operate an emergency wrecker service shall be issued for a period of one year at a fee established by the commission based on the volume of emergency towing operations performed within the emergency service zone. A decal for each emergency wrecker shall be issued by the commission for a period of one year at a per vehicle fee established by the commission.
- B. A license issued hereunder shall not be sold, assigned, mortgaged or otherwise transferred without commission approval and shall expire immediately upon the licensee terminating the emergency wrecker service or upon revocation by the commission.
- C. A current license issued by the commission shall be prominently and conspicuously displayed at all times upon the premises from which the licensee operates his emergency wrecker service.
- D. No licensee shall operate a wrecker or automobile used for towing purposes to remove vehicles from any street, alley, road, highway or thoroughfare or property, whether public or private, located within the area of the metropolitan government or for towing vehicles over the streets, alleys, roads, highways and thoroughfares within the area of the metropolitan government unless a license decal is obtained from the commission annually for each such wrecker or automobile.

Section 6. That Section 6.80.545, Subsection D, of the Metropolitan Code of Laws is hereby amended as follows:

- D. Transfer of Zone Assignments.
 - 1. No licensee designated by the commission to provide emergency wrecker service within an assigned emergency wrecker service zone shall sell, assign, mortgage, bequeath, or otherwise transfer the right to service such assigned zone without commission approval following a public hearing as required in subsection (D)(2) of this section.
 - 2. Prior to the transfer of any zone assignment, the commission shall hold a public hearing for the request. The commission shall establish the time and date for the public hearing and shall provide due notice prior to the hearing, giving the time and place of such hearing. A nonrefundable fee, as set by

the commission, will be charged for each transfer request by any applicant assuming ownership of a wrecker company which already holds a zone assignment. Other applicants for the zone assignment will be charged a nonrefundable fee as set by the commission.

Section 7. That Section 6.80.550 of the Metropolitan Code is amended by adding the following new Subsection K:

K. Beginning July 1, 2022, the commission shall have the authority to set any fee charged pursuant to this section.

Section 8. This ordinance shall take effect immediately after its passage, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

Analysis

The ordinance amends various provisions of Chapter 6.80 of the Metropolitan Code to authorize the Metropolitan Transportation Licensing Commission (MTLC) to set fees relative to wrecker and towing services.

Currently, the Council sets the fees charged by the MTLC such as the fee for licenses for wrecker services, wrecker permit fees, driver's permit fees, and other fees paid to the Metropolitan Government. In addition, the Council sets the maximum fees that may be charged by wrecker services for nonconsent towing, which means towing without the prior consent of the owner.

The ordinance under consideration would all the MTLC to set all fees for wrecker and towing services. Beginning July 1, 2022, the MTLC would be authorized to set the maximum fees charged for nonconsent towing by a wrecker service.