

CHAPTER NO. 97

SENATE BILL NO. 1613

By Haun, McNally

Substituted for: House Bill No. 1129

By Westmoreland, Ford

AN ACT To amend Tennessee Code Annotated, Title 65, Chapter 15, relative to motor carriers.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 65-15-102, is amended by deleting subdivision (10) in its entirety and substituting instead the following new subdivisions:

( ) "Taxicab" means any motor vehicle except a limousine or sedan designed or constructed to accommodate and transport not more than nine (9) passengers for hire, exclusive of the driver, the principal operation of which is confined to the area within the corporate limits of cities and suburban territory adjacent thereto, and is not operated on a fixed route or schedule;

( ) "Household goods" means a motor carrier engaged in transporting personal belongings from one residence to another;

( ) "Farm vehicle" means a motor vehicle that is:

(A) Controlled and operated by a farmer as a private motor carrier of property;

(B) Being used to transport either:

(i) Agricultural products, or

(ii) Farm machinery, farm supplies, or both, to or from a farm;

(C) Not being used in the operation of a for-hire motor carrier;

(D) Not carrying hazardous materials of a type or quantity that requires the commercial motor vehicle to be placarded in accordance with 49 CFR 177, 823; and

(E) Used within one hundred fifty (150) miles of the farmer's farm.

( ) "For-hire motor carrier" means a person engaged in the transportation of goods or passengers for compensation;

( ) "Private carrier" means a person who provides transportation of property or passengers by a commercial motor vehicle and who is not a for-hire motor carrier;

( ) "Limousine" means any motor vehicle except a taxicab or sedan designed or constructed to accommodate and transport passengers for hire, with an extended wheel base and expanded seating capacity designed for the transportation of persons. The vehicle shall have additional rear seating capacity, area, and comforts; and shall be designed to transport not more than fourteen (14) persons, exclusive of the chauffeur/driver, and the principal operation of such vehicle is confined to the area within the corporate limits of cities and suburban territory adjacent thereto;

( ) "Commuter van" means a motor vehicle, except taxicabs or airport limousines, used primarily for hauling not more than fifteen (15) passengers to and from their regular places of employment;

( ) "Sedan" means any motor vehicle except a limousine or taxicab designed or constructed to accommodate and transport passengers for hire that does not have an extended wheel base or an expanded seating capacity designed for the transportation of persons. The vehicle has no additional rear seating capacity, area or comforts; is designed to transport not more than five (5) passengers, exclusive of the chauffeur/driver, the principal operation of which is confined to the area within the corporate limits of cities and suburban territory adjacent thereto, and is not operated on a fixed route or schedule;

( ) "Shuttle" means any motor vehicle designed or constructed to accommodate and transport not more than fifteen (15) passengers for hire, exclusive of the driver, the principal operation of which is confined to the area within the corporate limits of cities and suburban territory adjacent thereto, and is operated on a fixed route or schedule;

SECTION 2. Tennessee Code Annotated, Section 65-15-103(a)(5), is amended by deleting the first sentence in its entirety and substituting instead the following:

(Intracity Transfer Service) - in-city transfer service by way of transporting property for-hire between points in any one (1) town, city or suburbs thereof, not over or along any definite, fixed, announced, or advertised routes between any points in such one (1) city, town or suburbs thereof; provided, that this exemption does not apply to motor vehicles transporting petroleum products and other hazardous materials, in bulk, in tank trucks or trailers, for-hire, other than those owned or operated by any person, firm or corporation engaged on May 17, 1971, in providing such transport services, unless they are exempt under subdivision (a)(9).

SECTION 3. Tennessee Code Annotated, Section 65-15-103(a), is amended by adding the following as new subdivisions (4), (5), and (6), and by redesignating existing subdivisions accordingly:

(4) (Limousines) in the limousine service;

(5) (Sedans) in the sedan service;

(6) (Shuttle) in the shuttle service;

SECTION 4. Tennessee Code Annotated, Section 65-15-106(a), is amended by deleting such subsection in its entirety and substituting instead the following:

(a) The department is vested with the power and authority, and it is its duty to license, supervise and regulate every motor carrier in the state and promulgate rules and regulations pertaining thereto.

SECTION 5. Tennessee Code Annotated, Section 65-15-106(d), is amended by deleting such subsection in its entirety.

SECTION 6. Tennessee Code Annotated, Section 65-15-107(a), is amended by deleting such subsection in its entirety.

SECTION 7. Tennessee Code Annotated, Section 65-15-107(c), is amended by deleting the words and punctuation "certificates of convenience and necessity, or".

SECTION 8. Tennessee Code Annotated, Section 65-15-107, is amended by deleting subsections (d), (e) and (f) in their entireties.

SECTION 9. Tennessee Code Annotated, Section 65-15-108, is amended by deleting such section in its entirety.

SECTION 10. Tennessee Code Annotated, Section 65-15-109(a), is amended by deleting the first sentence in its entirety and substituting instead the following:

The department shall adopt rules prescribing the manner and form in which motor carriers and/or contract haulers shall apply for intrastate or interstate permits required by this part.

SECTION 11. Tennessee Code Annotated, Section 65-15-109(a), is amended by deleting the language in the second sentence in its entirety and substituting instead the following:

Every application shall be in writing and accompanied by the payment of fifty dollars (\$50.00).

SECTION 12. Tennessee Code Annotated, Section 65-15-109(b), is amended by deleting such subsection in its entirety.

SECTION 13. Tennessee Code Annotated, Section 65-15-109(c), is amended by deleting the second sentence in its entirety.

SECTION 14. Tennessee Code Annotated, Section 65-15-109(e), is amended by deleting such subsection in its entirety.

SECTION 15. Tennessee Code Annotated, Section 65-15-110, is amended by deleting the words and punctuation "certificate of convenience and necessity, interstate permit, or contract hauler's" and substituting instead the words "interstate or intrastate".

SECTION 16. Tennessee Code Annotated, Section 65-15-111, is amended by deleting such section in its entirety.

SECTION 17. Tennessee Code Annotated, Section 65-15-112, is amended by deleting such section in its entirety.

SECTION 18. Tennessee Code Annotated, Section 65-15-113(a)(1), is amended by deleting the subdivision in its entirety and substituting instead the following:

Each holder of an interstate or intrastate permit;

SECTION 19. Tennessee Code Annotated, Section 65-15-113(a)(3), is amended in the second sentence by deleting the words "which is not otherwise required to obtain a certificate of convenience and necessity or interstate permit and".

SECTION 20. Tennessee Code Annotated, Section 65-15-114, is amended by deleting the section in its entirety.

SECTION 21. Tennessee Code Annotated, Section 65-15-115, is amended by deleting such section in its entirety.

SECTION 22. Tennessee Code Annotated, Title 65, Chapter 15, is amended by deleting Sections 65-15-117, 65-15-118, 65-15-119, 65-15-120, 65-15-121, 65-15-123, 65-15-124 and 65-15-125 in their entireties.

SECTION 23. Tennessee Code Annotated, Section 65-15-122(b), is amended by deleting the last sentence in its entirety and substituting instead the following:

The fact that there may have been a prosecution for the violation of any such order, decision, rule or regulation, etc., of the department under this section, does not operate to prevent or limit the exercise of the authority of the department to suspend or revoke the interstate permit and/or intrastate permit as provided in this part.

SECTION 24. Tennessee Code Annotated, Section 65-15-122(c), is amended by deleting such subsection in its entirety.

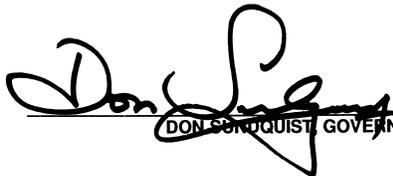
SECTION 25. This act shall take effect upon becoming law, the public welfare requiring it.

**PASSED: March 25, 1999**

  
JOHN S. WILDER  
SPEAKER OF THE SENATE

  
JIMMY NAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES

**APPROVED this 12th day of April 1999**

  
DON SUNDQUIST, GOVERNOR