

PUBLIC CHAPTER NO. 1013

HOUSE BILL NO. 3025

By Representative Harmon

Substituted for: Senate Bill No. 2911

By Senators Tracy, Ketron

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

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

SECTION 1. Tennessee Code Annotated, Section 65-15-128, is amended by deleting the present language in its entirety and by substituting instead the following language:

(a) Notwithstanding any provision of this title or title 7, chapter 51, to the contrary, each for-hire motor carrier providing passenger transportation service in a motor vehicle or motor vehicles designed or constructed to accommodate and transport passengers, eight (8) or more in number, services exclusive of the driver, or any motor vehicle transporting passengers who are TennCare enrollees eligible for such transportation services under TennCare, shall at a minimum:

(1) Maintain a policy of liability insurance in the amount of not less than one million dollars (\$1,000,000) in value, which shall bind the obligors under the policy to make compensation for injury to persons and for loss of or damage to property resulting from the negligent operation by the driver, unless the transportation provider is a self insured local government or public transportation provider;

(2) Conduct a program of mandatory random drug testing for the operators of its motor vehicles in accordance with regulations promulgated by the United States department of transportation;

(3) Require the operators of its motor vehicles to submit to physical examination every two (2) years, in accordance with regulations promulgated by the United States department of transportation;

(4) Subject each transportation provider operating in the capacity as a passenger transportation service to an annual safety examination compliance review to be conducted by the department of safety. For purposes of this section, "compliance review" means reviewing:

(A) Proof of insurance or self insured status;

(B) Employee random drug testing documents;

(C) Employee physical examination documents; and

(D) Vehicle maintenance records; and

(5) Comply with all other requirements deemed necessary to protect the public safety and welfare as specified by the department of safety in its promulgation of rules and regulations to effectuate such purpose.

(b) The commissioner of safety is authorized to promulgate rules and regulations to effectuate the purposes of this section. The rules and regulations shall be promulgated in accordance with the provisions of the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 2. This act shall take effect July 1, 2010, the public welfare requiring it.

PASSED: May 24, 2010


KENT WILLIAMS, SPEAKER
HOUSE OF REPRESENTATIVES


RON RAMSEY
SPEAKER OF THE SENATE

APPROVED this 9th day of June 2010


PHIL BREDESEN, GOVERNOR