

SENATE BILL 479

By Bunch

AN ACT to amend Tennessee Code Annotated, Title 54,  
Chapter 13, Part 3, relative to rates of ferry  
services.

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

SECTION 1. Tennessee Code Annotated, Section 54-13-317, is amended by deleting the section in its entirety and by substituting instead the following language:

(a) Except as otherwise provided in subsection (b), no person shall charge as ferriage on any stream on any highway included in the state highway system or maintained in whole or part by the department of transportation more than the rate fixed by the department by rule. The department shall establish the rate for each vehicle type using such ferry in an amount that annually generates sufficient funds to pay for the entire cost of operation, equipment and maintenance of such ferry by rule in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(b) Upon application submitted to the department requesting a waiver of the maximum rate fixed within subsection (a), the commissioner may fix a maximum rate in excess of that fixed within subsection (a). Any maximum rate fixed by the commissioner pursuant to this subsection (b) shall be promulgated as a rule in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5. In promulgating any such rule, the commissioner shall give due consideration to:

(1) The public's need for adequate and efficient ferriage service at a reasonable and prudent cost; and

(2) The ferry operator's need of revenues sufficient to enable the operator, using honest, economical, and efficient management, to provide the ferriage services and to earn a reasonable profit.

SECTION 2. This act shall take effect July 1, 2009, the public welfare requiring it.