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Division of Publications
 312 Rosa L. Parks Avenue, 8th Floor Snodgrass/TN Tower
 Nashville, TN 37243
 Phone: 615-741-2650
 Fax: 615-741-5133
 Email: register.information@tn.gov

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Proposed Rule(s) Filing Form

Proposed rules are submitted pursuant to T.C.A. §4-5-202, 4-5-207 in lieu of a rulemaking hearing. It is the intent of the Agency to promulgate these rules without a rulemaking hearing unless a petition requesting such hearing is filed within sixty (60) days of the first day of the month subsequent to the filing of the proposed rule with the Secretary of State. To be effective, the petition must be filed with the Agency and be signed by twenty-five (25) persons who will be affected by the amendments, or submitted by a municipality which will be affected by the amendments, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly. The agency shall forward such petition to the Secretary of State.

Agency/Board/Commission:	Tennessee Department of Safety and Homeland Security
Division:	Highway Patrol
Contact Person:	Gerry Crownover, Staff Attorney
Address:	1150 Foster Avenue, Nashville, TN
Zip:	37243
Phone:	(615) 251-5277
Email:	Gerry.Crownover@tn.gov

Revision Type (check all that apply):

- Amendment
 New
 Repeal

Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please enter only ONE Rule Number/Rule Title per row)

Chapter Number	Chapter Title
1340-06-01	Rules and Regulations as to Supervision and Control of Motor Vehicles and Motor Buses
Rule Number	Rule Title
1340-06-01-.01	Freight Carriers Not to Carry Passengers
1340-06-01-.02	Tariffs for Public Inspection
1340-06-01-.03	Fares, Charges and Free Transportation
1340-06-01-.04	Time Schedules in Intrastate Commerce
1340-06-01-.05	Posting of Time Schedules in Intrastate Commerce
1340-06-01-.06	Insurance
1340-06-01-.07	Schedule of Limits
1340-06-01-.08	Adoption of Department of Transportation Regulations
1340-06-01-.09	Safe and Sanitary Condition
1340-06-01-.10	Terminal Facilities
1340-06-01-.11	Intoxicated Persons
1340-06-01-.12	Leases in Intrastate Commerce
1340-06-01-.13	Rules Governing the Estimates of Charges, Determination of Weights, and the Handling of Claims for Loss or Damage by Household Goods Movers in Intrastate Commerce
1340-06-01-.14	Transportation of Hazardous Materials
1340-06-01-.15	Revocation of Certificates, Permits and Modification of Rules
1340-06-01-.16	Commercial Zones and Terminal Areas for Tennessee Intrastate Freight Carriers Exceptions

1340-06-01-.17	Identification of Intrastate Carriers
1340-06-01-.18	Roadside Parking
1340-06-01-.19	Recommended Fines for Motor Carrier Safety Violations
1340-06-01-.20	Routing of Hazardous Material Vehicles in Knox County, Tennessee
1340-06-01-.21	Reserved
1340-06-01-.22	Lighting Requirements for Stopping and Standing Solid Waste Vehicles
1340-06-01-.23	Definitions Applicable to the Inspection of Homemade and/or Materially Reconstructed Trailers
1340-06-01-.24	Homemade and/or Materially Reconstructed Trailers, Semi-Trailers and Pole Trailers Subject to Inspection
1340-06-01-.25	Violation of Requirements for Homemade and/or Materially Reconstructed Trailers, Semi-Trailers and Pole Trailers
1340-06-01-.26	Application for Trailer Safety Inspection
1340-06-01-.27	Trailer Safety Inspection Procedure
1340-06-01-.28	Applicable Safety Regulations for Homemade and/or Materially Reconstructed Trailers

(Place substance of rules and other info here. Statutory authority must be given for each rule change. For information on formatting rules go to <http://state.tn.us/sos/rules/1360/1360.htm>)

Chapter 1340-06-01, Rules and Regulations as to Supervision and Control of Motor Vehicles and Motor Buses, is amended by deleting the text of the chapter in its entirety and substituting the following text, so that, as amended, the chapter shall read:

Rules
of
Department of Safety and Homeland Security
Tennessee Highway Patrol

Chapter 1340-06-01
Rules and Regulations as to Supervision and Control
of Motor Vehicles and Motor Buses

Table of Contents

1340-06-01-.01 Freight Carriers Not to Carry Passengers	1340-06-01-.17 Identification of Intrastate Carriers
1340-06-01-.02 Tariffs for Public Inspection	1340-06-01-.18 Roadside Parking
1340-06-01-.03 Fares, Charges and Free Transportation	1340-06-01-.19 Recommended Fines for Motor Carrier Safety Violations
1340-06-01-.04 Time Schedules in Intrastate Commerce	1340-06-01-.20 Routing of Hazardous Material Vehicles in Knox County, Tennessee
1340-06-01-.05 Posting of Time Schedules in Intrastate Commerce	1340-06-01-.21 Reserved
1340-06-01-.06 Insurance	1340-06-01-.22 Lighting Requirements for Stopping and Standing Solid Waste Vehicles
1340-06-01-.07 Schedule of Limits	
1340-06-01-.08 Adoption of Department of Transportation Regulations	1340-06-01-.23 Definitions Applicable to the Inspection of Homemade and/or Materially Reconstructed Trailers
1340-06-01-.09 Safe and Sanitary Condition	1340-06-01-.24 Homemade and/or Materially Reconstructed Trailers, Semi-Trailers and Pole Trailers Subject to Inspection
1340-06-01-.10 Terminal Facilities	
1340-06-01-.11 Intoxicated Persons	
1340-06-01-.12 Leases in Intrastate Commerce	
1340-06-01-.13 Rules Governing the Estimates of Charges, Determination of Weights, and the Handling of Claims for Loss or Damage by Household Goods Movers in Intrastate Commerce	

1340-06-01-.14 Transportation of Hazardous Materials	1340-06-01-.25 Violation of Requirements for Homemade and/or Materially Reconstructed Trailers, Semi-Trailers and Pole Trailers
1340-06-01-.15 Revocation of Certificates, Permits and Modification of Rules	1340-06-01-.26 Application for Trailer Safety Inspection
1340-06-01-.16 Commercial Zones and Terminal Areas for Tennessee Intrastate Freight Carriers Exceptions	1340-06-01-.27 Trailer Safety Inspection Procedure
	1340-06-01-.28 Applicable Safety Regulations for Homemade and/or Materially Reconstructed Trailers

1340-06-01-.01 Freight Carriers Not to Carry Passengers.

A certificate of convenience and necessity, contract hauler's permit or interstate permit authorizing the transportation of freight only does not authorize the transportation of persons. No motor carrier holding a certificate or permit authorizing the transportation of freight only shall transport persons, either with or without compensation.

Authority: T.C.A. §§ 65-15-106 and 65-15-113. Administrative History: Original rule certified May 9, 1974. Rule 1340-06-01-.07 was transferred from rule 1220-02-01-.07 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

1340-06-01-.02 Tariffs for Public Inspection.

Copies of tariffs naming rates and fares to be charged, together with rules and regulations, if any, governing same, shall be kept open for public inspection by every motor carrier or contract hauler at its principal office, and at the terminal of each route or routes and at the principal station or stations thereon.

Authority: T.C.A. §§ 65-15-106 and 65-15-113. Administrative History: Original rule certified May 9, 1974. Rule 1340-06-01-.09 was transferred from rule 1220-02-01-.09 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

1340-06-01-.03 Fares, Charges and Free Transportation.

No motor carrier and/or contract hauler shall charge, demand, collect, or receive a greater or less or different compensation for the transportation of person or freight, or for any service in connection therewith, than the rates, fares, and charges applicable to such motor carrier as specified in its tariffs filed and in effect at the time provided, nor shall any such motor carrier and/or contract hauler refund or remit, in any manner or by any device any portion of the rates, fares, or charges so specified, except upon an order from the Commissioner of Safety and Homeland Security, nor extend to any corporation or person, any privileges or facilities in the transportation of person or freight except such as are regularly and uniformly extended to all corporations and persons.

Authority: T.C.A. §§ 65-15-106 and 65-15-113. Administrative History: Original rule certified May 9, 1974. Rule 1340-06-01-.13 was transferred from rule 1220-02-01-.13 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

1340-06-01-.04 Time Schedules in Intrastate Commerce.

(1) Passenger time schedules must show:

- (a) Time of arrival and departure at and from all terminals.
- (b) Time of departure from intermediate points between terminals.

Authority: T.C.A. §§ 65-15-106 and 65-15-113. Administrative History: Original rule certified May 9, 1974. Rule 1340-06-01-.15 was transferred from rule 1220-02-01-.15 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

1340-06-01-.05 Posting of Time Schedules in Intrastate Commerce.

At least one copy of such time schedule shall be posted in a conspicuous place, easily accessible for public inspection at each station or regular stopping place on the line or route, and a copy shall be in the possession of each operator or driver.

Authority: T.C.A. §§ 65-15-106 and 65-15-113. Administrative History: Original rule certified May 9, 1974. Rule 1340-06-01-.16 was transferred from rule 1220-02-01-.16 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

1340-06-01-.06 Insurance.

- (1) (a) No motor carrier subject to the provisions of T.C.A. § 65-15-101 et seq., shall engage in transportation of passengers or property for compensation, and no certificate or permit shall be issued to a motor carrier, or shall remain in force, unless and until there shall have been filed with and approved by the Commissioner of Safety and Homeland Security for intrastate commerce or the United States Department of Transportation for interstate commerce a policy of insurance (or certificate of insurance in lieu thereof), or a surety bond in not less than the amounts hereinafter prescribed, conditioned to pay, within the amount of such policy of insurance (or certificate of insurance in lieu thereof), or surety bond, any final judgment recovered against such motor carrier for bodily injuries to or the death of any person resulting from the negligent operation, for loss or damage to property of others; nor shall any common carrier by motor vehicle subject to the provisions of said Act engage in the transportation of property for compensation, nor shall any certificate be issued to such carrier, nor remain in force, unless and until there shall have been filed with and approved by the Commissioner of Safety and Homeland Security a policy of insurance written on a continuous basis, (or certificate of insurance in lieu thereof) or a surety bond in not less than the amounts hereinafter prescribed, conditioned upon such carrier making compensation to shippers or consignees for all property belonging to shippers or consignees and coming into the possession of such carrier in connection with its transportation service, Thirty (30) days notice of cancellation of any insurance policy must be given to the Commissioner of Safety and Homeland Security in writing.
 - (b) No person shall operate a motor vehicle transporting hazardous materials, hazardous substances, and/or hazardous wastes as defined in 49 C.F.R. § 171.8, unless and until there shall have been filed with and approved by the Commissioner of Safety and Homeland Security evidence of a bodily injury and property damage endorsement or surety bond meeting the minimum limits hereinafter prescribed in rule 1340-06-01-.07.
- (2) In the interest of public convenience, it is the opinion of the Commissioner of Safety and Homeland Security that the Insurance and Surety Bond forms prescribed by the FMCSA for motor carriers operating in interstate commerce should apply to all motor carriers subject to the jurisdiction of the Commissioner, whether such carriers are operating solely in interstate commerce, solely in intrastate commerce, or in interstate and intrastate commerce.

Authority: T.C.A. §§ 65-15-106, 65-15-110 and 65-15-113. Administrative History: Original rule certified May 9, 1974. Amendment filed February 28, 1992; effective April 29, 1992. Rule 1340-06-01-.18 was transferred from rule 1220-02-01-.18 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

1340-06-01-.07 Schedule of Limits.

The minimum amounts referred to in Rule 1340-06-01-.06 are hereby prescribed as follows:

(1)	Property Carriers	Commodity transported	Limits
(a)	Motor Carrier and Contract Hauler (in interstate, intrastate or foreign commerce)	Property (nonhazardous)	\$ 750,000

(b)	Motor Carrier, Contract Hauler & Private Motor Vehicles (in interstate, foreign or intrastate commerce)	Hazardous substances as defined in 49 C.F.R. § 171.8, transported in cargo tanks, portable tanks, or hopper-type vehicles with capacities in excess of; 3,500 water gallons or in bulk Division 1.1, 1.2 and 1.3 materials, Division 2.3, Hazard Zone A, or Division 6.1, Packing Group I, Hazard Zone A material; in bulk Division 2.1 or 2.2; or highway route controlled quantity of a Class 7 material, as defined in 49 C.F.R. § 173.403.	\$ 5,000,000
(c)	Motor Carrier, Contract Hauler and Private Motor Vehicle (in interstate, foreign, or intrastate commerce)	Oil listed in 49 C.F.R. § 172.101; hazardous materials and hazardous substances defined in 49 C.F.R. § 171.8 and listed in 49 C.F.R. § 172.101, but not mentioned in (b) above or (d) below.	\$ 1,000,000
(d)	Motor Carrier, Contract Hauler Private Motor Vehicle (in interstate, foreign, or intrastate commerce)	Any quantity of Division 1.1, 1.2, or 1.3 materials; and quantity of Division 2.3, Hazard Zone A, or Division 6.1, Hazard Zone A materials or highway route controlled quantities of a Class 7 material, as defined in 49 C.F.R. § 173.403.	\$ 5,000,000
(e)	Motor Carrier and Contract Hauler (under 10,000 lose GVWR)	Property	\$ 300,000

The limits listed under numbers (1)(a), (1)(b) and (1)(c) apply to vehicles with a gross weight rating of ten thousand (10,000) pounds or more. The limits listed under number (1)(d) applies to all vehicles with a gross vehicle weight rating of less than ten thousand (10,000) pounds lose GVWR.

(2) Passenger Carriers

(a)	Any vehicle with a seating capacity of 16 passengers or more:	\$ 5,000,000
(b)	Any vehicle with a seating capacity of 15 passengers or less:	\$ 1,500,000

(3) Motor Common Carriers (Intrastate only) - Cargo Liability security required for loss or damage to property belonging to shippers or consignees and coming into the possession of motor carriers in connection with their transportation service:

(a)	for loss or damage to property carried on any one motor vehicle.	\$ 5,000
(b)	for loss of or damage to or aggregate of losses or damages of or to property occurring at any one time and place.	\$ 10,000

Authority: T.C.A. §§ 65-15-105, 65-15-110 and 65-15-113. Administrative History: Original rule certified May 9, 1974. Amendment filed June 24, 1986; effective September 13, 1986. Amendment filed January 28, 1992; effective April 29, 1992. Rule 1340-06-01-.19 was transferred from rule 1220-02-01-.19 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

1340-06-01-.08 Adoption of Department of Transportation Safety Regulations.

- (1) The Commissioner of Safety and Homeland Security hereby adopts the interstate motor carrier noise emission standards, federal motor carrier safety regulations, and all subsequent amendments thereto, promulgated, approved, and adopted by the United States Department of Transportation contained in Title 49 of the Code of Federal Regulations, Subtitle B, Chapter III, Sub-Chapters A and B, except for 49 C.F.R. § 391.11(b)(1) for intrastate motor carriers and 49 C.F.R. § 398.
- (2) The Commissioner of Safety and Homeland Security may authorize any officer or agent of the Department of Safety and Homeland Security to:
 - (a) Enter, inspect, and examine all transportation safety related documents and documents required by T.C.A. Chapter 65 Part 15 and Rules ch. 1340-06-01, such as all records and information pertaining to any accident, driver's records of duty status, bills of lading, shipping records, driver time and payroll records, driver qualification records, vehicle maintenance records, electronic records, other supporting documents and equipment for inspection or copying during regular business hours of any person or Motor Carrier, to the extent those records or properties relate to this Chapter and the transportation of hazardous materials, freight, or passengers; and
 - (b) Stop and inspect any transport vehicle or part thereof for any violation of this Chapter or any regulation issued pursuant thereto.
 - (c) Upon request of the owner or operator, the officer or agent shall display a valid Tennessee Department of Safety and Homeland Security identification card.
- (3) Out-of-Service Criteria and Sticker. The Tennessee Highway Patrol will follow the procedures as outlined in the North American Standard Out-of-Service Criteria issued by the Commercial Vehicle Safety Alliance (CVSA).
 - (a) If a commercial motor vehicle is operated in violation of any safety regulation or requirement listed in the CVSA Out-of-Service Criteria, an officer of the Tennessee Highway Patrol shall place the commercial motor vehicle/commercial motor vehicle operator out-of-service and is authorized to affix to the vehicle a notice indicating the nature of the violation and requiring its correction before the Commercial motor vehicle is further operated.
 - (b) Refusal of the vehicle operator to grant permission for a law enforcement officer or inspector to conduct a safety inspection of the vehicle shall be cause for the officer or inspector to place the vehicle out-of-service.
 - (c) Refusal of the commercial motor vehicle driver to grant permission for a law enforcement officer or inspector to conduct a safety inspection regarding the driver himself shall be cause for the officer or inspector to place the driver out-of-service until permission is granted.

Authority: T.C.A. §§ 65-15-106 and 65-15-113. Administrative History: Original rule certified May 9, 1974. Amendment filed June 24, 1986; effective September 13, 1986. Rule 1340-06-01-.20 was transferred from rule 1220-02-01-.20 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

1340-06-01-.09 Safe and Sanitary Condition.

Every motor vehicle shall be maintained in a safe and sanitary condition at all times, and shall be at any reasonable time subject to inspection by the Commissioner of Safety and Homeland Security and his/her duly authorized representatives.

Authority: T.C.A. §§ 65-15-106 and 65-15-113. Administrative History: Original rule certified May 9, 1974. Rule 1340-06-01-.23 was transferred from rule 1220-02-01-.23 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

1340-06-01-.10 Terminal Facilities.

- (1) All passenger carriers shall maintain suitable and adequate terminal facilities at the terminal of the routes and at the main stations on the routes.
- (2) All passenger vehicles making stops at communities, towns or cities where a drive-in terminal facility or station is maintained shall come to a stop inside said terminal or station, otherwise the vehicle shall come to a stop at such place or places as may be designated by the officials of the town or city, provided, however, that where no such place or places are designated by such officials, that such vehicles shall come to a stop on the same side of the street where such terminal or station is located and as nearly adjacent thereto as is reasonably possible.

Authority: T.C.A. §§ 65-15-106 and 65-15-113. Administrative History: Original rule certified May 9, 1974. Rule 1340-06-01-.24 was transferred from rule 1220-02-01-.24 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

1340-06-01-.11 Intoxicated Persons.

The drinking of intoxicating liquors or beverages by passengers on passenger coaches shall not be permitted. Persons who are apparently under the influence of intoxicants shall not be received or transported as passengers on coaches and any person on board any coach as a passenger in violation of any of the foregoing should be discharged from the coach at the first town or city reached.

Authority: T.C.A. §§ 65-15-106 and 65-15-113. Administrative History: Original rule certified May 9, 1974. Amendment filed January 28, 1992; effective April 29, 1992. Rule 1340-06-01-.26 was transferred from rule 1220-02-01-.26 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

1340-06-01-.12 Leases in Intrastate Commerce.

- (1) Leasing of Motor Vehicle Equipment - Motor carriers desiring to lease motor vehicles to be used under their certificates or permits must carry a copy of the lease or contract in the vehicle which is specified in the agreement during the entire period of the agreement. The contract or lease shall provide for the exclusive possession, control, and use of the vehicle and for the complete assumption of responsibility in respect thereto, by the lessee for the duration of the lease or contract, except that provisions may be made for considering lessee as owner for the purposes of subleasing under this rule to other authorized carriers during the duration of this arrangement. All leased equipment must have displayed in each such leased vehicle a stamp as required by Rule 1340-6-1-.21 or a trip lease permit as set forth in paragraph (2) of this Rule.
- (2) Trip Leases - The Commissioner of Safety and Homeland Security will furnish, upon request, all certificated and permitted motor carriers of commodities over the highways of the State of Tennessee a "trip lease" form for a period of ten (10) days or one (1) trip for operation on the highways of the State of Tennessee as required by the Tennessee statutes and rules and regulations of this Commissioner. The said form shall be issued in duplicate at a nominal fee of two dollars (\$2.00) by the Director of the Motor Carrier Division and the blanks and the effective date of the said form shall be typewritten and the duplicate of the form shall be forwarded to the Commissioner of Safety and Homeland Security on the date of issuance by the said motor carrier. The form shall be numbered from one thousand (1,000) consecutively and shall show on its face that it is a trip lease good for one (1) trip or ten (10) days, name and address of the lessee; name and address of the lessor, and date of issuance by said motor carrier.
- (3) Rules and Regulations Governing Household Goods Carriers in Leasing Motor Vehicles from Others, in Domiciling Motor Vehicle Equipment, and in Using Agents.
 - (a) Definitions:
 1. The term "Commissioner" shall mean the Commissioner of Safety and Homeland Security.

2. The term "household goods carrier" shall mean the holder of a common carrier certificate of public convenience and necessity issued by this Commissioner authorizing the transportation of household goods.
3. The term "domiciling motor vehicle equipment" shall mean the stationing of a motor vehicle or motor vehicles by a household goods carrier, through the use of lease arrangements or otherwise, at a place which is used as a base of operations for such vehicle or vehicles in carrying on the business of household goods carriage.
4. The term "agent" shall mean the employee or representative of a certificated household goods carrier compensated by salary or by the Commissioner, or both, or any other person, who is designated by the carrier as its agent and is held out to the public to render service within the scope of the carrier's authority, but does not include any person or persons who act as a solicitor or booking agent only.

(b) Leasing of Motor Vehicles:

1. A household goods carrier may lease motor vehicles from others only under the following conditions:
 - (i) To replace motor vehicles disabled or undergoing repair when such vehicle is leased to complete the transportation of a shipment which was originally destined to move upon such disabled vehicle.
 - (ii) To augment its motor vehicle equipment when and only when the lease of a vehicle is in writing and is for a period of not less than ninety (90) days.
2. All vehicle leases shall provide that the lessee-carrier assumes full and complete responsibility and liability for the operation of the leased vehicle and for all cargo transported thereon during the term of the lease. All leased vehicles shall comply fully with the rules and regulations of the Commissioner.
3. During the term of such lease, the leased vehicle shall not be subleased and the lessee household goods carrier shall not allow said vehicle to be used for any transportation other than transportation performed by said lessee-carrier.
4. Each household goods carrier upon entering into a lease of a motor vehicle or vehicles, shall file a copy of such lease with the Commissioner on same day of execution thereof and shall at all times keep on file with the Commissioner a complete list of all leased vehicles showing the identification of the vehicle, the name of the lessor and the place where such vehicle is stationed. All leases executed under the conditions specified in (1)(a) of this Rule shall specifically identify the motor vehicle disabled or undergoing repair that is replaced by the leased vehicle.
5. An executed copy of the lease under which a vehicle is operating shall be carried on such vehicle at all times.

(c) Agents:

1. Every household goods carrier shall register and keep on file with the Commissioner the correct name, mailing address and location of each of its agents in the State of Tennessee.
2. A household goods carrier may not register or have more than one agent as defined herein in a municipality, town or community and an agent shall be the agent of only one household goods carrier.
3. The Commissioner may at any time inquire into and investigate the fitness of any agent registered by such carrier under these rules. If it finds such agent to be unfit in the public

interest to represent the carrier principal in services to the public it may disapprove the registration of such agent and thereafter said carrier principal shall not allow such person, firm or corporation to act as its agent.

4. A household goods carrier shall not transport any shipment solicited or accepted for shipment by one other than its registered agent or a full time employee of such carrier or such agent, provided, however, this shall not prevent household goods carriers as defined by these rules from interlining shipments with each other.

- (d) For the purpose of this rule the principal place of business of household goods carriers as shown by their certificate of convenience and necessity shall be deemed to be the principal place of business and domicile. Any household goods carriers desiring different and separate domiciles shall apply for same as set forth in the above rule.

Authority: T.C.A. §§ 65-15-106 and 65-15-113. Administrative History: Original rule certified May 9, 1974. Rule 1340-06-01-.28 was transferred from rule 1220-02-01-.28 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

1340-06-01-.13 Rules Governing the Estimates of Charges, Determination of Weights, and the Handling of Claims for Loss or Damage by Household Goods Movers in Intrastate Commerce.

(1) Determination of Weights

(a) Loaded Weight, Tare Weight and Constructive Weight.

1. Each common carrier by motor vehicle shall determine the tare weight of each vehicle used in the transportation of household goods by having it weighed prior to the transportation of each shipment, without the crew thereon, by a certified weigh master or on a certified scale, and when so weighed the gasoline tank on such vehicle shall be full and the vehicle shall contain all pads, chains, dollies, hand trucks, and other equipment needed in the transportation of such shipment. After the vehicle has been loaded, it shall be weighed, without the crew thereon, at point of origin of the shipment, and the net weight of the shipment shall be obtained by deducting the tare weight from the loaded weight. Where no adequate scale is available at point of origin, the loaded weight shall be obtained at the nearest certified scale either in the direction of the movement of shipment, or in the direction of the next pick-up or delivery in the case of part loads.
2. If no adequate scale is available at origin, at any point in route, or at destination, a constructive weight, based upon seven (7) pounds per cubic foot of properly loaded van space, may be used. Such a constructive weight also may be used for a part load where the circumstances are such that its scale weight could not be obtained at origin, in route, or at destination without first unloading it or other part loads being carried in the same vehicles.

- (b) Part Loads. In the transportation of part loads, this rule shall apply in all respects, except that the gross weight of a vehicle containing one or more part loads may be used as the tare weight of such vehicle as to part loads subsequently loaded thereon. A part load for any one shipper not exceeding one thousand (1,000) pounds may be weighed on a certified scale prior to being loaded on the vehicle.

(2) Estimates of Charges

- (a) Estimate Form for Shipper's Use, Carriers may furnish to shippers or prospective shippers an estimate form which may contain statements of the weights of average pieces of furniture and other household articles of various types, for use by the shipper in making his own estimate of the weight of his goods. Any instructions necessary to enable the shipper to use the estimate form shall be printed on the form.
- (b) Specific request of shipper for notification. Whenever the shipper specifically requests notification of the actual weight and charges on a shipment, the carrier shall comply with such request

- immediately upon determining the actual weight and charges, by telephone or telegraph if so requested. Such notification shall be made as soon as possible prior to the time when the shipment is offered for delivery.
- (c) Notification to shipper where charges exceed estimate. Whenever actual charges on any shipment exceed by more than ten (10) percent or Twenty-five dollars (\$25), whichever is greater, any estimate of charges given by the carrier to the shipper, immediately upon determining the actual charges, the carrier shall notify the shipper of the amount thereof by telegram or telephone at the carrier's expense as soon as possible after the determination is made and before delivery. Provided, that this paragraph shall not apply (1) where credit is to be extended by the carrier, and (2) where the shipper has not supplied upon request by the carrier, an address or telephone number at which the communication would be received.
 - (d) Report of Underestimates. Every motor common carrier of household goods shall file each month with the Commissioner of Safety and Homeland Security, Commercial Vehicle Enforcement Division, 1150 Foster Avenue, Nashville, Tennessee, 37243, a report of all instances during the proceeding month where the actual charges for services rendered exceeded the estimates of such charges by ten (10) percent or twenty-five dollars (\$25), whichever is greater, with an explanation of reasons for variances.
 - (e) Reweighing. The carrier, upon request of shipper, owner or consignee, made prior to delivery of a shipment, and when practical to do so will reweigh the shipment. The lower of the two net scale weights shall be used for determining the applicable charges. If the reweigh develops a net scale weight in excess of the initial net scale weight and the reweigh net scale weight is less than one hundred (100) pounds on a shipment weighing five thousand (5,000) pounds or less or two per cent or less of the lower net scale weight on shipments in excess of five thousand (5,000) pounds, a reasonable reweigh charge may be established.
 - (f) Information on Bill of Lading. Each Bill of Lading on household goods shipments shall have indicated thereon the method by which the estimate of charges was made and the amount of the estimate.
- (3) Claims for Loss or Damage
- (a) Acknowledgement of Claims. Every Common carrier of household goods which receives a written claim for loss of or damage to property transported by it shall acknowledge receipt of such claim in writing to the claimant within thirty (30) calendar days after its receipt by the carrier or the carrier's agent. The carrier shall at the time such claim is received, cause the date of receipt to be recorded on the claim.
 - (b) Handling by carrier. Every such carrier which receives a written claim for loss by damage to household goods transported by it shall pay, decline, or make a firm compromise settlement offer in writing to the claimant within one hundred twenty (120) days after receipt of the claim by the carrier or its agent. Provided, that, if for reasons beyond the control of the carrier the claim cannot be processed and disposed of within one hundred twenty (120) days after the receipt thereof, the carrier shall at that time and at the expiration of each succeeding thirty (30) day period while the claim remains pending advise the claimant in writing of the status of the claim and the reasons for the delay in making final disposition thereof, and send a copy of such letter to the Commissioner of Safety and Homeland Security, Commercial Vehicle Enforcement Division, 1150 Foster Avenue, Nashville, Tennessee, 37243.
- (4) Information to Shippers
- (a) Each household goods carrier shall be required to present each prospective household goods shipper an information pamphlet containing such provisions as this Commissioner shall prescribe or approve.

Authority: T.C.A. §§ 65-15-106 and 65-15-113. Administrative History: Original rule certified May 9, 1974. Rule 1340-06-01-.29 was transferred from rule 1220-02-01-.29 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

1340-06-01-.14 Transportation of Hazardous Materials.

The Commissioner of Safety and Homeland Security hereby adopts the rules and regulations and any amendments, supplements or revisions thereto contained in 49 C.F.R. §§ 171 through 180.

Authority: T.C.A. §§ 65-15-106 and 65-15-113. Administrative History: Original rule certified May 9, 1974. Rule 1340-06-01-.32 was transferred from rule 1220-02-01-.32 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

1340-06-01-.15 Revocation of Certificates, Permits and Modification of Rules.

The failure on the part of any motor carrier to comply with any of these rules and regulations, or the issuance of an Out-of-Service Order by the United States Department of Transportation will be sufficient cause for the Commissioner of Safety and Homeland Security, in its discretion, to revoke a certificate or permit. These rules and regulations are for general application and are subject to such changes and modifications as the Commissioner, from time to time, may determine advisable, and also subject to such exceptions as may be considered just and reasonable in individual cases.

Authority: T.C.A. §§ 65-15-106 and 65-15-113. Administrative History: Original rule certified May 9, 1974. Rule 1340-06-01-.37 was transferred from rule 1220-02-01-.37 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

1340-06-01-.16 Commercial Zones and Terminal Areas for Tennessee Intrastate Freight Carriers Exceptions.

(1) Definitions:

- (a) The term municipality or municipalities, as used in this order should to understood to refer only to cities, towns, villages and boroughs which have been created by special legislative acts or otherwise individually incorporated or chartered pursuant to general laws or which are recognized as such under the Constitution or by the laws of the State of Tennessee, and which have existing local governments.
- (b) Distances. Airline distances about corporate limits of municipalities shall be used in all instances.
- (c) Population. The population of any municipality shall be that shown for such municipality by the 1960 Decennial Census conducted by the United States Bureau of Census, or any subsequent Decennial Federal Census.
- (d) Unincorporated area. The term "Unincorporated area" as used herein means any area regardless of its urban development not included within the corporate limits of an incorporated city, town village or borough.
- (e) Contiguous municipalities. Two municipalities having the same common border or boundary, (contiguous for the purpose used herein, shall not mean in close proximity to one another.)
- (f) Adjacent municipalities. Municipalities which although not contiguous have a distance of not over 15 miles between their respective boundaries or corporate limits at any point or points.
- (g) Base municipality. Base Municipality designates the municipality whose commercial zone is under consideration.
- (h) Terminal Areas. The limits around a city which line-haul carriers authorized to serve the particular city may serve.

(2) The commercial zone of each municipality shall consist of:

- (a) The base municipality which shall include all annexations thereof on the effective date of the annexation and the population of which is determined by the last official census.

- (b) All contiguous municipalities within the State of Tennessee.
 - (c) All unincorporated areas as follows:
 - 1. When the base municipality has a population less than two-thousand five hundred (2,500) all unincorporated areas within two (2) miles of its corporate limits and all of any other municipality any part of which is within two (2) miles of the corporate limits of the base municipality
 - 2. When the base municipality has a population of two-thousand five hundred (2,500), but less than twenty-five thousand (25,000), all unincorporated areas within three (3) miles of the corporate limits and all of any other municipality any part of which is within three (3) miles of the corporate limits of the base municipality;
 - 3. When the base municipality has a population of twenty-five (25,000), but less than one hundred thousand (100,000), all unincorporated areas within four (4) miles of its corporate limits and all of any other municipality any part of which is within four (4) miles of the corporate limits of the base municipality;
 - 4. When the base municipality has a population of one hundred thousand (100,000) or more, all unincorporated areas within five (5) miles of its corporate limits and all of any other municipality any part of which is within five (5) miles of the corporate limits of the base municipality.
 - (d) All adjacent municipalities any part of which would be included under (c) above as unincorporated.
 - (e) All municipalities completely surrounded by the base municipalities and any contiguous municipality or adjacent municipality included in the zone under (d) above.
 - (f) That the base municipality of Metropolitan Nashville and Davidson County, Tennessee shall be extended to include all of Davidson County, but this commercial zone shall, under no provisions, or any circumstances, extend into the surrounding counties, but shall terminate at the county line of Davidson County.
- (3) The terminal area within the meanings of the above definition, of any motor carrier of property authorized by this Commissioner of Safety and Homeland Security under Chapter 15 of Title 65 of the T.C.A., at any unincorporated community having a post office of the same name which is authorized to be served by such motor carrier of property shall be construed as:
- (a) All points or places in Tennessee which are located within the limits of the operating authority of the motor carrier of property, and within two and a half (2-1/2) miles of the post office at such authorized unincorporated point.
 - (b) All of any municipality any part of which is included under (a) of this section.
 - (c) Any municipality wholly surrounded by any municipality included under (b) of this section or so wholly surrounded except for a water boundary.
- (4) Exceptions. The points of Warcer, Tennessee and Jersey-Tyner, Tennessee shall be excluded from the commercial zones of Knoxville and Chattanooga, Tennessee, respectively; that the commercial zone applicable to the point of Ducktown, Tennessee, shall be extended east along U. S. Highway 64 to the North Carolina line so as to authorize common carrier service thereto.
- (5) Clarksville Commercial Zone. That the Commercial Zone of Clarksville, in addition to that set forth above, shall be extended northeastwardly from the existing zone at approximately the intersection of U. S. Highways 79 and 1-24 northwardly to the Tennessee Kentucky State Line in a corridor three miles in width, the same encompassing the L & N right-of-way as well as Highway 79 to the Tennessee-Kentucky State Line.

Authority: T.C.A. §§ 65-15-106 and 65-15-113. Administrative History: Original rule filed January 20, 1977; effective February 19, 1977. Rule 1340-06-01-.38 was transferred from rule 1220-02-01-.38 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

1340-06-01-.17 Identification of Intrastate Carriers.

- (1) Every carrier operating solely in intrastate commerce and subject to the jurisdiction of this Commissioner of Safety and Homeland Security shall have displayed on side of each vehicle the following information:
 - (a) Name of owner, or lessee.
 - (b) Tennessee Department of Safety and Homeland Security Certificate Number.
 - (c) Unit Number.

Authority: T.C.A. §§ 65-15-106 and 65-15-113. Administrative History: Original rule certified May 9, 1974. Rule 1340-06-01-.42 was transferred from rule 1220-02-01-.42 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

1340-06-01-.18 Roadside Parking.

- (1) No person shall stop, park, or leave standing any commercial motor vehicle, whether attended or unattended, upon the paved or main-traveled part or the shoulder of any highway on/off ramp outside of a business district.
- (2) This section shall not apply to the driver of any commercial motor vehicle which is disabled while on the paved or main-traveled portion of a highway in such manner that it is impossible to avoid stopping and temporarily leaving the disabled vehicle in such position, or to any vehicle complying with law, Commissioner of Safety and Homeland Security regulations or directions of a law enforcement officer.
- (3) This section shall not apply to the driver of any commercial motor vehicle operating as a carrier of passengers for hire and holding a certificate of convenience and necessity or interstate permit issued by the Commissioner of Safety and Homeland Security or any local regulatory transit authority of Tennessee authorizing the operation of such vehicle, while taking on or discharging passengers. In any event, an obstructed lane of travel of the highway opposite such standing vehicle shall be left for free passage of other vehicles and a clear view of such stopped vehicles shall be available from a distance of two hundred (200) feet in either direction upon the highway.
- (4) This section shall not apply to the driver of any vehicle owned by a public utility or road construction company and stopped for the purpose of construction, repairs or installations.
- (5) Penalties for violations of this section are: First Offense - fifty dollars (\$50) plus court costs; second and additional offenses one hundred (\$100) plus court costs.

Authority: T.C.A. §§ 65-15-106 and 65-15-113. Administrative History: Original rule filed November 15, 1990; effective February 27, 1991. Amendment filed December 15, 1993; effective April 30, 1994. Rule 1340-06-01-.45 was transferred from rule 1220-02-01-.45 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

1340-06-01-.19 Recommended Fines for Motor Carrier Safety Violations.

- (1) Every officer, agent or employee of any corporation and every other person who fails to obey, observe, or comply with any order, decision, rule, regulation, direction, demand or requirement of the Commissioner of Safety and Homeland Security made in pursuance of the power and authority conferred by Chapter 15 of Title 65 of the T.C.A. shall be guilty of a misdemeanor, and upon conviction thereof, shall be punishable by a fine not exceeding five hundred dollars (\$500), or by imprisonment for not more than one (1) year, or both, at the discretion of the court.

- (2) It is the policy of the Commissioner of Safety and Homeland Security that any such violation should result in the imposition of a fine no less than the amounts listed below and that these fines should be uniformly imposed throughout the State.
- (3) To accomplish this policy, Commissioner of Safety and Homeland Security motor carrier enforcement officers shall consult with the judges and district attorneys in the various jurisdictions in which these violations are prosecuted and, absent unusual and compelling circumstances, the officers shall recommend that the following fines be imposed for violations of the Commissioner of Safety and Homeland Security rules listed below:

Violation	Fine
(a) No record of duty status, 49 C.F.R. § 395.8(a)	
Minimum violation	\$150
Willful and intentional violation	\$500
(b) Falsifying record of duty status, 49 C.F.R. § 395.8(e)	
Minimum violation	\$150
Willful and intentional violation	\$500
(c) Failure to maintain current record of duty status, 49 C.F.R. § 395.8(f)	\$125
(d) Driver exceeding the 10-hour driving, rule, 49 C.F.R. § 395.3 or § 395.5	\$125
(e) Driver exceeding the 15-hour driving rule, 49 C.F.R. § 395.3 or § 395.5	\$125
(f) Driver exceeding the 70-hour driving rule, 49 C.F.R. § 395.3 or § 395.5	\$125
(g) Possession or consumption of alcohol, 49 C.F.R. § 392.5	\$500
(h) Unlawful possession or consumption of Schedule I through Schedule VII drugs, 49 C.F.R. § 392.4	\$500
(i) Driver of a commercial motor vehicle having more than one driver's license, 49 C.F.R. § 383.21	\$500

- (4) Every motor vehicle subject to the safety jurisdiction of the Commissioner of Safety and Homeland Security must stop for inspection at any designated inspection station or stop at a safe roadside location if directed by a Commissioner of Safety and Homeland Security enforcement officer. Failure to stop at a designated inspection station may be excused if to do so would create a serious traffic hazard. Violation of this rule is punishable by a recommended fine of two-hundred fifty dollars (\$250).
- (5) A citation shall be issued upon discovery of one or more "out-of-service" violations. In determining whether or not an out-of-service violation exists, the Commissioner of Safety's officers shall be guided by the Commercial Vehicle Safety Alliance Memorandum of Understanding and the "North American Out-of-Service Criteria" issued by the Commercial Vehicle Safety Alliance (CVSA).
 - (a) When a citation is issued for three out-of-service violations, the recommended fine for the first such offense shall be fifty dollars (\$50) plus fifty dollars (\$50) for each additional (after three) out-of-service violation.
 - (b) The recommended fine for the second offense involving the same piece of equipment within the same calendar year shall be one hundred dollars (\$100) plus one hundred dollars (\$100) for each additional (after three) out-of-service violation.
 - (c) The recommended fine for the third offense involving the same piece of equipment within the same year shall be one hundred fifty dollars (\$150) plus one hundred fifty dollars (\$150) for each additional (after three) out-of-service violation.

- (6) Each violation of a regulation pertaining to the transportation of hazardous materials found in 49 C.F.R. §§ 171 through 180, (excluding 49 C.F.R. § 177.804) shall result in a recommended fine of one hundred dollars (\$100).
- (7) The recommended fine for violation of a Commissioner of Safety and Homeland Security rule not listed here shall be twenty-five dollars (\$25) for the first offense and fifty dollars (\$50) for the second and subsequent offense.

Authority: T.C.A. §§ 65-15-104, 65-15-106, 65-15-113, and 65-15-122. Administrative History: Original rule filed November 10, 1986; effective December 25, 1986. Amendment filed February 29, 1988; effective May 29, 1988. Rule 1340-06-01-.46 was transferred from rule 1220-02-01-.46 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

1340-06-01-.20 Routing of Hazardous Material Vehicles in Knox County, Tennessee.

No person shall drive or cause to be driven a motor vehicle carrying a placardable quantity of hazardous material as specified in Title 49 of the Code of Federal Regulations §§ 172.500 through 172.558 along or upon Interstate 40 or Interstate 275 in Knox County, Tennessee between the intersection of said interstates with Interstate 640 on the west, north or east. This prohibition shall not apply to the following:

- (1) To motor vehicles which have shipments originating at or destined to the City of Knoxville and to service points on U.S. Highway 129 Blount County as verified by appropriate shipping papers.
- (2) To motor vehicles which have shipments to be interlined with other carries or which have shipments transferred to other motor vehicles or aircraft of the same carrier at facilities located in the City of Knoxville or service points on U.S. Highway 129 in Blount County.
- (3) To motor vehicles which need emergency repairs or warranty work performed at authorized dealers or repair facilities as may be verified by a physical inspection of the vehicle, by warranty papers in the vehicle, or by other means of verification used by the investigating officer.

Authority: T.C.A. §§ 65-15-106 and 65-15-113. Administrative History: Original rule filed March 31, 1987; effective May 15, 1987. Rule 1340-06-01-.47 was transferred from rule 1220-02-01-.47 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

1340-06-01-.21 Reserved.

1340-06-01-.22 Lighting Requirements for Stopping and Standing Solid Waste Vehicles.

- (1) The term "solid waste vehicle" as used in this rule shall mean solid waste vehicles as defined in T.C.A. § 55-8-101.
- (2) This rule applies to solid waste vehicles which are:
 - (a) Operating for the sole purpose of collecting municipal solid waste as defined in T.C.A. § 68-211-802(a)(10) or recyclable materials; and
 - (b) Stopping or standing on a paved or improved main traveled portion of a road, street or highway.
- (3) The solid waste vehicles described in subsection (1) and (2) of this rule shall be required to do the following:
 - (a) Maintain flashing hazard lights at all times while the vehicle is stopped or standing; and
 - (b) Maintain amber lights meeting SAE color standards which may be rotating, flashing, or oscillating and which shall be mounted at the extreme front on the highest point of the cab of the vehicle and on the highest location on the extreme rear of the vehicle which assures the required visibility and which does not interfere with the collecting functions and equipment of the vehicle; and

- (c) Assure that the vehicle is stopped so that all lights are visible from a distance of two hundred (200) feet in either direction upon the highway or road without manmade or natural obstruction.

Authority: T.C.A. §§ 55-8-158, 65-15-106, and 65-15-113. Administrative History: Original rule filed March 28, 1995; effective June 13, 1995. Rule 1340-06-01-.49 was transferred from rule 1220-02-01-.49 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

1340-06-01-.23 Definitions Applicable to the Inspection of Homemade and/or Materially Reconstructed Trailers.

- (1) The word "automobile" as used in the rules pertaining to homemade and materially reconstructed trailers shall mean a self-propelled land vehicle with four wheels propelled by an internal combustion engine which is designed primarily to carry passengers and incidental freight for a non-commercial purpose and which is required to register with the state pursuant to T.C.A. § 55-4-111(c) or T.C.A. § 55-4-112. This definition shall include cars, vans, and small trucks which do not register as a commercial vehicle under T.C.A. § 55-4-113.
- (2) The word "trailer" shall be defined as described in T.C.A. § 55-1-105(5);
- (3) The word "semi-trailer" shall be defined as described in T.C.A. § 55-1-105(4);
- (4) The word "pole trailer" shall be defined as described in T.C.A. § 55-1-105(3);
- (5) The word "homemade" shall be defined as described in T.C.A. § 55-4-101(3)(A);
- (6) The word "materially reconstructed" shall be defined as described in T.C.A. § 55-4-101(3)(B);
- (7) The word "Commissioner" shall mean the Commissioner of Safety and Homeland Security;
- (8) The word "Department" shall mean the Tennessee Department of Safety and Homeland Security.

Authority: T.C.A. §§ 55-4-101 et seq., 65-15-106 and 65-15-113. Administrative History: Original rule filed January 31, 1994; effective April 16, 1994. Rule 1340-06-01-.50 was transferred from rule 1220-02-01-.50 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

1340-06-01-.24 Homemade and/or Materially Reconstructed Trailers, Semi-Trailers and Pole Trailers Subject to Inspection.

- (1) This rule applies to trailers, semi-trailers, or pole trailers which are:
 - (a) Homemade or materially reconstructed as defined in these rules; and
 - (b) Required to be titled or registered under T.C.A. § 55-4-101 et seq.
- (2) This rule does not apply to any trailers, semi trailers, or pole trailers which are:
 - (a) Trailers owned by farmers and used for agricultural purposes or hauling livestock between farm and market, and implements designed for carrying and distributing fertilizer as described in T.C.A. § 55-4-113(a)(5)(C);
 - (b) Trailers used solely for the transportation of boats for a non-commercial purpose;
 - (c) Trailers drawn by an automobile for a noncommercial purpose except for house trailers (required to be registered under classes (D)(ii) and (D)(iii) of T.C.A. § 55-4-111) and rental trailers (required to be registered under class (D)(i) of T.C.A. § 55-4-111).
- (3) Any trailer, to which this rule applies as described in sections (1) and (2) of this rule, shall not be titled or registered for operation over the roads and highways of Tennessee nor shall it be operated, drawn, or

pulled over state highways and roads until the Department has certified that said trailer is in compliance with Department trailer safety rules.

Authority: T.C.A. §§ 55-4-101 et seq., 65-15-106 and 65-15-113. Administrative History: Original rule filed January 31, 1994; effective April 16, 1994. Rule 1340-06-01-.51 was transferred from rule 1220-02-01-.51 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

1340-06-01-.25 Violation of Requirements for Homemade and/or Materially Reconstructed Trailers, Semi-Trailers and Pole Trailers.

- (1) Any person, organization, or entity found in violation of the provisions of T.C.A. § 55-4-101 or T.C.A. § 65-15-113 or any rules promulgated pursuant thereto applicable to homemade or materially reconstructed trailers, semi trailers or pole trailers shall be subject to penalty as provided in T.C.A. § 65-15-122.
- (2) Any trailer, semitrailer, or pole trailer, which is being operated, pulled or drawn in violation of T.C.A. § 65-15-113 and T.C.A. § 55-4-101 et seq., and any rules promulgated pursuant thereto, shall be immediately placed out-of-service by the apprehending officer. Said trailer shall be out-of-service until it has passed a Department trailer safety inspection in accordance with all applicable rules. The owner or operator of said trailer may arrange for towing of the out-of-service trailer to another location for repair at his own expense. The Department shall not be responsible for towing or storage charges for trailers out-of-service in violation of these rules.

Authority: T.C.A. §§ 55-4-101 et seq., 65-15-106, 65-15-113, and 65-15-122. Administrative History: Original rule filed January 31, 1994; effective April 16, 1994. Rule 1340-06-01-.52 was transferred from rule 1220-02-01-.52 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

1340-06-01-.26 Application for Trailer Safety Inspection.

- (1) Any person, organization, or entity owning or in possession of a homemade or materially reconstructed trailer, semi-trailer, or pole trailer may request a Department trailer safety inspection on application forms furnished by the Commissioner.
- (2) Department trailer safety inspection application forms shall be available from the Nashville office of the Commissioner or from any county motor vehicle registration office.
- (3) The applicant shall send a completed trailer safety inspection application form along with a non-refundable inspection fee of twenty-five dollars (\$25) to the Nashville office of the Department prior to scheduling for inspection.
- (4) Applicants which have failed previous inspections may re-apply for Department inspection of trailers after the requisite repairs are made. The twenty-five (\$25) trailer inspection fee shall be required for each re-inspection.
- (5) The Department shall schedule inspection at the trailer location as expeditiously as possible after receipt of the completed application form and fee. Inspections shall only be scheduled during normal business hours and shall be confirmed in advance with the applicant.

Authority: T.C.A. §§ 55-4-101 et seq., 65-15-113, and 65-15-122. Administrative History: Original rule filed January 31, 1994; effective April 16, 1994. Rule 1340-06-01-.53 was transferred from rule 1220-02-01-.53 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

1340-06-01-.27 Trailer Safety Inspection Procedure.

- (1) After the trailer safety inspection is conducted in accordance with Department rules, the Department inspector shall complete a trailer inspection report which shall include a list and description of any safety violations found, and the conclusions of the inspector as to whether the vehicle is in substantial

compliance with applicable trailer safety rules. The inspector and the applicant shall both sign the form. The applicant shall be given the original of the inspection report.

- (2) If the inspected trailer is found to be in compliance with Department trailer safety regulations, the Department inspector shall issue a Trailer Safety Inspection Certificate and shall assign a safety certification number to the trailer. This number shall be noted on the inspection report and shall be permanently affixed to the body of the vehicle by the inspector.
- (3) If the inspected trailer is not found to be in compliance with Department trailer safety regulations, the Department inspector shall advise the applicant of his right to reapply for inspection after the safety violations are repaired. The applicant shall not be permitted to operate this trailer over state highways and roads until such time as it has passed a trailer safety inspection conducted by the Department.

Authority: T.C.A. §§ 55-4-101 et seq., 65-15-113, and 65-15-122. Administrative History: Original rule filed January 31, 1994; effective April 16, 1994. Rule 1340-06-01-.54 was transferred from rule 1220-02-01-.54 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

1340-06-01-.28 Applicable Safety Regulations for Homemade and/or Materially Reconstructed Trailers.

- (1) The trailer safety rules and regulations to be applied to all homemade and/or materially reconstructed trailers subject to inspection by the Department are the federal motor carrier safety regulations adopted by the Department pursuant to rule 1340-06-01-.08, particularly those provisions found in 49 CFR Part 393, and the safety requirements for trailers found in T.C.A. Title 55, Chapter 9.

Authority: T.C.A. §§ 55-4-101 et seq., 65-15-106 and 65-15-113. Administrative History: Original rule filed January 31, 1994; effective April 16, 1994. Rule 1340-06-01-.55 was transferred from rule 1220-02-01-.55 by the Secretary of State with editorial changes pursuant to Public Chapter 305 of 1995 and Public Chapter 826 of 2002; effective March 28, 2003.

* If a roll-call vote was necessary, the vote by the Agency on these rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)

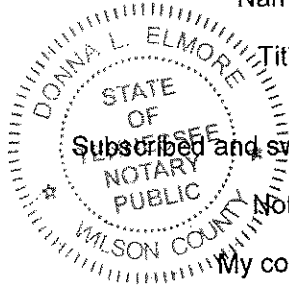
I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the Tennessee Department of Safety on 06/27/2011, and is in compliance with the provisions of TCA 4-5-222. The Secretary of State is hereby instructed that, in the absence of a petition for proposed rules being filed under the conditions set out herein and in the locations described, he is to treat the proposed rules as being placed on file in his office as rules at the expiration of sixty (60) days of the first day of the month subsequent to the filing of the proposed rule with the Secretary of State.

Date: 07-20-11

Signature: *T. Barham*

Name of Officer: Tony Barham

Title of Officer: Captain, Tennessee Highway Patrol



Subscribed and sworn to before me on: 7-20-11

Notary Public Signature: *Donna L. Elmore*

My commission expires on: 1-26-2014

All proposed rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

REC Cooper Jr

Robert E. Cooper, Jr.
Attorney General and Reporter

8-14-11
Date

Department of State Use Only

Filed with the Department of State on: 8/16/11

Effective on: 1/29/12

Tre Hargett

Tre Hargett
Secretary of State

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 SECRETARY OF STATE
 PARTICIPATIONS

Regulatory Flexibility Addendum

Pursuant to § T.C.A. 4-5-401 through 4-5-404, prior to initiating the rule making process as described in T.C.A. § 4-5-202(a)(3) and T.C.A. § 4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

Regulatory Flexibility Analysis

Pursuant to the Regulatory Flexibility Act of 2007, T.C.A. 4-5-401, et seq., the Department of Safety submits the following regulatory flexibility analysis:

- (1) The extent to which the rule may overlap, duplicate, or conflict with other federal, state, and local government rules:

The proposed rule does not overlap, duplicate or conflict with other federal, state or local government rules.

- (2) Clarity, conciseness, and lack of ambiguity in the rule:

The proposed rule exhibits clarity, conciseness, and lack of ambiguity.

- (3) The establishment of flexible compliance and reporting requirements for small businesses:

The proposed rule establishes flexible compliance and notification requirements for small businesses engaged in the carrying of freight and passengers upon the highways within or through the state of Tennessee.

- (4) The establishment of friendly compliance and reporting requirements for small businesses:

The proposed rule establishes friendly compliance and notification requirements for small businesses engaged in the carrying of freight and passengers upon the highways within or through the state of Tennessee.

- (5) The consolidation or simplification of compliance or reporting requirements for small businesses:

The proposed rule establishes simplified and concise compliance and notification requirements for small businesses engaged in the carrying of freight and passengers upon the highways within or through the state of Tennessee.

- (6) The establishment of performance standards for small businesses as opposed to design or operational standards required in the proposed rule:

The proposed rule does not establish performance standards for small businesses as opposed to design or operational standards.

- (7) The unnecessary creation of entry barriers or other effects that stifle entrepreneurial activity, curb innovation, or increase costs.

The proposed rule does not unnecessarily create entry barriers or other effects that stifle entrepreneurial activity, curb innovation, or increase costs.

Impact on Local Governments

Pursuant to T.C.A. 4-5-220 and 4-5-228 "any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments." (See Public Chapter Number 1070 (<http://state.tn.us/sos/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

This rule would have no projected impact on local governments.

Additional Information Required by Joint Government Operations Committee

All agencies, upon filing a rule, must also submit the following pursuant to TCA 4-5-226(i)(1).

- (A) A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

Establishes rules and regulations whereby the Department of Safety shall license, supervise, regulate and inspect motor carriers in the state of Tennessee. The rule is being amended primarily to adopt specific changes and revisions recommended by the Federal Motor Carrier Safety Administration (FMCSA).

- (B) A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

T.C.A. §§ 65-15-106 and 65-15-113 authorize the Department of Safety to license, supervise, regulate and inspect every motor carrier in the state of Tennessee and to promulgate such safety rules and regulations pertaining hereto.

- (C) Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

Owners and operators of motor vehicle carriers and motor buses. The Federal Motor Carrier Safety Administration (FMCSA) urges adoption of this rule.

- (D) Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule;

None.

- (E) An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;

There is no anticipated increase or decrease in state and local government revenues and expenditures.

- (F) Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

Captain Tony Barham; Lt. Ray Robinson; Sgt. Brandon Douglas, TN Highway Patrol

- (G) Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Captain Tony Barham; Lt. Ray Robinson; Sgt. Brandon Douglas, TN Highway Patrol

- (H) Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

Tennessee Department of Safety
1150 Foster Avenue
Nashville, TN 37243
Tony.Barham@tn.gov (615) 743-4978
Ray.Robinson@tn.gov (615) 743-4974
Brandon.Douglas@tn.gov (615) 743-4872

(l) Any additional information relevant to the rule proposed for continuation that the committee requests.

None.