

**Department of State  
Division of Publications**

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**For Department of State Use Only**

Sequence Number: 02-14-13  
Rule ID(s): 5378  
File Date: 2/7/13  
Effective Date: 7/29/13

## 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.*

<b>Agency/Board/Commission:</b>	University of Tennessee
<b>Division:</b>	
<b>Contact Person:</b>	Matthew Scoggins, Assistant General Counsel
<b>Address:</b>	719 Andy Holt Tower, 1331 Circle Park, Knoxville, TN
<b>Zip:</b>	37996-0170
<b>Phone:</b>	865-974-3245
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**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
1720-02-07	Library Fines
Rule Number	Rule Title
1720-02-07-.01	Library Fines

Substance of Proposed Rules  
of  
The University of Tennessee at Chattanooga

Amendments

Chapter 1720-02-07  
Library Fines

Rule 1720-02-07-.01 Library Fines is amended by deleting the text of the rule in its entirety and by substituting instead the following language so that, as amended, the rule shall read as follows:

- (1) There are no fines for overdue items borrowed from the library's regular book or audiovisual collections. For lost or billed items, however, borrowers are assessed a flat replacement fee of one hundred dollars (\$100.00) plus a nonrefundable processing fee of five dollars (\$5.00) for each item. Upon request by a borrower, in lieu of the flat replacement fee, the borrower will be

allowed to either pay the library the amount of the market cost to replace the item or provide the library with a replacement item acceptable to the library.

- (2) Hourly reserve items and library equipment are subject to overdue fines of five dollars (\$5.00) per hour, up to a limit of fifteen dollars (\$15.00) for each item. Daily reserve items are subject to an overdue fine of one dollar (\$1.00) per hour, up to a limit of fifteen dollars (\$15.00) for each item.
- (3) If fines for overdue books and charges for lost books are not paid as required, the borrowers will be blocked from use of the library and not permitted by the business office and registrar (on this or other campuses of the University) either to register or to receive course credits and transcripts until the outstanding obligations are fully cleared.

Authority: T.C.A. § 49-9-209(e) and Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5, and Public Acts of Tennessee, 1807, Chapter 64.

\* 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)
Governor Bill Haslam	x				
Commissioner Julius Johnson	x				
Commissioner Kevin Huffman				x	
Dr. Joe DiPietro	x				
Dr. Richard D. Rhoda			Non-voting		
Charles C. Anderson, Jr.	x				
Ann Holt Blackburn	x				
George E. Cates	x				
Spruell Driver, Jr.	x				
J. Brian Ferguson	x				
Teresa K. Fowler	x				
John N. Foy	x				
Crawford Gallimore	x				
Vicky B. Gregg	x				
Monice Moore Hagler	x				
Douglas A. Horne	x				
Raja J. Jubran	x				
James L. Murphy, III	x				
Karl A. Schledwitz	x				
Shalin N. Shah			Non-voting		
Don Stansberry	x				
Dr. Victoria S. Steinberg			Non-voting		
Betty Ann Tanner	x				
Charles E. Wharton	x				
Tommy G. Whittaker				x	
Dr. Janet M. Wilbert	x				

I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the University of Tennessee Board of Trustees on November 9, 2012, and is in compliance with the provisions of T.C.A. § 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: 1/3/13

Signature: \_\_\_\_\_

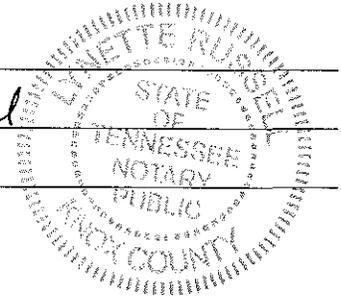
Name of Officer: Matthew Scoggins

Title of Officer: Assistant General Counsel

Subscribed and sworn to before me on: 1-3-13

Notary Public Signature: Levette Russell

My commission expires on: 1-27-15



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.

*RECOOPER*

Robert E. Cooper, Jr.  
Attorney General and Reporter

1-28-13

Date

**Department of State Use Only**

Filed with the Department of State on:

2/7/13

Effective on:

7/29/13

*Tre Hargett*

Tre Hargett  
Secretary of State

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**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.

(If applicable, insert Regulatory Flexibility Addendum here)

## **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)

The University of Tennessee anticipates that this rule change will have minimal to no 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 T.C.A. §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;

The University of Tennessee at Chattanooga has revised its library fines regulations to change the amount of library fines for lost or overdue items.

- (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;

None.

- (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;

Persons who lose library items or do not return them on time.

- (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;

Minimal.

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

Matthew Scoggins  
Assistant General Counsel  
University of Tennessee  
  
Theresa Liedtka  
Dean, Lupton Library  
University of Tennessee at Chattanooga

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

Matthew Scoggins  
Assistant General Counsel  
University of Tennessee  
  
Theresa Liedtka

Dean, Lupton Library  
University of Tennessee at Chattanooga

- (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

Matthew Scoggins  
Assistant General Counsel  
University of Tennessee  
719 Andy Holt Tower  
Knoxville, TN 37996-0170  
[scoggins@tennessee.edu](mailto:scoggins@tennessee.edu)  
865-974-3245

Theresa Liedtka  
Dean, Lupton Library  
University of Tennessee at Chattanooga  
[theresa-liedtka@utc.edu](mailto:theresa-liedtka@utc.edu)  
423-425-4508

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

None.

**RULES  
OF  
THE UNIVERSITY OF TENNESSEE AT CHATTANOOGA**

**CHAPTER 1720-2-7  
LIBRARY FINES**

**TABLE OF CONTENTS**

1720-2-7-.01	Library Fines	1720-2-7-.03	Repealed
1720-2-7-.02	Repealed		

**1720-2-7-.01 LIBRARY FINES.**

- (1) There are no fines for overdue items borrowed from the library's regular book or audiovisual collections. For lost or billed items, however, borrowers are assessed a flat replacement fee of \$100.00 the current cost of replacement for each item plus a nonrefundable processing fee of \$15.00 for each book item. Upon request by a borrower, in lieu of the flat replacement fee, the borrower will be allowed to either pay the library the amount of the market cost to replace the item or provide the library with a replacement item acceptable to the library.
- (2) Hourly reserve items and library equipment are subject to an overdue fines of \$5.00~~25~~ cents per hour, up to a limit of \$15.00 for each item. Daily reserve items are subject to an overdue fine of \$1.00 per hour, up to a limit of \$15.00 for each item.
- (3) Other library resources (e.g., study rooms, laptops) are subject to an overdue fine of \$5.00 per hour, up to a limit of \$15.00 for each resource.
- (34) If fines for overdue books and charges for lost books are not paid as required, the borrowers will be blocked from use of the library and not permitted by the business office and registrar (on this or other campuses of the University) either to register or to receive course credits and transcripts until the outstanding obligations are fully cleared.

**Authority:** Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5 and Public Acts of Tennessee, 1807, Chapter 64. **Administrative History:** Original rule filed September 15, 1976; effective October 15, 1976. Amendment filed August 31, 1982; effective November 15, 1982. Repealed by Public Chapter 575; effective July 1, 1986. New rule filed May 27, 1986; effective August 12, 1986. Amendment filed November 13, 1987; effective February 28, 1988; Amendment filed November 17, 2008; effective March 30, 2009.

**1720-2-7-.02 REPEALED.**

**Authority:** Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5 and Public Acts of Tennessee, 1807, Chapter 64. **Administrative History:** Original rule filed September 15, 1976; effective October 15, 1976. Amendment filed August 22, 1980; effective December 1, 1980. Amendment filed August 31, 1982; effective November 15, 1982. Repealed by Public Chapter 575; effective July 1, 1986.

**1720-2-7-.03 REPEALED.**

**Authority:** Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5 and Public Acts of Tennessee, 1807, Chapter 64. **Administrative History:** Original rule filed September 15, 1976; effective October 15,

*1976. Amendment filed August 22, 1980; effective December 1, 1980. Amendment filed August 31, 1982; effective November 15, 1982. Repealed by Public Chapter 575; effective July 1, 1986.*