

Public Necessity Rules
of the
Tennessee Department of Safety
Division of Driver License Issuance

Chapter 1340-1-13
Rules of Classified and Commercial Driver Licenses
And Certificates For Driving

Presented herein are the Public Necessity rules of the Division of Driver License Issuance, Department of Safety submitted pursuant to T.C.A. §4-5-209. The Department of Safety finds that the emergency adoption of these Public Necessity Rules is necessary for the safety of Tennessee and its residents because the current Public Necessity Rules will expire nearly two months before the Proposed Rules will take effect. This constitutes a public safety concern as the Department will not be able to issue Temporary Driver Licenses to Tennessee residents who are non-United States citizens. If the Department is unable to issue these licenses, thousands of Tennessee residents will be unable to legally travel to work, school, or other daily activities, including highly skilled foreign workers who are employed at Tennessee businesses such as Nissan and the Oak Ridge facilities.

The Department additionally has an interest in ensuring that all Tennessee residents can receive valid driver's licenses or photo identification licenses as part of the State's ongoing commitment to ensure the Safety and security of the public under the Department's Homeland Security powers. The Department could not reasonably foresee the emergency lasting longer than the life of the existing Public Necessity Rules.

For copies of the entire text of the proposed amendments, contact: Lizabeth Hale, Staff Attorney, Tennessee Department of Safety, 1150 Foster Avenue, Nashville, TN 37249-1000; (615) 251-5349.

The text of the proposed amendments is as follows:

Amendment

Chapter 1340-1-13 Classified and Commercial Drivers Licenses and Certificates for Driving is amended by deleting the title in its entirety and a new title substituted in its place, so that, as amended, the title shall read:

Classified and Commercial Driver Licenses and Temporary Driver Licenses

Authority: T.C.A. §§55-50-202, 55-50-322, 55-50-331(g), 55-50-338, 55-50-410 and Public Chapter No. 194, 2007.

Amendment

Rule-1340-1-13-.01 Purpose is amended by deleting the words “Certificates for Driving” and substituting the words “Temporary Driver Licenses” in their place, so that, as amended, the rule shall read:

To establish uniform standards and systems for administering Temporary Driver Licenses and Classified and Commercial Driver Licenses, as defined herein, under the provisions of T.C.A. §55-50-101, et seq.

Authority: T.C.A. §§55-50-202, 55-50-322, 55-50-331(g), 55-50-338, 55-50-410 and Public Chapter No. 194, 2007.

Amendment

Subparagraph (a) of paragraph (4) of Rule 1340-1-13.-02 Definitions is amended by deleting the term “Type T.” and substituting the term “Type TD.”, so that, as amended, the subparagraph shall read:

- (a) Type TD. The certificate that must be issued and valid for the operation of any single vehicle with a G.V.W.R. of twenty-six thousand (26,000) pounds or less, or any combination of vehicles with a G.C.W.R. of twenty six thousand (26,000) pounds or less, and are not included in the definitions of Class A, B, C or M.

Authority: T.C.A. §§55-50-102, 55-50-202, 55-50-321, 55-50-331, 55-50-410.

Amendment

Subparagraph (d) of paragraph (4) of Rule 1340-1-13.-02 Definitions is amended by deleting the term “Type PT.” and substituting the term “Type TP.”, so that, as amended, the subparagraph shall read:

- (d) Type TP. An instructional permit to allow the operator to drive a particular class of vehicle on an instructional basis only. Issued only in conjunction with a certificate for driving indicating the class of vehicle(s) which the operator is legally entitled to operate.

Authority: T.C.A. §§55-50-102, 55-50-202 55-50-321, 55-50-331, 55-50-410.

Amendment

Paragraph (12) of Rule 1340-1-13.-02 Definitions is amended by deleting the term ”CYR” and substituting the term “C.F.R.”, so that, as amended, the paragraph shall read:

- (12) Controlled Substance means any substance classified under Section 102(6) of the Controlled Substances Act, 21 U.S.C. §802(6), and includes all substances listed on Schedules I through V, of 21 C.F.R. § 1308 (1985), as they may be revised from time to time.

Authority: T.C.A. §§55-50-102, 55-50-202.

Amendment

Subparagraph (e) of paragraph (19) of Rule 1340-1-13-.02 Definitions is amended by adding the words “which may be” after the word “license” and, so that, as amended, the subparagraph shall read:

- (e) Class H. A special class license which may be issued to a minor between fourteen (14) and sixteen (16) years of age and restricted to the operation of a Class D or Class M vehicle.

Authority: T.C.A. §§55-50-102, 55-50-202 and 55-50-312.

Amendment

Rule 1340-1-13-.02 Definitions is amended inserting a new paragraph (20) and renumbering the subsequent paragraphs accordingly, so that, as amended, the Rule shall read:

- (20) Emancipated Minor means a child who has been granted the status of adulthood by court order, marriage or enlistment in the United States armed forces.

Authority: T.C.A. §§55-50-102, 55-50-202 and 55-50-312.

Amendment

Newly renumbered paragraph (21) of Rule 1340-1-13-.02 Definitions (formerly paragraph (20)) is amended by deleting the phrase “Class D vehicles” and substituting the phrase “Class D licenses”, so that, as amended, the paragraph shall read:

- (21) Endorsements mean special authorizations required to be displayed on Class A, B, or C driver licenses which permit the driver to operate certain types of commercial motor vehicles; or special authorization required to be displayed on Class D licenses to operate the vehicle as a chauffeur.

Authority: T.C.A. §§55-50-102, 55-50-202 and 55-50-302.

Amendment

Rule 1340-1-13-.02 Definitions is amended by inserting a new paragraph (26) and renumbering the subsequent paragraphs accordingly, so that, as amended, the Rule shall read:

- (26) Hardship means a circumstance which would cause extreme privation and/or suffering.

Authority: T.C.A. §§55-50-102, 55-50-202 and 55-50-312.

Amendment

Rule 1340-1-13-.02 Definitions is amended by deleting the language in newly renumbered paragraph (49) (formerly paragraph (47)) in its entirety and substituting new language, so that, as amended, the Rule shall read:

- (49) Suspension of Driver License, Temporary Driver License or Certificate for Driving means the temporary withdrawal by formal action from the Department of a person's driver license, temporary driver license, certificate for driving or privilege to operate a motor vehicle on the public highways, which temporary withdrawal shall be for a period specifically designated by the Department, not to exceed six (6) months for any first offense except as provided otherwise under law.

Authority: T.C.A. §§55-50-102, 55-50-202, 55-50-321, 55-50-331, 55-50-410 and Public Chapter No. 194, 2007.

Amendment

Rule 1340-1-13-.02 Definitions is amended by adding a new paragraph (50) and renumbering the subsequent paragraphs accordingly, so that, as amended, the rule shall read:

- (50) Temporary Driver License means a license issued by the Department to an individual which authorizes the individual to operate a motor vehicle on the highways for the individual's authorized period of stay in the United States or, if there is no definite end to the period of authorized stay, a period of one year.

Authority: T.C.A. §§55-50-102, 55-50-202, 55-50-321, 55-50-331, 55-50-410 and Public Chapter No. 194, 2007.

Amendment

Rule 1340-1-13-.02 Definitions is amended by adding a new paragraph (51) and renumbering the subsequent paragraphs accordingly, so that, as amended, the rule shall read:

(51) Temporary Driver Licenses – Classes:

- (a) Class XD. The temporary driver license that must be issued and valid for the operation of any single vehicle with a G.V.W.R. of twenty-six thousand (26,000) pounds or less, or any combination of vehicles with a G.C.W.R. of twenty six thousand (26,000) pounds or less, and are not included in the definitions of Class A, B, C or M.
- (b) Class XH. A special class of temporary driver license which may be issued to a minor between fourteen (14) and sixteen (16) years of age and restricted to the operation of a Class D or a Class M vehicle.
- (c) Class XM. The temporary driver license that must be issued and valid for the operation of a motorcycle, motor driven cycle, or a motorized bicycle as defined in Chapter 1340-1-12.
- (d) Class XP. An instructional permit to allow the operator to drive a particular class of vehicle on an instructional basis only. Issued only in conjunction with a temporary driver license indicating the class of vehicle(s) which the operator is legally entitled to operate.

Authority: T.C.A. §§55-50-102, 55-50-202, 55-50-321, 55-50-331, 55-50-410 and Public Chapter No. 194, 2007.

Amendment

Rule 1340-1-13-.02 Definitions is amended by adding a new paragraph (52) and renumbering the subsequent paragraphs accordingly, so that, as amended, the rule shall read:

- (52) Temporary Photo Identification License means a temporary license issued for identification purposes only, and which grants no authorization to operate a motor vehicle. A temporary photo identification license shall be valid only during the period of time of the individual's authorized stay in the United States or, if there is no definite end to the period of authorized stay, a period of one (1) year.

Authority: T.C.A. §§55-50-102, 55-50-202, 55-50-321, 55-50-331, 55-50-336, 55-50-410 and Public Chapter No. 194, 2007.

Amendment

Rule 1340-1-13-.03 Driver License and Certificate for Driving Classifications is amended by deleting the words “Certificate for Driving” and substituting the words “Temporary Driver License”, so that, as amended, the title shall read:

Driver License and Temporary Driver License Classifications

Authority: T.C.A. §§55-50-202, 55-50-321, 55-50-331 and Public Chapter No. 194, 2007.

Amendment

Subparagraph (e) of paragraph (2) of Rule 1340-1-13-.03 is amended by deleting the current language in its entirety and substituting the following language, so that, as amended, the subparagraph shall read:

- (e) Class H (Non-Commercial) – A special class license which may be issued to a minor at least fourteen (14) years of age but not yet sixteen (16) years of age, only in cases where review of required documentation substantiates a family hardship and that is limited to a specific need.
 - 1. A person holding a valid Class H license may operate Class D (passenger) or Class M (motor-driven cycle) vehicles only. However, to drive a Class M vehicle, the applicant shall be required to take the Class M driving test in addition to the Class D test.
 - 2. Valid only for daylight hours, but no earlier than 5:00 a.m. and no later than 7:00 p.m. No exceptions.
 - 3. Valid only for travel to pre-authorized locations that are specified on the authorization letter.
 - 4. Passengers are limited to immediate family members only.
 - 5. A person holding a valid Class H license is not allowed to tow other vehicles or trailers.
 - 6. Approved for the most direct routes only with a mileage limitation of 25 miles, one way.
 - 7. Destinations that will be considered for approval with appropriate justification include:
 - (i) School – only if no bus transportation is provided;

- (ii) Extracurricular School Activities – only if no bus transportation is provided and these activities are school sponsored or are accredited courses and extreme privation exists;
 - (iii) Work – only if income is required to help financially support the family (proof of combined gross income in the form of a copy of previous year’s income tax record may be required); and
 - (iv) Medical – only for serious illnesses of immediate family members. Family members may include parents, grandparents, stepparents or legal guardians if living in the same household as applicant. Documentation required from physician.
 - (v) Hardship destinations as determined by the Commissioner.
8. If the holder of the Class H license is at least fifteen (15) years of age, the Class H license may be used as a learner permit for Class D vehicles, as long as all other requirements pertaining to the appropriate Class P license are met.

Authority: T.C.A. §§4-5-202, 55-50-102(20), 55-50-202, 55-50-311, 55-50-321 and 55-50-331.

Amendment

Paragraph (3) of Rule 1340-1-13-.03 Driver License and Temporary Driver License Classifications is amended by deleting the paragraph in its entirety and substituting a new paragraph (3), so that, as amended the paragraph shall read:

- (3) Requirements for determining the temporary driver license classification are as follows:
 - (a) Class XD (Non-Commercial Temporary Driver License). Required for any person whose presence in the United States has been authorized by the federal government for a specific purpose and for a specified period of authorized stay or who does not satisfy the requirements of T.C.A. §§55-50-331(g) or 55-50-321(c)(1)(C) who operates a single vehicle with a G.V.W.R. not in excess of twenty-six thousand (26,000) pounds, or a combination vehicle with a G.C.W.R. not in excess of twenty-six thousand (26,000) pounds, except Classes A, B, C or M or vehicles which require a special endorsement unless the proper endorsement appears on the license.

- (b) Class XH (Non-Commercial Temporary Driver License). A special class temporary driver license which may be issued to a minor at least fourteen (14) years of age but not yet sixteen (16) years of age, only in cases where review of required documentation substantiates a family hardship and that is limited to a specific need.
1. A person holding a valid Class XH temporary driver license may operate Class D (passenger) or Class M (motor-driven cycle) vehicles only. However, to drive a Class M vehicle, the applicant shall be required to take the Class M driving test in addition to the Class D test.
 2. Valid only for daylight hours, but no earlier than 5:00 a.m. and no later than 7:00 p.m. No exceptions.
 3. Valid only for travel to pre-authorized locations that are specified on the authorization letter.
 4. Passengers are limited to immediate family members only.
 5. A person holding a valid Class XH temporary driver license is not allowed to tow other vehicles or trailers.
 6. Approved for the most direct routes only with a mileage limitation of 25 miles, one way.
 7. Destinations that will be considered for approval with appropriate justification include:
 - (i) School – only if no bus transportation is provided;
 - (ii) Extracurricular School Activities – only if no bus transportation is provided and these activities are school sponsored or are accredited courses and extreme privation exists;
 - (iii) Work – only if income is required to help financially support the family (proof of combined gross income in the form of a copy of previous year’s income tax record may be required); and
 - (iv) Medical – only for serious illnesses of immediate family members. Family members may include parents, grandparents, stepparents or legal guardians if living in the

same household as applicant. Documentation required from physician.

- (v) Hardship destinations as determined by the Commissioner.
8. If the holder of the Class XH temporary driver license is at least fifteen (15) years of age, the Class XH temporary driver license may be used as a learner permit for Class D vehicles, as long as all other requirements pertaining to the appropriate Class XP temporary driver license are met.
- (c) Class XM (Non-Commercial Temporary Driver License). The temporary driver license that must be issued and valid for the operation of a motor driven cycle, or a motorized bicycle as defined in Chapter 1340-1-12.
 - (d) Class XP (Non-Commercial Temporary Driver License). An instructional permit to allow the operator to drive a particular class of vehicle on an instructional basis only. Issued only in conjunction with a temporary driver license indicating the class of vehicle(s) that the operator is legally entitled to operate.

Authority: T.C.A. §§55-50-202, 55-50-321, 55-50-331 and Public Chapter No. 194, 2007.

Amendment

Paragraph (4) of Rule 1340-1-13-.03 is amended by adding the words “or temporary photo identification license” after the word “license”, so that, as amended, the paragraph shall read:

- (4) An original photo identification license or temporary photo identification license shall be issued to any qualified applicant for identification purposes only with no authorization to operate any motor vehicle.

Authority: T.C.A. §§55-50-202, 55-50-321, 55-50-331, 55-50-336, and Public Chapter No. 194, 2007.

Amendment

Subparagraph (g) of paragraph (3) of Rule 1340-1-13-.04 Endorsements is amended by deleting the word “certificate” and substituting the words “temporary driver license” so that as amended the subparagraph shall read:

- (g) For-Hire (F) - Required of a chauffeur for operation of a Class D vehicle, including Class XD temporary driver license holders. Not required for persons holding Commercial Driver Licenses.

Authority: T.C.A. §§55-50-202, 55-50-321, 55-50-331 and Public Chapter No. 194, 2007.

Amendment

Paragraph (2) of Rule 1340-1-13-.05 Instructional Permits is amended by deleting the language in its entirety and substituting new language, so that, as amended the paragraph shall read:

- (2) Applicants for a Class PA, PB, PC or PD license or Class XPD temporary driver license must meet all requirements of the particular class license or temporary driver license for which they are applying, except for the demonstration of driving skills. Applicants for a Class PM license or Class XPM temporary driver license must meet requirements specified in 1340-1-12.

Authority: T.C.A. §§55-50-102, 55-50-202, 55-50-304, 55-50-311, 55-50-323, 55-50-331, 55-50-338, 49 C.F.R. §383.23 (1992) and Public Chapter No. 194, 2007.

Amendment

Paragraph (3) of Rule 1340-1-13-.05 Instructional Permits is amended by deleting the language in its entirety and substituting new language, so that, as amended the paragraph shall read:

- (3) Students learning to drive a Class D vehicle are not required to obtain a Class PD license or XPD temporary driver license if all conditions specified in 1340-1-13-.07(1)(d) are satisfied.

Authority: T.C.A. §§ 55-50-102, 55-50-202, 55-50-304, 55-50-311, 55-50-323, 55-50-331, 55-50-337, 55-50-338, 49 C.F.R. §383.23 (1992) and Public Chapter No. 194, 2007.

Amendment

Paragraph (4) of Rule 1340-1-13-.05 Instructional Permits is amended by deleting the phrase “PT certificate” and substituting the phrase “XPD temporary driver license”, so that, as amended, the paragraph shall read:

- (4) Conditions under which holders of Class P license or Class XPD temporary driver license are permitted to operate motor vehicles are as follows:

Authority: T.C.A. §§ 55-50-102, 55-50-202, 55-50-304, 55-50-311, 55-50-323, 55-50-331, 55-50-337, 55-50-338, 49 C.F.R. §383.23 (1992) and Public Chapter No. 194, 2007.

Amendment

Subparagraph (a) of paragraph (4) of Rule 1340-1-13-.05 Instructional Permits is amended by deleting the language in its entirety and substituting new language, so that, as amended, the subparagraph shall read:

- (a) A Class PD license or Class XPD temporary driver license holder shall be permitted to operate a Class D vehicle whenever accompanied by a licensed driver who is at least twenty-one years old, fit and capable of exercising physical control over the vehicle and occupying a seat beside the driver; provided further that:
 - 1. If all conditions necessary for a minor to operate a Class D vehicle with a Class PD license or Class XPD temporary driver license are met, holders of a Class H license or Class XH temporary driver license shall be entitled to the Class PD or XPD privileges.

Authority: T.C.A. §§ 55-50-102, 55-50-202, 55-50-304, 55-50-311, 55-50-323, 55-50-331, 55-50-337, 55-50-338, 49 C.F.R. §383.23 (1992) and Public Chapter No. 194, 2007.

Amendment

Rule 1340-1-13-.06 Photo Identification Licenses is amended by adding a new paragraph (2) and renumbering the subsequent paragraphs, so that, as amended, the new paragraph shall read:

- (2) Applicants for temporary photo identification license may be of any age, and:
 - (a) Must show proof of their identity and Tennessee residency;
 - (b) Hold no other class of license;
 - (c) If under the age of eighteen (18), must satisfy the additional requirements specified in 1340-1-13-.13(1)(a); and
 - (d) Must show proof that presence in the United States has been authorized by the federal government for an authorized purpose and for a specified period of authorized stay.

Authority: T.C.A. §§55-50-102, 55-50-202, 55-50-311, 55-50-323, 55-50-331 and 55-50-336 and Public Chapter No. 194, 2007.

Amendment

Rule 1340-1-13-.06 Photo Identification Licenses is amended by adding a new paragraph (4) and renumbering the subsequent paragraph accordingly, so that, as amended, the new paragraph (4) shall read:

- (4) Temporary photo identification licenses shall expire at the end of the individual's authorized stay in the United States or, if there is no definite end to the period of authorized stay, after a period of one (1) year.

Authority: T.C.A. §§55-50-102, 55-50-202, 55-50-311, 55-50-323, 55-50-331 and 55-50-336 and Public Chapter No. 194, 2007.

Amendment

Subparagraph (b) of newly renumbered paragraph (5) of Rule 1340-1-13-.06 Photo Identification Licenses is amended by deleting the words "Immigration and Naturalization Service" and substituting the words "Department of Homeland Security", so that, as amended, the subparagraph shall read:

- (b) Documentation issued by the United States Department of Homeland Security acceptable to the Department.

Authority: T.C.A. §§55-50-102, 55-50-202, 55-50-311, 55-50-323, 55-50-331 and 55-50-336.

Amendment

Paragraph (1) of Rule 1340-1-13-.08 General Eligibility Standards is amended by deleting the paragraph in its entirety and substituting a new paragraph, so that, as amended, paragraph shall read:

- (1) Eligibility requirements for a Tennessee driver license, intermediate license, photo identification license, instructional permit, temporary driver license, temporary intermediate driver license, temporary photo identification license and temporary instructional permit:
 - (a) To be eligible to apply for a driver license, intermediate license, photo identification license or instructional permit, applicants are required to be a resident of Tennessee and a United States citizen or a lawful permanent resident of the United States.
 - (b) To be eligible to apply for a temporary driver license, temporary intermediate driver license, temporary photo identification license or temporary instructional permit, an applicant's presence must be authorized by the federal government for a specific purpose and for a specified period of authorized stay, provided that no temporary license shall be issued for a period of less than one (1) year or longer than five (5) years. Such applicant shall be a resident of Tennessee and meet all other identification and residency requirements required by the Department.

Authority: T.C.A. §§55-50-202, 55-50-301, 55-50-303, 55-50-321, 55-50-331, 55-50-504 and 55-50-410, 49 C.F.R. §383 (1992), Title VI, Public Law 99-570, §§12005 and 12009 and Public Chapter No. 194, 2007.

Amendment

Paragraph (2) of Rule 1340-1-13-.08 General Eligibility Standards is amended by deleting the words “certificate for driving” and substituting the words “temporary driver license”, so that, as amended, the paragraph shall read:

- (2) If an applicant is found to be eligible to apply for a license or temporary driver license, before that license or temporary driver license is issued, all requirements regarding the proper submission of an application must be satisfied, including, but not limited to, passing all necessary vision, knowledge and/or skills tests and paying all appropriate fees and fines.

Authority: T.C.A. §§55-50-202, 55-50-301, 55-50-303, 55-50-321, 55-50-322, 55-50-331, 55-50-504 and 55-50-410, 49 C.F.R. §383 (1992), Title VI, Public Law 99-570, §§12005 and 12009 and Public Chapter No. 194, 2007.

Amendment

Subparagraph (a) of paragraph (4) of Rule 1340-1-13-.08 General Eligibility Standards is deleted in its entirety and subparagraph (b) is re-lettered to subparagraph (a).

Authority: T.C.A. §§55-50-202, 55-50-301, 55-50-303, 55-50-321, 55-50-322, 55-50-331, 55-50-504 and 55-50-410, 49 C.F.R. §383 (1992), Title VI, Public Law 99-570, §§12005 and 12009 and Public Chapter No. 194, 2007.

Amendment

Paragraph (5) of Rule 1340-1-13-.08 General Eligibility Standards is amended by deleting the words “Type T certificates for driving” and substituting the words “Class XD temporary driver licenses”, so that, as amended, the paragraph shall read:

- (5) Applicants for Class D licenses or Class XD temporary driver licenses must meet the minimum standards:

Authority: T.C.A. §§55-50-202, 55-50-301, 55-50-303, 55-50-331, 55-50-504 and 55-50-410, 49 C.F.R. §383 (1992), Title VI, Public Law 99-570, §§12005 and 12009 and Public Chapter No. 194, 2007.

Amendment

Subparagraph (c) of paragraph (5) of Rule 1340-1-13-.08 General Eligibility Standards is amended by deleting the words “certificate for driving” and substituting the words “temporary driver license”, so that, as amended, the subparagraph shall read:

- (c) Driver license or temporary driver license status – Applicants’ privilege to drive shall not be under suspension, cancellation, revocation, or denial in this or any other state.

Authority: T.C.A. §§55-50-202, 55-50-301, 55-50-303, 55-50-331, 55-50-504 and 55-50-410, 49 C.F.R. §383 (1992), Title VI, Public Law 99-570, §§12005 and 12009 and Public Chapter No. 194, 2007.

Amendment

Paragraph (6) of Rule 1340-1-13-.08 General Eligibility Standards is amended by deleting the words “Type PT certificate” and substituting the words “Class XP temporary driver license”, and by deleting the term “Type T” and substituting the term “Class XD”, so that, as amended, the paragraph shall read:

- (6) Applicants for a Class PD license or Class XP temporary driver license shall meet the same standards specified above for Class D or Class XD, except that applicants shall be at least fifteen (15) years of age; further, those under eighteen (18) years of age shall fulfill all additional requirements specified in 1340-1-13-.13(1)(b) and (c) for the licensing of minors.

Authority: T.C.A. §§55-50-202, 55-50-301, 55-50-303, 55-50-331, 55-50-504 and 55-50-410, 49 C.F.R. §383 (1992), Title VI, Public Law 99-570, §§12005 and 12009 and Public Chapter No. 194, 2007.

Amendment

Paragraph (7) of Rule 1340-1-13-.08 General Eligibility Standards is amended by deleting the words “Type T certificate” and substituting the words “Class XD temporary driver license”, so that, as amended, the paragraph shall read:

- (7) To obtain the For-Hire (F) endorsement, required to be added to the Class D license or Class XD temporary driver license for persons hired to drive as chauffeurs, the applicant must meet the same standards specified for Class D, except that applicants shall be at least eighteen (18) years of age.

Authority: T.C.A. §§55-50-202, 55-50-301, 55-50-303, 55-50-331, 55-50-504 and 55-50-410, 49 C.F.R. §383 (1992), Title VI, Public Law 99-570, §§12005 and 12009 and Public Chapter No. 194, 2007.

Amendment

Paragraph (8) of Rule 1340-1-13-.08 General Eligibility Standards is amended by deleting the words “Type TM certificates” and substituting the words “Class XM temporary driver licenses, and by deleting the words “Type PTTM certificates” and substituting the words “Class XPM temporary driver licenses”, so that, as amended, the paragraph shall read:

- (8) Applicants for Class M and Class PM licenses or Class XM temporary driver licenses and Class XPM temporary driver licenses must meet the eligibility standards specified for Class D, except as provided for in 1340-1-12.

Authority: T.C.A. §§55-50-202, 55-50-301, 55-50-303, 55-50-331, 55-50-504 and 55-50-410, 49 C.F.R. §383 (1992), Title VI, Public Law 99-570, §§12005 and 12009 and Public Chapter No. 778, 2004.

Amendment

Paragraph (9) of Rule 1340-1-13-.08 General Eligibility Standards is amended by deleting the current language in its entirety and substituting the following language so that, as amended, the paragraph shall read:

- (9) Applicants for Class H licenses or Class XH temporary driver licenses must meet the same eligibility standards specified for Class D in subpart (5) above, except that:
 - (a) Applicants shall be between fourteen (14) and sixteen (16) years of age;
 - (b) Applicants shall demonstrate by providing documentation that a hardship, as defined at 1340-1-13-.02(25), would result if such license were not approved;
 - (c) Applicants shall not have to meet the requirements specified in 1340-1-13-.13(d); and
 - (d) All Class H licenses expire on the 16th birthday. Class XH temporary driver licenses expire based upon legal presence documents or on the 16th birthday, whichever comes first.

Authority: T.C.A. §§4-5-202, 55-50-102(6), 55-50-102(20), 55-50-202, 55-50-311, 55-50-321 and 55-50-331 and Public Chapter No. 194, 2007.

Amendment

Subparagraph (b) of paragraph (1) of Rule 1340-1-13-.09 Mental and Physical Standards is amended by changing the citation “1340-1-4-.05” to “1340-1-4-.06” so that, as amended, the subparagraph shall read:

- (b) In cases where the Department receives a report regarding a license holder’s mental or physical fitness pursuant to 1340-1-4-.06, the licensee shall be eligible to apply for a license only after meeting all requirements contained in that subsection as evidenced by the presentation of an approval letter from the Department.

Authority: T.C.A. §§4-5-202, 55-50-303, 55-50-322 and 55-50-331.

Amendment

Paragraph (5) of Rule 1340-1-13-.09 Mental and Physical Standards is amended by deleting the words “certificates for driving” and substituting the words “temporary driver licenses”, so that, as amended, the paragraph shall read:

- (5) The mental and physical standards in this rule applicable to non-commercial driver licenses shall also apply to applicants for and holders of temporary driver licenses.

Authority: T.C.A. §§55-50-202, 55-50-322, 55-50-331, 55-50-410, C.F.R. §391.41 (1989) and Public Chapter No. 194, 2007.

Amendment

Paragraph (7) of Rule 1340-1-13-.10 Vision Standards is amended by deleting the words “certificates for driving” and substituting the words “temporary driver licenses” so that as amended, the rule shall read:

- (7) The vision standards in this rule applicable to non-commercial driver license shall also apply to applicants for and holders of temporary driver licenses.

Authority: T.C.A. §§55-50-202, 55-50-322, 55-50-331, 55-50-410, C.F.R. §391.41 (1989) and Public Chapter No. 194, 2007.

Amendment

Paragraph (1) of Rule 1340-1-13-.11 Application Requirements is amended by deleting paragraph (1) in its entirety and inserting a new paragraph, so that, as amended, the paragraph shall read:

- (1) Applicants for commercial driver licenses, non-commercial driver licenses, intermediate driver licenses, instructional permits, photo identification licenses,

temporary driver licenses, temporary intermediate driver licenses, temporary instructional permits and temporary photo identification licenses shall complete in full an application prior to the issuance of such licenses and permits.

Authority: T.C.A. §§55-50-202, 55-50-322, 55-50-331, 55-50-410, 49 C.F.R. §391.41 (1989) and Public Chapter No. 194, 2007.

Amendment

Subparagraph (a) of paragraph (2) of Rule 1340-1-13-.11 Application Requirements is deleted in its entirety.

Authority: T.C.A. §§55-50-202, 55-50-322, 55-50-331, 55-50-410.

Amendment

Paragraph (4) of Rule 1340-1-13-.11 Application Requirements is amended by deleting the word “certificate” and substituting the words “temporary license” after the word “license”, so that as amended the paragraph shall read:

- (4) Applicants shall submit with their application the appropriate fee for the license or temporary license, including any required endorsement fees and a non-refundable application fee.

Authority: T.C.A. §§55-50-202, 55-50-322, 55-50-331, 55-50-410 and 49 C.F.R. §391.41 (1989) and Public Chapter No. 194, 2007.

Subparagraph (j) of paragraph (8) of Rule 1340-1-13-.11 Application requirements is amended by deleting the language in its entirety and substituting new language, so that as amended, the subparagraph shall read:

- (j) Permanent Resident Card (I-551);

Authority: T.C.A. §§55-50-202, 55-50-312, 55-50-321, 55-50-322, 55-50-331, 55-50-336, 55-50-406, 55-50-410, 49 C.F.R. §391.41 (1989) and 49 C.F.R. §383 (1992).

Amendment

Paragraph (9) of Rule 1340-1-13-.11 Application Requirements is amended by deleting the words “certificate for driving” and substituting the words “temporary driver license, temporary intermediate driver license, temporary instructional permit or temporary photo identification license”, so that as amended the rule shall read:

- (9) Applicants applying for a temporary driver license, temporary intermediate driver license, temporary instructional permit or temporary photo identification license whose presence in the United States has been authorized by the federal

government for a specific purpose and for a specific period of authorized stay shall present proof acceptable to the Department of such authorized stay. Such proof may include, but not be limited to the following:

Authority: T.C.A. §§55-50-202, 55-50-312, 55-50-321, 55-50-331, 55-50-336, 55-50-406, 49 C.F.R. §383 (1992) and Public Chapter No. 194, 2007.

Amendment

Subparagraph (b) of paragraph (9) of Rule 1340-1-13-.11 Application Requirements is amended by deleting the language in its entirety and substituting new language, so that, as amended, the subparagraph shall read:

- (b) Valid Foreign Passport with Visa and unexpired I-94;

Authority: T.C.A. §§55-50-202, 55-50-312, 55-50-321, 55-50-322, 55-50-331, 55-50-336, 55-50-406, 55-50-410, 49 C.F.R. §391.41 (1989) and 49 C.F.R. §383 (1992).

Amendment

Subparagraph (c) of paragraph (9) of Rule 1340-1-13-.11 Application Requirements is amended by adding the word “unexpired” before the term “I-94”, so that, as amended, the subparagraph shall read:

- (b) Valid Foreign Passport with Visa and unexpired I-94 or I-94W (from Visa Waiver Program Participating Country).

Authority: T.C.A. §§55-50-202, 55-50-312, 55-50-321, 55-50-322, 55-50-331, 55-50-336, 55-50-406, 55-50-410, 49 C.F.R. §391.41 (1989) and 49 C.F.R. §383 (1992).

Amendment

Paragraph (9) of Rule 1340-1-13-.11 Application Requirements is amended by adding a subparagraph (e) that reads:

- (e) Valid employment authorization card (I688B or I766).

Authority: T.C.A. §§55-50-202, 55-50-312, 55-50-321, 55-50-322, 55-50-331, 55-50-336, 55-50-406, 55-50-410, 49 C.F.R. §391.41 (1989) and 49 C.F.R. §383 (1992).

Amendment

Rule 1340-1-13-.11 Application Requirements is amended by adding a Paragraph (10) that reads:

- (10) The Commissioner is authorized to adopt the rules and regulations, exemptions and policies promulgated by the United States Secretary of Homeland Security. The Department is also authorized to utilize any verification process to comply with any rules and regulations, exemptions and policies promulgated by the United States Secretary of Homeland Security.

Authority: T.C.A. §§55-50-202, 55-50-312, 55-50-321, 55-50-331, 55-50-336, 55-50-406, 49 C.F.R. §383 (1992) and Public Chapter No. 194, 2007.

Amendment

Paragraph (1) of Rule 1340-1-13-.12 Proof of Date of Birth, Residency, Lawful Permanent Residency and Identification is amended by deleting paragraph (1) in its entirety and substituting a new paragraph, so that as amended the rule shall read:

- (1) The Driver License Examiner will require positive proof of date of birth, residency, and identification of any person applying for any class of driver license, intermediate driver license, instructional permit, photo identification license, temporary driver license, temporary intermediate driver license, temporary instructional permit or temporary photo identification license.

Authority: T.C.A. §§55-50-202, 55-50-303, 55-50-321, 55-50-331, 49 C.F.R. §383.153 (1992) and Public Chapter No. 194, 2007.

Amendment

Subparagraph (c) of paragraph (2) of Rule 1340-1-13-.12 Proof of Date of Birth, Residency and Identification is amended by deleting the language in its entirety and substituting new language, so that, as amended, the subparagraph shall read:

- (c) Valid Foreign Passport or Permanent Resident Card

Authority: T.C.A. §§55-50-202, 55-50-303, 55-50-321, 55-50-331, 49 C.F.R. §383.153 (1992).

Amendment

Subparagraph (l) of paragraph (2) of Rule 1340-1-13-.12 Proof of Date of Birth, Residency and Identification is amended by deleting the language in its entirety and substituting new language, so that, as amended, the subparagraph shall read:

- (l) U.S. Department of Homeland Security documentation

Authority: T.C.A. §§55-50-202, 55-50-303, 55-50-321, 55-50-331, 49 C.F.R. §383.153 (1992).

Amendment

Paragraph (2) of Rule 1340-1-13-.12 Proof of Date of Birth, Residency and Identification is amended by adding a new subparagraph (n) and re-lettering the current subparagraph (n) to (o), so that, as amended, the new subparagraph (n) shall read:

- (n) Valid or expired U.S. Passport

Authority: T.C.A. §§55-50-202, 55-50-303, 55-50-321, 55-50-331, 49 C.F.R. §383.153 (1992).

Amendment

Paragraph (7) of Rule 1340-1-13-.12 Proof of Date of Birth, Residency, Lawful Permanent Residency and Identification is amended by deleting the words “or certificate for driving” and substituting the words “intermediate driver license, instructional permit, photo identification license, temporary driver license, temporary intermediate driver license, temporary instructional permit or temporary photo identification license”, so that as amended the rule shall read:

- (7) An applicant seeking to obtain a driver license, intermediate driver license, instructional permit, photo identification license, temporary driver license, temporary intermediate driver license, temporary instructional permit or temporary photo identification license upon initial issuance shall provide acceptable proof of residency which shall consist of providing two (2) documents including, but not limited to, the following, which must include the applicant’s name or the name of the applicant’s spouse, if the applicant has a spouse, or if the applicant is a minor, the name of a parent or legal guardian:

Authority: T.C.A. §§55-50-202, 55-50-303, 55-50-321, 55-50-331, 49 C.F.R. §383.153 (1992) and Public Chapter No. 194, 2007.

Amendment

Subparagraph (b) of paragraph (8) of Rule 1340-1-13-.12 Proof of Birth, Residency and Identification is amended by deleting the language in its entirety and substituting new language, so that, as amended, the subparagraph shall read:

- (b) Form I-94 issued to the applicant by the U.S. Department of Homeland Security;

Authority: T.C.A. §§55-50-202, 55-50-303, 55-50-321, 55-50-331, 49 C.F.R. §383.153 (1992).

Amendment

Subparagraph (c) of paragraph (8) of Rule 1340-1-13-.12 Proof of Birth, Residency and Identification is amended by deleting the language in its entirety and substituting new language, so that, as amended, the subparagraph shall read:

- (c) Employment authorization document (E.A.D.) issued to the applicant by the U.S. Department of Homeland Security;

Authority: T.C.A. §§55-50-202, 55-50-303, 55-50-321, 55-50-331, 49 C.F.R. §383.153 (1992).

Amendment

Subparagraph (d) of paragraph (8) of Rule 1340-1-13-.12 Proof of Birth, Residency and Identification is amended by deleting the language in its entirety and substituting new language, so that, as amended, the subparagraph shall read:

- (d) I-551 issued to the applicant by the U.S. Department of Homeland Security.

Authority: T.C.A. §§55-50-202, 55-50-303, 55-50-321, 55-50-331, 49 C.F.R. §383.153 (1992).

Amendment

Rule 1340-1-13-.13 Minors Obtaining Licenses or Certificates for Driving is amended by deleting the title in its entirety and substituting a new title, so that as amended the title shall read:

Minors Obtaining Licenses or Temporary Licenses.

Authority: T.C.A. §§49-6-3017, 55-50-312, 55-50-336 and Public Chapter No. 194, 2007.

Amendment

Paragraph (1) of Rule 1340-1-13-.13 Minors Obtaining Licenses or Temporary Licenses is amended by deleting paragraph (1) in its entirety and substituting a new paragraph, so that as amended the paragraph shall read:

- (1) When applying for a driver license, intermediate driver license, instructional permit, photo identification license, temporary driver license, temporary intermediate driver license, temporary instructional permit or temporary photo identification license, applicants under the age of eighteen (18) must also fulfill the following additional requirements:

Authority: T.C.A. §§49-6-3017, 55-50-312, 55-50-336 and Public Chapter No. 194, 2007.

Amendment

Subparagraph (a) of paragraph (1) of Rule 1340-1-13-.13 Minors Obtaining Licenses or Temporary Licenses is amended by adding the words “or temporary photo identification license” after the word “license”, and by adding the word “teenage” before the word “affidavit”, so that, as amended, the subparagraph shall read:

- (a) If applying for a photo identification license or temporary photo identification license the applicant must submit a certified birth certificate and have a parent or legal guardian sign a teenage affidavit and submit proof of their own identity.

Authority: T.C.A. §§49-6-3017, 55-50-312, 55-50-336 and Public Chapter No. 194, 2007.

Amendment

Subparagraph (b) of paragraph (1) of Rule 1340-1-13-.13 Minors Obtaining Licenses or Temporary Licenses is amended by deleting subparagraph (b) in its entirety and substituting a new subparagraph, so that as amended the subparagraph shall read:

- (b) If applying for any type of license, instructional permit or temporary license other than a photo identification license or temporary photo identification license, the applicant must submit a teenage affidavit signed by an adult verifying the applicant’s identity and certifying they are willing to assume on behalf of the minor the obligations imposed upon drivers by state law.

Authority: T.C.A. §§49-6-3017, 55-50-312, 55-50-336 and Public Chapter No. 194, 2007.

Amendment

Subparagraph (c) of paragraph (1) of Rule 1340-1-13-.13 Minors Obtaining Licenses or Temporary Licenses is amended by deleting the words “certificates for driving” and substituting the words “temporary driver licenses”, so that, as amended, the subparagraph shall read:

- (c) Minor applicants for instructional permits, driver licenses or temporary driver licenses must present verification that they are currently enrolled in school; have already graduated from a secondary school; have obtained their general education equivalency degree (G.E.D.); or are excused from these requirement due to circumstances beyond their

control as approved by a representative from the Tennessee Department of Education.

Authority: T.C.A. §§49-6-3017, 55-50-312, 55-50-336 and Public Chapter No. 194, 2007.

Amendment

Subparagraph (d) of paragraph (1) of Rule 1340-1-13-.13 Minors Obtaining Licenses or Temporary Licenses is amended by deleting subparagraph (d) in its entirety and substituting a new subparagraph, so that as amended the subparagraph shall read:

- (d) Applicants under eighteen (18) years of age may obtain a Class D Intermediate Driver License or Class XPD Intermediate Temporary Driver License only if, in addition to meeting all other requirements, the applicant has met the requirements of T.C.A. §55-50-311(b)(1) as follows:
 - 1. Intermediate Restricted Driver License or Intermediate Restricted Temporary Driver license applicants must:
 - a. Have possessed a valid learner permit (Class PD or Class XPD) for at least 180 days;
 - b. Be age sixteen (16) or older;
 - c. Provide the Certification of 50 Hours Behind the Wheel Driving Experience signed by a parent, guardian or licensed driving instructor;
 - d. Have less than 6 points on their driving record during the 180 days immediately preceding the application date;
 - e. If licensed in another state prior to Tennessee application:
 - i. Held a valid driver license (provisional, probationary, graduated or regular) in the other state for 90 days or more;
 - ii. Held a valid driver license (provisional, probationary, graduated or regular) in the other state for less than 90 days and provide a certified driving record indicating a valid driving privilege for 180 days or more (combination of learner permit and driver license periods) without any accidents or traffic violations;

- iii. Held a learner permit in the other state for the required 180 day period and provide a certified driving record indicating no accidents or traffic violations;
 - iv. Such driving record must be issued no more than 30 days prior to the Tennessee application date;
 - v. If there are violations on the record the applicant will not qualify for the Intermediate Restricted until the record is sent to TDOS Driver Improvement to review for compliance with the points requirement in Tennessee.
2. Intermediate Unrestricted Driver License or Intermediate Unrestricted Temporary Driver License applicants must:
- a. Have possessed a valid Intermediate Restricted Driver License or Intermediate Restricted Temporary Driver License (Class D or Class XD) for at least one (1) year;
 - b. Be age seventeen (17) or older;
 - c. Have a driving record that has:
 - i. Less than six (6) points;
 - ii. No at-fault traffic crash;
 - iii. No 2nd seatbelt violations.
 - d. Applicants who hold a learner permit or license from another state, regardless of duration, will not qualify for the Intermediate Unrestricted until they have held the Tennessee Intermediate Restricted for at least one (1) year.
3. Applicants may qualify to obtain a regular driver license or temporary driver license (Class D or Class XD) if they:
- a. Are age eighteen (18) or older, or if they:
 - b. Are age sixteen (16) or older and have:
 - i. Graduated from High School, or;
 - ii. Received their general equivalency diploma (GED), or;
 - ii. Been emancipated by marriage, or;

- iv. Been emancipated by active duty military service, or;
- v. Been emancipated by court order.

Authority: T.C.A. §§49-6-3017, 55-50-311, 55-50-312, 55-50-336 and Public Chapter No. 194, 2007.

Amendment

Paragraph (11) of Rule 1340-1-13-.14 Fees is amended deleting the words “certificate for driving” and substituting “temporary driver license” and by deleting the words “or (h)”, so that as amended the rule shall read:

- (11) The fee for a temporary driver license issued pursuant to §55-50-331(g) or a duplicate thereof shall be the same as the fee for a five year Class D license.

Authority: T.C.A. §§55-50-202, 55-50-321, 55-50-323, 55-50-331, 55-50-406 and Public Chapter No. 194, 2007.

Amendment

Paragraph (6) of Rule 1340-1-13-.14 Fees is amended deleting the word “arc” after the words “Commercial upgrade fees” and substituting the word “are”, so that as amended the rule shall read:

- (6) Commercial upgrade fees are charged whenever an applicant wishes to upgrade a Class C license to a Class A or B, Or a Class B license to a Class A license within his or her current renewal cycle, which is defined as any period of time when more than twelve (12) months remains before the expiration date. If upgrading occurs within the last twelve (12) months, but before the last six (6) months, the applicant has the option to renew the license with the full license fee. If within the last six (6) months, the applicant shall renew rather than upgrade.

Authority: T.C.A. §§55-50-202, 55-50-321, 55-50-323, 55-50-331and 55-50-406.

Amendment

Rule 1340-1-13-.14 Fees is amended adding a paragraph (12) that reads:

- (12) The fee for a duplicate certificate for driving shall be the same as the fee for a five year Class D license.

Authority: T.C.A. §§55-50-202, 55-50-321, 55-50-323, 55-50-331, 55-50-406.

Amendment

Paragraph (1) of Rule 1340-1-13-.15 Examinations is amended by deleting the words “certificates for driving” and substituting the words “temporary driving licenses”, so that, as amended, the paragraph shall read:

- (1) All original applicants for commercial licenses, non-commercial licenses or temporary driver licenses shall pass vision, knowledge, and skills tests before the license is issued. Applicants seeking to obtain an instructional permit shall pass vision and knowledge tests before the permit is issued. Tests may include:

Authority: T.C.A. §§55-50-202, 55-50-321, 55-50-322, 55-50-331, 55-50-338, 49 C.F.R. §383 (1992) and Public Chapter No. 194, 2007.

Amendment

Paragraph (4) of Rule 1340-1-13-.15 Examinations is amended by deleting the words “certificate for driving” and substituting the words “temporary driver license”, and by adding the word “vision,” after the word “required”, so that, as amended, the paragraph shall read:

- (4) The required vision, knowledge and skills tests may be waived for persons applying for reinstatement of a canceled, suspended, or revoked driver license or temporary driver license as long as the license or temporary driver license has not been expired in excess of five (5) years.

Authority: T.C.A. §§55-50-202, 55-50-321, 55-50-322, 55-50-331, 55-50-338, 49 C.F.R. §383 (1992) and Public Chapter No. 194, 2007.

Amendment

Paragraph (1) of Rule 1340-1-13-.16 Fraudulent Applications is amended by deleting the words “certificate for driving or” after the word “permit,” and substituting the words “temporary driver license,” by adding the words “or temporary photo identification license” after the words “photo identification license” and by deleting the word “certificate” at the end of the paragraph and substituting the word “permit”, so that, as amended the paragraph shall read:

- (1) The giving of false information on an application for a driver license, instructional permit, temporary driver license, photo identification license or temporary photo identification license will result in the suspension of the license or permit.

Authority: T.C.A. §§55-50-202, 55-50-321, 55-50-331, 55-50-501, 55-50-602, 55-50-603 and Public Chapter No. 194, 2007.

Amendment

Paragraph (3) of Rule 1340-1-13-.17 Expirations and Renewals is amended by deleting the paragraph and substituting a new paragraph, so that, as amended, the paragraph shall read:

- (3) Expiration of Temporary Driver Licenses and Temporary Photo Identification Licenses:

Authority: T.C.A. §§55-50-202, 55-50-321, 55-50-331, 55-50-333, 55-50-337, 55-50-338 and Public Chapter No. 194, 2007.

Amendment

Subparagraph (a) of paragraph (3) of Rule 1340-13-.17 Expirations and Renewals is deleted in its entirety and substituted with a new subparagraph, so that, as amended, the subparagraph shall read:

- (a) Any temporary driver license, temporary intermediate driver license, temporary instructional permit or temporary photo identification license issued to persons whose presence in the United States has been authorized by the federal government for a specific purpose and specific period of authorized stay shall be valid only for the period of time of the individual's authorized stay in the United States or, if there is no definite end to the period of authorized stay, a period of one (1) year.

Authority: T.C.A. §§55-50-202, 55-50-321, 55-50-331, 55-50-333, 55-50-337, 55-50-338 and Public Chapter No. 194, 2007.

Amendment

Paragraph (4) of Rule 1340-1-13-.17 Expirations and Renewals is amended by adding the words "except temporary licenses," after the word "Licenses", so that as amended the paragraph shall read:

- (4) Licenses, except temporary licenses, shall be renewed twelve months before the expiration date.

Authority: T.C.A. §§55-50-202, 55-50-321, 55-50-331, 55-50-333, 55-50-337, 55-50-338 and Public Chapter No. 194, 2007.

Amendment

Paragraph (7) of Rule 1340-1-13-.17 Expirations and Renewals is amended by deleting the language in its entirety and substituting new language, so that, as amended, the paragraph shall read:

- (7) Temporary driver licenses, temporary intermediate driver licenses, temporary instructional permits or temporary photo identification licenses may be renewed for either one (1) year or for the period of stay authorized by the federal government. Requirements for renewal of such temporary licenses or permits shall consist of submitting an application in person designed by the Department, submitting acceptable documentation of authorized stay, submitting acceptable document of Tennessee residency, paying required fees and (if applicable) fines, and completing any examination required by State law.

Authority: T.C.A. §§55-50-202, 55-50-321, 55-50-331, 55-50-333, 55-50-337, 55-50-338 and Public Chapter No. 194, 2007.

Amendment

Paragraph (8) of Rule 1340-1-13-.17 Expirations and Renewals is amended by deleting the words “certificate for driving” and substituting the words “temporary license”, and by deleting the words “or certificate”, so that, as amended, the paragraph shall read:

- (8) The primary obligation to maintain a valid license or temporary license rests with the license holder.

Authority: T.C.A. §§55-50-202, 55-50-321, 55-50-331, 55-50-333, 55-50-337, 55-50-338 and Public Chapter No. 194, 2007.

Amendment

Rule 1340-1-13-.18 Contents and Design of Licenses and Certificates For Driving is amended by deleting the words “Certificates for Driving” and substituting the words “Temporary Licenses”, so that, as amended the title shall read :

Contents and Design of Licenses and Temporary Licenses.

Authority: T.C.A. §§55-50-202, 55-50-321, 55-50-323, 55-50-331, 55-50-334, 55-50-335, 55-50-336, 55-50-407 and Public Chapter No. 194, 2007.

Amendment

Paragraph (1) of Rule 1340-1-13-.18 Contents and Design of Licenses and Temporary Licenses is amended by inserting the words “or temporary driver license” after the words “driver license”, and by inserting the words “or temporary photo identification license”

after the words “photo identification license”, so that, as amended, the paragraph shall read:

- (1) Upon payment of the required fees the Department shall issue to every qualified applicant a driver license or temporary driver license indicating the type or general class of vehicles the licensee may drive, or a photo identification license or temporary photo identification license indicating the license is for identification purposes only and not valid for vehicular use.

Authority: T.C.A. §§55-50-202, 55-50-321, 55-50-323, 55-50-331, 55-50-333, 55-50-334, 55-50-335, 55-50-336, 55-50-407 and Public Chapter No. 194, 2007.

Amendment

Paragraph (2) of Rule 1340-1-13-.18 Contents and Design of Licenses and Temporary Licenses is amended by deleting the word “or” after the words “driver license” and adding the words “temporary driver license” and adding the words “and temporary photo identification license” after the words “photo identification license”, so that, as amended, the paragraph shall read:

- (2) Each driver license, temporary driver license, photo identification license and temporary photo identification license issued shall contain the following:

Authority: T.C.A. §§55-50-202, 55-50-321, 55-50-323, 55-50-331, 55-50-333, 55-50-334, 55-50-335, 55-50-336, 55-50-407 and Public Chapter No. 194, 2007.

Amendment

Subparagraph (b) of paragraph (3) of Rule 1340-1-13-.18 Contents and Design of Licenses and Temporary Licenses is amended by adding a comma and the words “temporary driver licenses” after the words “driver licenses” and by adding the words “and temporary photo identification licenses” after the words photo identification licenses”, so that, as amended, the subparagraph shall read:

- (b) duplicate driver licenses, temporary driver licenses, photo identification licenses and temporary photo identification licenses shall note that the license is a duplicate of an original license.

Authority: T.C.A. §§55-50-202, 55-50-321, 55-50-323, 55-50-331, 55-50-333, 55-50-334, 55-50-335, 55-50-336, 55-50-407 and Public Chapter No. 194, 2007.

Amendment

Subparagraph (c) of paragraph (3) of Rule 1340-1-13-.18 Contents and Design of Licenses and Temporary Licenses is amended by adding the words “and temporary photo identification licenses” after the word “licenses”, so that, as amended, the subparagraph shall read:

- (c) photo identification licenses and temporary photo identification licenses shall have printed prominently thereon the following statement: “For identification Purposes Only, Not Valid For Vehicular Operation”; and

Authority: T.C.A. §§55-50-202, 55-50-321, 55-50-323, 55-50-331, 55-50-333, 55-50-334, 55-50-335, 55-50-336, 55-50-407 and Public Chapter No. 194, 2007.

Amendment

Subparagraph (d) of paragraph (3) of Rule 1340-1-13-.18 Contents and Design of Licenses and Temporary Licenses is amended by deleting the word “or” after the words “driver license” and adding a comma and the words “temporary driver license,” and adding the words “or temporary photo identification license” after the words “identification license”, so that, as amended, the subparagraph shall read:

- (d) any driver license, temporary driver license, photo identification license or temporary photo identification license issued to someone less than twenty-one (21) years of age shall identify the licensee as being under twenty-one (21) years of age by prominently bearing the words and numbers “Under 21” and showing the month and year the licensee will become twenty-one (21) years of age.

Authority: T.C.A. §§55-50-202, 55-50-321, 55-50-323, 55-50-331, 55-50-333, 55-50-334, 55-50-335, 55-50-336, 55-50-407 and Public Chapter No. 194, 2007.

Amendment

Subparagraph (e) of paragraph (3) of Rule 1340-1-13-.18 Contents and Design of Licenses and Temporary Licenses is amended by deleting the language and substituting new language, so that, as amended, the subparagraph shall read:

- (e) If the applicant has provided a social security number to the department, a phrase substantially similar to “On File” shall be printed in an appropriate location on the license. If the applicant does not have, or who states that the applicant has never been issued a social security number required by T.C.A. §55-50-321(c)(1)(A), the applicant shall complete an affidavit, under the penalty of perjury, affirming that the applicant has never been issued a social security number. A phrase substantially similar to

“None Provided” shall be printed in an appropriate location on the license. Such phrases shall be in red or other distinctive lettering.

Authority: T.C.A. §§55-50-202, 55-50-321, 55-50-323, 55-50-331, 55-50-333, 55-50-334, 55-50-335, 55-50-336, 55-50-407 and Public Chapter No. 194, 2007.

Amendment

Paragraph (4) of Rule 1340-1-13-.18 Contents and Design of Licenses and Temporary Licenses is amended by adding a subparagraph (a) that shall read:

- (a) All temporary driver licenses and temporary photo identification licenses shall bear a color photograph of the applicant provided by the Department.

Authority: T.C.A. §§55-50-202, 55-50-321, 55-50-323, 55-50-331, 55-50-333, 55-50-334, 55-50-335, 55-50-336, 55-50-407 and Public Chapter No. 194, 2007.

Amendment

Paragraph (7) of Rule 1340-1-13-.18 Contents and Design of Licenses and Temporary Licenses is amended by deleting the paragraph in its entirety and adding a new paragraph, so that, as amended, the paragraph shall read:

- (7) Records of driver licenses, temporary driver licenses, photo identification licenses and temporary photo identification licenses as issued shall be maintained by the Department.

Authority: T.C.A. §§55-50-202, 55-50-321, 55-50-323, 55-50-331, 55-50-333, 55-50-334, 55-50-335, 55-50-336, 55-50-407 and Public Chapter No. 194, 2007.

Amendment

Paragraph (8) of Rule 1340-1-13-.18 Contents and Design of Licenses and Temporary Licenses is deleted in its entirety.

Authority: T.C.A. §§55-50-102, 55-50-202, 55-50-321, 55-50-323, 55-50-331, 55-50-333, 55-50-334, 55-50-335, 55-50-336, 55-50-407 and Public Chapter No. 194, 2007.

Amendment

Rule 1340-1-13-.19 Changes of Information, Duplicates is deleted in its entirety and substituted with a new rule, so that as amended the rule shall read:

- (1) In the event a license, temporary license or certificate for driving is lost, stolen, or destroyed, the license, temporary license or certificate for driving

holder may obtain a duplicate license, temporary license or certificate for driving.

- (2) License, temporary license or certificate for driving holders may obtain a revised license, temporary license or certificate for driving reflecting changes in personal information shown on the license or temporary license including name, address, date of birth, physical description, social security number, and organ/tissue donor status.
- (3) License, temporary license or certificate for driving holders are required to notify the Department of any address or name changes within ten (10) days of the change. Obtaining a new license, temporary license or certificate for driving showing change in address is not required.
- (4) Applications for revised or duplicate licenses, temporary licenses or certificates for driving must be made in person with:
 - (a) confirmation of proof of identity, and
 - (b) documentation of changes (other than those needed to correct clerical errors) in a license, temporary license or certificate for driving holder's name, date of birth, or gender as set forth in 1340-1-13-.12.
- (5) A license, temporary license or certificate for driving shall not be replaced if it is under suspension, cancellation or revoked status.
- (6) The previous license, temporary license or certificate for driving must be turned in, or the Department must be satisfied that the license, temporary license or certificate for driving being replaced was lost, stolen, or destroyed.
- (7) In the event a license, temporary license or certificate for driving is lost, stolen or destroyed while the license, temporary license or certificate for driving holder is outside the State of Tennessee or otherwise unable to appear in person, an immediate family member or a person with a limited power of attorney may be authorized by the license, temporary license or certificate for driving holder to apply for a license, temporary license or certificate for driving on the holder's behalf, provided that the authorized person submits satisfactory proof of the holder's identity; furnishes satisfactory proof of his or her identity and further provided that there are no changes to be made regarding the holder's personal information.
- (8) Duplicate licenses shall be issued to correct or replace previous licenses to those licensees who have more than twelve (12) months remaining before their license expires. If over six (6) months but less than twelve (12) months remain, the applicant has the option to renew. If less than six (6) months remain, the applicant must renew his or her license.

- (9) If personal information is changed at the time of renewal, the fee for change of information shall be waived.
- (10) Duplicate temporary licenses obtained in place of such licenses issued pursuant to T.C.A. §55-50-331(g) shall expire pursuant to such subsection.

Authority: T.C.A. §§55-50-202, 55-50-321, 55-50-323, 55-50-331, 55-50-332, 55-50-333 and Public Chapter No. 194, 2007.

Amendment

Paragraph (3) of Rule 1340-1-13-20 Restrictions is amended by deleting the words “certificate for driving” after the word “or” and substituting the words “temporary driver license”, so that, as amended, the paragraph shall read:

- (3) Restrictions may be added or removed upon initial application for a license or temporary driver license, as well as at any time during a renewal Cycle.

Authority: T.C.A. §§55-50-202, 55-50-321, 55-50-331, 55-50-412 and Public Chapter No. 194, 2007.

Amendment

Paragraph (4) of Rule 1340-1-13-20 Restrictions is amended by deleting the words “certificate for driving” after the word “or” and after the words “Classes or”, so that, as amended the paragraph shall read:

- (4) The restrictions shall be printed under the space on the driver license or temporary driver license designated “restriction,” and shall include but not be limited to the following codes:

Code: All Driver License Classes or Temporary Driver License Types

Authority: T.C.A. §§55-50-202, 55-50-321, 55-50-331, 55-50-412 and Public Chapter No. 194, 2007.

Amendment

Paragraph (1) of Rule 1340-1-13-21 Reinstatement after Cancellation, Revocation, or Suspension is amended by deleting the paragraph in its entirety and substituting a new paragraph, so that as amended the paragraph shall read:

- (1) To reinstate driving privileges after suspension, revocation, or cancellation of one’s driver license, intermediate driver license, instructional permit, temporary driver license, temporary intermediate license or temporary instructional permit, persons need to:

Authority: T.C.A. §§55-50-202, 55-50-321, 55-50-322, 55-50-331, 55-50-405, 55-50-502 and Public Chapter No. 194, 2007.

Amendment

Paragraph (1) of Rule 1340-1-13-.21 Reinstatement after Cancellation, Revocation, or Suspension is amended by adding subparagraphs (d) and (e) that read:

- (d) Must provide proof of U.S. citizenship and lawful permanent residency for non-temporary licenses.
- (e) Must provide proof of authorized stay in the United States for temporary licenses.

Authority: T.C.A. §§55-50-202, 55-50-321, 55-50-322, 55-50-331, 55-50-405, 55-50-502 and Public Chapter No. 194, 2007.

Amendment

Subparagraph (a) of paragraph (6) of Rule 1340-1-13-.22 Third Party Testing is amended by adding the words “non-public schools in categories 1, 2, or 3 as recognized by the state board of education,” after the words “higher learning”, so that, as amended, the subparagraph shall read:

- (a) The “Cooperative Driver Testing Program” (C.D.T.P.) is a program offered to the following entities with driver education and training courses for Class D vehicles: public school systems, public institutions of higher learning, non-public schools in categories 1, 2, or 3 as recognized by the state board of education, and commercial driver training schools operating under 1340-1-6. Collectively, these entities are referred to here as eligible or authorized agencies.

Authority: T.C.A. §§55-50-202, 55-50-321, 55-50-322, 55-50-331, 55-50-405, 55-50-502 and Public Chapter No. 194, 2007.

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Signature of the agency officer or officers directly responsible for proposing and/or drafting these rules:

Wanda Moore
Director

I certify that this is an accurate and complete copy of Public Necessity Rules lawfully promulgated and adopted by the Tennessee Department of Safety on the _____ day of _____, 2008.

Commissioner Dave Mitchell
Department of Safety

Subscribed and sworn to before me this the ___ day of _____, 20__.

Notary Public

My Commission expires on the _____ day of _____, 20__.

All public necessity 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

Robert E. Cooper, Jr.
Attorney General and Reporter

The public necessity rules set out herein were properly filed in the Department of State on the ____ day of _____, 20 ____, and will be effective from the date of filing for a period of ____ days. These public necessity rules will remain in effect through the ____ day of _____, 20 ____.

Riley C. Darnell
Secretary of State