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 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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Sequence Number: 04-10-12
 Rule ID(s): 5189
 File Date: 04/12/2012
 Effective Date: 09/28/2012

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:	University of Tennessee
Division:	
Contact Person:	Matthew Scoggins, Assistant General Counsel
Address:	719 Andy Holt Tower, 1331 Circle Park, Knoxville, TN
Zip:	37996-0170
Phone:	865-974-3245
Email:	scoggins@tennessee.edu

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
1720-05-06	Traffic and Parking Regulations
Rule Number	Rule Title
1720-05-06-.05	Penalties

(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>)

Substance of Proposed Rules
 of
 The University of Tennessee at Martin
 Amendments
 Chapter 1720-05-06
 Traffic and Parking Regulations

Subparagraph (a) of Paragraph (1) of Rule 1720-05-06-.05 Penalties is amended by adding the following language as subparagraph (8):

Unauthorized possession of registration decals; falsification of registration information; and/or illegal use, reproduction, or alteration of registration decals – at the discretion of the University, up to two hundred dollars (\$200) per violation and restitution to the victim; or referral to City or General Sessions Court. University students and employees also may be subject to discipline under other University policies and procedures.

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.

Subparagraph (b) of Paragraph (1) of Rule 1720-05-06-.05 Penalties is amended by deleting the words, “or illegally uses, reproduces, or alters a vehicle registration decal,” so that, as amended, the subparagraph will read:

A person who commits a moving violation will be referred to City or General Sessions Court.

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				
Dr. J.A.M. "Toby" Boulet	x				
George E. Cates				x	
Spruell Driver, Jr.	x				
J. Brian Ferguson	x				
Teresa K. Fowler			Non-voting		
John N. Foy	x				
Crawford Gallimore	x				
Monice Moore Hagler	x				
James E. Hall	x				
Douglas A. Horne	x				
Andrea J. Loughry	x				
James L. Murphy, III	x				
Karl A. Schledwitz	x				
Carey Smith	x				
Don Stansberry	x				
Robert S. Talbott	x				
Betty Ann Tanner	x				
Charles E. Wharton	x				

Tommy G. Whittaker				x	
Dr. Janet M. Wilbert			Non-voting		

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 February 29, 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: March 19, 2012

Signature: *[Handwritten Signature]*

Name of Officer: Matthew Scoggins

Title of Officer: Assistant General Counsel



Subscribed and sworn to before me on: March 19, 2012

Notary Public Signature: *Lynette 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.

[Handwritten Signature]
 Robert E. Cooper, Jr.
 Attorney General and Reporter
3-29-12
 Date

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Filed with the Department of State on: 04-10-12

Effective on: 09/28/2012

[Handwritten Signature]
 Tre Hargett
 Secretary of State

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 impact on local governments. The rule change was made at the request of local government officials so that offenders are handled through university procedures rather than the Weakley County court system.

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;

The University of Tennessee at Martin has revised its traffic and parking regulations to allow for a \$200 fine for possessing, using, reproducing, or altering a University registration decal in a manner that would violate state or local law and to allow restitution to the victim. The provision also allows that University students and employees may be subject to discipline under other University policies and procedures. The proposed changes are a result of the request of local officials so that offenders are handled through university procedures rather than the Weakley County court system.

- (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;

Potential violators of the criminal law would be affected. Weakley County officials support 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;

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

Capt. Ray Coleman
Department of Public Safety
University of Tennessee at Martin

- (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

Capt. Ray Coleman
Department of Public Safety
University of Tennessee at Martin

(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
865-974-3245

Capt. Ray Coleman
Department of Public Safety
University of Tennessee at Martin
215 Hurt Street
Martin, TN 38238
ccoleman@utm.edu
731-881-7776

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

None.

**RULES
OF
THE UNIVERSITY OF TENNESSEE AT MARTIN**

**CHAPTER 1720-05-06
TRAFFIC AND PARKING REGULATIONS**

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1720-05-06-.01 REGISTRATION OF VEHICLES.

- (1) All motor vehicles operated by faculty, staff and students in connection with their employment or attendance at UTM must be registered at the UTM Department of Public Safety.
- (2) All persons employed by other agencies who regularly use University facilities must annually register their vehicles with the University. "Vendor" decals will be used for this purpose. "Honorary" decals will be issued to all retired University personnel and "Special Guests" decals may be issued to all others who do not fit the vendor classification.
- (3) Vehicle registration decals are issued at the time of student registration and must be properly displayed.
- (4) Faculty and staff vehicle registration and collection of associated fees will be conducted prior to the beginning of each Fall Semester and will be valid for the entire academic year. Vehicle registration will not be completed until the previous year's citations have been cleared. New employees will be required to pay the registration fee at the time of their employment.
- (5) Student vehicle registration and collection of associated fees must be renewed at, or prior to, the beginning of each fall semester and will be valid for the entire academic year.
- (6) Student vehicle registrations must be completed prior to the first day of classes, or within 24 hours for those who enroll at a subsequent date or acquire a vehicle.
- (7) Generally, a student vehicle can only be registered in one classification: commuter or non-commuter. However, students who meet certain requirements may register vehicles as staff. To register as a staff member the student must teach eight (8) semester hours or have a forty (40) hour work week specified on appointment papers. The registration of student vehicles as staff members will be by agreement between the appropriate department chairman or dean and the Department of Public Safety.
- (8) The annual vehicle registration decal will be provided at no cost to anyone qualifying for a permanent disability sticker.
- (9) The person to whom a vehicle is registered is responsible for that vehicle and all violation citations issued thereto. If the person operating the vehicle is other than the registrant when a violation is committed, both he and the registrant may be cited.
- (10) Expired campus registration decals must be removed so that only the current registration decals are displayed.

- (11) Only one parking decal may be purchased by each staff/faculty member or student, unless it is a replacement decal. The decal may be transferred to another vehicle either permanently or temporarily.

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

1720-05-06-.02 PARKING.

- (1) Staff parking areas are designated for all academic buildings. Students are not to park in these areas.
- (2) Student parking areas are designated by letter, e.g., C-Commuting students, N-Non-commuting students. Student's vehicles may be parked only in lots designated on the student's registration decal.
- (3) Parking lot designations are not applicable from 3:00 p.m. to 8:00 a.m. nor on weekends except where posted. The designations are for the hours between 8:00 a.m. and 3:00 p.m. Monday through Friday.

Authority: §49-9-208(e), *Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5, and Public Acts of Tennessee, 1807, Chapter 64.*

1720-05-06-.03 VEHICLE OPERATION.

- (1) All persons operating vehicles on University property or in the campus area, which includes city streets adjacent to University property, must be properly licensed operators
- (2) Pedestrians have the right-of-way at established pedestrian crossings, except where regulated by traffic control lights or police officers.
- (3) Under normal conditions the maximum speed limit on campus streets is 15 mph and 30 mph on the city streets. However, vehicles may not be operated at any speed which is excessive for the conditions which may exist as a result of weather, traffic congestion, pedestrians, etc.
- (4) Traffic control signs and directions of police officers must be obeyed.
- (5) All persons operating vehicles are responsible for maintaining control of the vehicle, safe operation, and observance of traffic control signs, barriers and devices.
- (6) Operating or parking a motor vehicle in any area other than a street, roadway, or parking lot intended for motor vehicles is prohibited.

1720-05-06-.04 VIOLATIONS.

- (1) Registration.

- (a) Vehicles not registered.
 - (b) Registration decals not properly affixed to vehicle.
 - (c) Unauthorized possession of registration decals.
 - (d) Falsification of registration information.
 - (e) Illegal use, reproduction, or alteration of registration decals.
- (2) Parking.
- (a) In no parking areas, loading zones, or on grass.
 - (b) In unauthorized areas.
 - (c) In such a manner as to block or obstruct traffic, street, sidewalk, driveway, fire hydrant, building entrance or exit, or another vehicle.
 - (d) In areas where curb is painted yellow or where not marked as a parking area with painted white lines.
 - (e) Vehicles parked in such a manner as to prohibit the emptying of trash dumpsters will be towed away at the owner's expense.
 - (f) Disability parking violation, as defined by state law (e.g., an unauthorized use of a disabled parking space, ramp, plate, or placard; parking a vehicle so that a portion of the vehicle encroaches into a disabled parking space in a manner which restricts, or reasonably could restrict, a person confined to a wheelchair from exiting or entering a vehicle properly parked within the disabled parking space).
- (3) Moving.
- (a) Exceeding posted speed limit.
 - (b) Excessive speed for existing conditions.
 - (c) Failure to obey traffic control sign or signal.
 - (d) Failure to obey police officer.
 - (e) Operating vehicle without valid operator's license.
 - (f) Driving off of roadway or street.
 - (g) Reckless driving and/or racing.
 - (h) Failure to yield right-of-way at pedestrian crossing.
 - (i) Leaving scene of accident.
 - (j) Failure to signal turn or stop.
 - (k) Following too closely.
 - (l) Operating mechanically unsafe vehicle.

- (m) Driving while under the influence of alcohol or narcotics.
- (n) Operating vehicle causing loud or unnecessary noise, such as loud mufflers, horns, P.A. systems, etc.

1720-05-06-.05 PENALTIES.

(1) Fines and Other Penalties.

(a) The fine for registration or parking violations is twenty-five (\$25) dollars, except for the following violations:

1. Registration decal not properly affixed to a vehicle – twenty (\$20) dollars;
2. Parking in a no parking area or a loading zone – thirty (\$30) dollars;
3. Parking in such a manner as to block or obstruct traffic, a street, a driveway, a fire hydrant, a building entrance or exit, or another vehicle – thirty (\$30) dollars (the fine is twenty-five (\$25) dollars for blocking a sidewalk or building entrance or exit);
4. Parking in an area where curb is painted red – forty (\$40) dollars;
5. Parking in an area that is not marked as a parking area with painted white lines – twenty (\$20) dollars;
6. Parking in such a manner as to prohibit the emptying of trash dumpsters – thirty (\$30) dollars and the vehicle will be towed; and
7. The fine for a disability parking violation is set by State law, T.C.A. § 55-21-108. As of July 1, 2008, the fine was set at two-hundred (\$200) dollars. The fine imposed under these regulations will increase or decrease automatically when increased or decreased by State law. The fine shall not be suspended or waived. In addition to the fine, not more than five (5) hours of community service work may be imposed. Any community service work requirements imposed shall be to assist the disabled community by monitoring disabled parking spaces, providing assistance to disability centers or to disabled veterans, or other such purposes.

8. Unauthorized possession of registration decals; falsification of registration information; and/or illegal use, reproduction, or alteration of registration decals – at the discretion of the University, up to two hundred dollars (\$200) per violation and restitution to the victim; or referral to City or General Sessions Court. University students and employees also may be subject to discipline other University policies and procedures.

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(b) ~~A person who commits a moving violation or illegally uses, reproduces, or alters a vehicle registration decal~~ will be referred to City or General Sessions Court.

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(2) Disciplinary Action.

(a) Students who persist in violating these regulations or commit a single violation surrounded by aggravated circumstances will be referred to the Office of Student Affairs for disciplinary action.

- (b) If more than five citations are issued to a student in one semester, the student will be notified that the vehicle is subject to being towed. If, after this notification, the student receives another citation during the same semester, the student's vehicle will be subject to towing for that citation and each subsequent citation for the remainder of that semester, even if the previous citations have been satisfied by paying fines or other penalties.
- (c) Any student having outstanding citations (citations which have not been paid) will not be allowed to register for further work until all such charges have been paid.

No transcripts or other information will be made available for such students who are seeking entrance into other institutions.

(3) Enforcement.

- (a) A citation for any type of parking violation must be paid or appealed within fourteen (14) calendar days after the issuance of the citation. If a fine is not paid or appealed within fourteen (14) calendar days after the issuance of the citation, a \$15.00 late charge will be added.
- (b) Windshield notices and/or other methods of notification will be used to provide the owner of the vehicle with: (1) advance notice of the University's intent to tow the owner's vehicle as a result of the owner receiving more than five citations in one semester and (2) the owner's right to a hearing. In the event the owner does not request a hearing or prevail at the hearing, his or her vehicle will be towed whenever it is next found upon the University property parked illegally.
- (c) Vehicles parked in a fire lane, designated disability parking space, reserved parking space, or in such manner as to impede the flow of traffic or disrupt the orderly affairs of the University may be towed/booted/impounded. Owners of vehicles towed/booted/impounded for the above reasons have a right to a hearing by a University official that will be provided on request prior to the payment of any tow charges, fines, and penalties. If tow charges, fines, or penalties are assessed after such hearing, impounded/towed/booted vehicles will be released upon proper identification and receipt of payment of all tow charges, fines, and penalties.

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

1720-05-06-.06 APPEALS.

- (1) Appeals must be made within fourteen days of the date of citation issuance.
- (2) Citations may be appealed to the Traffic Office and then to the Traffic Appeals Board. The Traffic Appeals Board, which is composed of faculty, staff and students, meets each semester.

Authority: *Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5, and Public Acts of Tennessee, 1807, Chapter 64.*

1720-05-06-.07 RESTRICTIONS.

- (1) University streets or grounds may not be used by any firm, corporation, or unauthorized person for advertising or commercial purposes.

Authority: *Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5, and Public Acts of Tennessee, 1807, Chapter 64.*

- (1) Students and staff members must not endanger their safety or constitute an unreasonable impediment to lawful vehicular traffic by crossing streets at other than authorized lanes or by willfully walking or congregating in the streets.

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

1720-05-06-.09 SPECIAL OCCASIONS AND EMERGENCIES.

- (1) On special occasions, such as athletic events, concerts, and graduation exercises, and in emergencies, parking and traffic limitations may be imposed by the Department of Public Safety as required by the conditions which prevail.

Authority: *Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5, and Public Acts of Tennessee, 1807, Chapter 64.*