

Rulemaking Hearing Rules

Tennessee State Board for Licensing Contractors

Chapter 0680-05
Pre-Licensing Courses

New Rules

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0680-05-.01 Definitions.

- (1) "Board" means the board for licensing contractors created by Tenn. Code Ann. § 62-6-104.
- (2) "Pre-licensing course" means any course or workshop related to the practice of general or specialty contracting offered to assist an applicant for preparation of an examination required by the Board excluding courses offered by any public institution.
- (3) "Provider" means any person or entity who offers a pre-licensing course designed to assist an applicant for preparation of an examination required by the Board.

Authority: Chapter 657 of the Public Acts of 2006, §§ 2 and 3 and Tenn. Code Ann. §§ 62-6-104, 62-6-108 and 62-6-138 [effective January 1, 2007].

0680-05-.02 Application.

- (1) Any provider who offers any pre-licensing course shall submit an application on the form prescribed by the Board. The application shall be verified and accompanied by:
 - (a) a non-refundable fee in the amount provided in Rule 0680-05-.03;
 - (b) a resume for each instructor of such course outlining the instructor's education and experience;
 - (c) a detailed description of the content of such course(s), which shall include at a minimum the following: the length of the course in hours, each subject matter area to be covered by the course, and an outline of the course content;

- (d) the projected schedule for the teaching of such course(s);
 - (e) a surety bond to the State of Tennessee Board for Licensing Contractors as obligee in a minimum amount of fifty thousand dollars (\$50,000); and
 - (f) such other information as the Board may reasonably request.
- (2) The applicant shall demonstrate to the satisfaction of the Board that each course submitted for approval will:
- (a) cover subjects which are reasonably related to the practice of construction and suitable to benefit and enrich the students enrolled;
 - (b) be conducted in a facility that contains adequate space, seating, and equipment; and
 - (c) provide adequate means to make up for all classes missed by a student.

Authority: Chapter 657 of the Public Acts of 2006, §§ 2 and 3 and Tenn. Code Ann. §§ 62-6-108 and 62-6-138 [effective January 1, 2007].

0680-05-.03 Fees.

The application and renewal application fee is one thousand five hundred dollars (\$1,500) per provider.

Authority: Chapter 657 of the Public Acts of 2006, §§ 2 and 3 and Tenn. Code Ann. §§ 62-6-108 and 62-6-138 [effective January 1, 2007].

0680-05-.04 Course Approval Periods.

- (1) Each pre-licensing course approval shall remain effective for three (3) years from the date of approval. After three (3) years, the approval of the Board shall expire, unless the Board, after reviewing a renewal pre-licensing course application, approves the course for another such time period.
- (2) All pre-licensing course providers shall be required to resubmit their courses for approval at least one hundred twenty (120) days prior to the applicable expiration date. Failure to meet this deadline may result in the non-approval of a course.

Authority: Chapter 657 of the Public Acts of 2006, §§ 2 and 3 and Tenn. Code Ann. §§ 62-6-108 and 62-6-138 [effective January 1, 2007].

0680-05-.05 Changes in Applications.

Any material change in any information furnished in connection with any application of a pre-licensing course (including, but not limited to, an address change of a provider, information concerning course content, instructors, and facilities) shall be submitted to and approved by the Board before taking effect.

Authority: Chapter 657 of the Public Acts of 2006, §§ 2 and 3 and Tenn. Code Ann. §§ 62-6-108 and 62-6-138 [effective January 1, 2007].

0680-05-.06 Withdrawal of Approval.

Approval of any course(s) may be withdrawn by the Board if:

- (1) (a) the establishment or conduct of a course violates, or fails to meet the requirements of, the provisions of this chapter or other applicable law;
- (b) the information contained in the application is materially inaccurate or misleading;
- (c) the provider, an instructor, or any other school representative disseminates false or misleading information concerning any course;
- (d) the sponsor, an instructor, or any other school representative possesses, claims to possess, reveals, or distributes any question(s) utilized in examinations given by the Board;
- (e) the performance of the instructor is so deficient as to impair significantly the value of a course provided, however, that the instructor shall receive adequate notice of the discovered deficiency and opportunity to demonstrate satisfactory correction thereof; or
- (g) the provider, an instructor, or any other school representative disseminates false or misleading information regarding classifications, law, or entices an applicant to apply for unnecessary classes or purchase unnecessary course materials.

Authority: Chapter 657 of the Public Acts of 2006, §§ 2 and 3 and Tenn. Code Ann. §§ 62-6-108 and 62-6-138 [effective January 1, 2007].

0680-05-.07 Promotional Materials.

- (1) All materials used for advertising or promoting any pre-licensing course shall contain statements or claims that are factually supported;
- (2) No provider shall advertise or promote that fees charged for the pre-licensing courses will be waived if the student fails to pass any examination required by the Board;
- (3) No provider shall advertise or promote any guarantee that a student will successfully pass any examination required by the Board; and
- (4) No provider shall advertise that it has been specially endorsed by the Board.

Authority: Chapter 657 of the Public Acts of 2006, §§ 2 and 3 and Tenn. Code Ann. §§ 62-6-108 and 62-6-138 [effective January 1, 2007].

0680-05-.08 Relationship with Accountants and Insurance Brokers.

No provider offering a pre-licensing course shall advise students on financial accounting, insurance requirements or recommend, offer or encourage students to retain a particular accountant, accounting firm or insurance broker to complete any application requirements for a license under Tenn. Code Ann. §§ 62-6-101 et. seq.

Authority: Chapter 657 of the Public Acts of 2006, §§ 2 and 3 and Tenn. Code Ann. §§ 62-6-108 and 62-6-138 [effective January 1, 2007].

0680-05-.09 Inspections.

By applying for the Board's approval of any pre-licensing course, the applicant agrees that the Board or its authorized representative may perform periodic inspections and monitoring for the purposes of evaluating facilities, course content, instructor performance, or any other relevant aspect of the administration and conduct of such course.

Authority: Chapter 657 of the Public Acts of 2006, §§ 2 and 3 and Tenn. Code Ann. §§ 62-6-108 and 62-6-138 [effective January 1, 2007].

0680-05-.10 Citation Penalties.

- (1) The Executive Director of the Board may issue citations against providers offering pre-licensing courses for any violation of Tenn. Code Ann. § 62-6-138 or any rule contained herein. Each citation shall contain an order to cease all violations of this Chapter, and an assessment of a civil penalty in accordance with the following schedule:

<u>Violation</u>	<u>Penalty</u>
Tenn. Code Ann. § 62-6-138	\$250 - \$1,000

- (2) In determining the amount of any penalty to be assessed pursuant to this rule, the Executive Director may consider such factors as the following:
 - (a) whether the amount imposed will be a substantial economic deterrent to the violator;
 - (b) the circumstances leading to the violation;
 - (c) the severity of the violation and the risk of harm to the public;
 - (d) the economic benefits gained by the violator as a result of noncompliance;
 - (e) the interest of the public;
 - (f) willfulness of the violation;
 - (g) extent to which the licensee has sought to compensate any victim(s) of the violation.

Authority: Chapter 657 of the Public Acts of 2006, §§ 2 and 3 and Tenn. Code Ann. §§ 62-6-108 and 62-6-138 [effective January 1, 2007].

The rulemaking hearing rules set out herein were properly filed in the Department of State on the 10th day of May, 2007, and will become effective on the 24th day of July, 2007. (FS 05-05-07, DBID 2530)