

Department of State
Division of Publications
312 Rosa L. Parks Avenue, 8th Floor Tennessee Tower
Nashville, TN 37243
Phone: 615-741-2650
Fax: 615-741-5133
Email: sos.information@state.tn.us

For Department of State Use Only

Sequence
Number: 06-02-09
Rule ID(s): 4214
File Date: 06/02/2009
Effective Date: 10/28/2009

Proposed Rule(s) Filing Form

Proposed rules are submitted pursuant to T.C.A. §4-5-205 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 thirty (30) days of the publication date of the issue of the Tennessee Administrative Register in which the proposed rules are published. 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.

Agency/Board/Commission: University of Tennessee
Division: UT Martin
Contact Person: Matthew M. Scoggins, III, Assistant General Counsel
Address: 719 Andy Holt Tower, 1331 Circle Park, Knoxville, TN
Zip: 37996-0170
Phone: 865-974-2356
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.)

Chapter Number	Chapter Title
1720-05-06	Traffic & Parking Regulations
Rule Number	Rule Title
1720-05-06-.01	Registration of Vehicles
1720-05-06-.02	Parking
1720-05-06-.04	Violations
1720-05-06-.05	Penalties

Chapter 1720-05-06
Traffic and Parking Regulations

Amendments

Rule 1720-05-06-.01 Registration of Vehicles, paragraph (5), is amended by deleting the word "quarter" and replacing it with the word "semester" so that, as amended, the paragraph shall read:

- (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.

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.

Rule 1720-05-06-.01 Registration of Vehicles, paragraph (7), is amended by inserting the following language, "Generally, a student vehicle can only be registered in one classification: commuter or non-commuter. "However," before the first sentence and changing the case of the word "Students" to lowercase so that, as amended, the paragraph shall read:

- (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.

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.

Rule 1720-05-06-.01 Registration of Vehicles, paragraph (10), is amended by deleting the phrase "or covered" so that, as amended, the paragraph shall read:

- (10) Expired campus registration decals must be removed so that only the current registration decals are displayed.

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.

Rule 1720-05-06-.01 Registration of Vehicles, paragraph (11), is amended by deleting the present language in its entirety and replacing it with the following language:

- (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) and Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5, and Public Acts of Tennessee, 1807, Chapter 64.

Rule 1720-05-06-.02 Parking, paragraph (2), is amended by inserting the phrase "N-Non-commuting students" in the first sentence and the phrase "the student's" in the second sentence so that, as amended, the paragraph shall read:

- (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.

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.

Rule 1720-05-06-.04 Violations, paragraph (1), is amended by deleting subparagraphs (c) and (g) in their entirety and redesignating subparagraphs (d), (e), and (f) so that, as amended, the Rule shall read:

- (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.

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.

Rule 1720-05-06-.05 Penalties, paragraph (1), subparagraph (a) is amended by deleting the present language in its entirety and replacing it with the following language:

- (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.

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.

Rule 1720-05-06-.05 Penalties, paragraph (1), subparagraph (b), is amended by deleting the present language in its entirety and replacing it with the following language:

- (b) A person who commits a moving violation or illegally uses, reproduces, or alters a vehicle registration decal will 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.

Rule 1720-05-06-.05 Penalties, paragraph (1), subparagraph (c), is amended by deleting the present language in its entirety.

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

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Governor Bredesen				x	
Commissioner Webb				x	
Commissioner Givens				x	
Dr. Petersen	x				
Dr. Rhoda			Non-voting		
Mr. Anderson	x				
Ms. Blackburn	x				
Mr. Carroll	x				
Mr. Cates	x				
Mr. Driver	x				
Mr. Forrest			Non-voting		
Mr. Foy	x				
Mr. Gallimore	x				
Ms. Hagler	x				
Mr. Hall	x				
Mr. Horne	x				
Ms. Loughry	x				
Ms. McGruder	x				
Mr. Murphy	x				
Dr. Prevost			Non-voting		
Mr. Schledwitz	x				
Dr. Schommer	x				

Mr. Stansberry	x				
Mr. Talbott				x	
Ms. Tanner	x				
Mr. Wharton	x				

I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the University of Tennessee Board of Trustees on February 27, 2009, 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 thirty (30) days after the publication date of the issue of the Tennessee Administrative Register in which these proposed rules are published.

Date: 4/17/09
 Signature: [Signature]



Name of Officer: Scott Robbins
 Title of Officer: Director of Public Safety, University of Tennessee-Martin

Subscribed and sworn to before me on: 4/17/09
 Notary Public Signature: [Signature]
 My commission expires on: July 3, 2011

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.

[Signature]
 Robert E. Cooper, Jr.
 Attorney General and Reporter
5-26-09
 Date

Department of State Use Only

RECEIVED
 2009 JUN -2 PM 3:02
 SECRETARY OF STATE
 PUBLICATIONS

Filed with the Department of State on: 6/2/09
 Effective on: 10/28/09
[Signature]
 Tre Hargett
 Secretary of State

Regulatory Flexibility Addendum

Pursuant to Public Chapter 464 of the 105th General Assembly, prior to initiating the rule making process as described in § 4-5-202(a)(3) and § 4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

1. Overlap, duplicate, or conflict with other federal, state, and local governmental rules:

There will be no overlap, duplication or conflict with any existing federal, state, or local law or rules.

2. Clarity, conciseness, and lack of ambiguity in the rule or rule:

The proposed rule is clear in purpose and intended execution. The proposed rule is not open to different interpretations.

3. Flexible compliance and/or reporting requirements for small businesses:

The proposed rule applies only to parking on the campus of the University of Tennessee-Martin and should not impact small businesses.

4. Friendly schedules or deadlines for compliance and/or reporting requirements:

The proposed rule will not impact schedules or deadlines.

5. Consolidation or simplification of compliance or reporting requirements:

There will be no additional reporting requirements associated with the proposed rule.

6. Performances standards for small businesses:

There are no performance standards associated with the proposed rule.

7. Barriers or other effects that stifle entrepreneurial activity, curb innovation, or increase costs:

The proposed rule does not contain any foreseeable barriers or other effects that would stifle entrepreneurial activity, curb innovation, or increase costs.

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;

These are proposed changes to the traffic and parking rules of The University of Tennessee-Martin for promulgation under the Uniform Administrative Procedures Act.

The proposed rule:

- Clarifies that a student vehicle can only be registered in one classification: commuter or non-commuter.
- Changes the language concerning parking decals, which are currently transferable, to state that only one parking decal may be purchased by each staff/faculty member or student, unless it is a replacement decal.
- Changes the parking fines from twenty (\$20) dollars each to fines ranging between twenty (\$20) dollars and forty (\$40) dollars, depending on the severity of the violation. The increase in fine amounts for citations is to motivate compliance with parking regulations. Primary citation areas include fire lanes, tow zones, and egress/ingress routes that allow access for Emergency Vehicles and an unrestricted flow of traffic on campus. Any additional funds generated from the penalty increases will be utilized to enhance safety through education and enforcement efforts toward traffic and parking issues on campus.

- (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;

These amendments are not required by state or federal law or regulations.

- (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;

The persons most directly affected by these amendments are persons operating and parking motor vehicles on The University of Tennessee-Martin campus.

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

There is no opinion of the Office of the Attorney General and Reporter or any judicial ruling that directly relates to these rules.

- (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;

The University expects the increase in fines will result in an increase in revenues of approximately \$40,000-\$50,000.

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

The individuals having substantial knowledge and understanding of these rules are Matthew M. Scoggins, III, Assistant General Counsel, The University of Tennessee, and Scott Robbins, Director of Public Safety, The University of Tennessee-Martin.

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

The agency representative who will explain the rule at a scheduled meeting of the committee is Scott Robbins, Director of Public Safety, The University of Tennessee-Martin.

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

Mr. Robbins' address and telephone number are:

Scott Robbins
Director of Public Safety
The University of Tennessee-Martin
173 Crisp Hall
275 Hurt Street
Martin, TN 38238
(731) 881-7775

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

Not applicable.