

Department of State
Division of Publications
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 Nashville, TN 37243
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For Department of State Use Only

Sequence Number: 07-37-16
 Rule ID(s): 6269
 File Date: 7/27/16
 Effective Date: 10/25/16

Proposed Rule(s) Filing Form

Proposed rules are submitted pursuant to Tenn. Code Ann. §§ 4-5-202, 4-5-207, and 4-5-229 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 ninety (90) days of 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 ten (10) persons who will be affected by the amendments, or submitted by a municipality which will be affected by the amendments, or an association of ten (10) or more members, or any standing committee of the General Assembly. The agency shall forward such petition to the Secretary of State.

Pursuant to Tenn. Code Ann. § 4-5-229, any new fee or fee increase promulgated by state agency rule shall take effect on July 1, following the expiration of the ninety (90) day period as provided in § 4-5-207. This section shall not apply to rules that implement new fees or fee increases that are promulgated as emergency rules pursuant to § 4-5-208(a) and to subsequent rules that make permanent such emergency rules, as amended during the rulemaking process. In addition, this section shall not apply to state agencies that did not, during the preceding two (2) fiscal years, collect fees in an amount sufficient to pay the cost of operating the board, commission or entity in accordance with § 4-29-121(b).

Agency/Board/Commission:	Department of Safety & Homeland Security
Division:	Tennessee Highway Patrol
Contact Person:	Jenny Taylor
Address:	312 Rosa L. Parks Avenue, 25 th Floor, Nashville TN
Zip:	37214
Phone:	(615) 687-2410
Email:	Jenny.C.Taylor@tn.gov

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
1340-03-03	Rules and Regulations for School Bus Inspection Procedures
Rule Number	Rule Title
1340-03-03-.02	Definitions

Rule 1340-03-03-.02 Definitions is amended by adding the following as new paragraph (4):

(4) Annual Inspection. An inspection performed within the period of twelve (12) months that begins with the first day of the month following the month in which the last inspection was performed.

Authority: T.C.A. §§ 49-6-2102, 49-6-2109, and 4-4-102; Executive Order 45 (Feb. 11, 1983).

* 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)

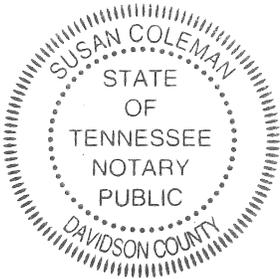
I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the Department of Safety and Homeland Security on 02/04/2016, and is in compliance with the provisions of T.C.A. § 4-5-222. The Secretary of State is hereby instructed that, in the absence of a 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 ninety (90) days of the filing of the proposed rule with the Secretary of State.

Date: 5-2-16

Signature: [Handwritten Signature]

Name of Officer: Dereck Stewart

Title of Officer: Lieutenant Colonel, Tennessee Highway Patrol



Subscribed and sworn to before me on: May 2, 2016

Notary Public Signature: [Handwritten Signature]

My commission expires on: May 6, 2019

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]
 Herbert H. Slatery III
 Attorney General and Reporter
7/19/2016
 Date

Department of State Use Only

Filed with the Department of State on: 7/27/16

Effective on: 10/25/16

[Handwritten Signature]
 Tre Hargett
 Secretary of State

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Regulatory Flexibility Addendum

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process as described in T.C.A. § 4-5-202(a)(3) and T.C.A. § 4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

- (1) The extent to which the rule may overlap, duplicate, or conflict with other federal, state, and local governmental rules.

The rule does not overlap, duplicate, or conflict with other federal, state, and local governmental rules.

- (2) Clarity, conciseness, and lack of ambiguity in the rule.

The rule is intended to clarify the annual bus inspection requirements.

- (3) The establishment of flexible compliance and reporting requirements for small businesses.

The rule does not pertain to compliance and reporting requirements for small businesses.

- (4) The establishment of friendly schedules or deadlines for compliance and reporting requirements for small businesses.

The rule does not pertain to schedules or deadlines for compliance and reporting requirements for small businesses.

- (5) The consolidation or simplification of compliance or reporting requirements for small businesses.

The rule does not pertain to compliance or reporting requirements for small businesses.

- (6) The establishment of performance standards for small businesses as opposed to design or operational standards required in the proposed rule.

The rule does not establish performance, design, or operational standards for small businesses.

- (7) The unnecessary creation of entry barriers or other effects that stifle entrepreneurial activity, curb innovation, or increase costs.

The rule does not create entry barriers, stifle entrepreneurial activity, curb innovation, or increase costs.

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 proposed rule is not expected to impact local governments.

Additional Information Required by Joint Government Operations Committee

All agencies, upon filing a rule, must also submit the following pursuant to T.C.A. § 4-5-226(i)(1).

- (A) A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

This amendment to current Rule 1340-03-03-.02 Definitions adds the definition of "annual inspection." Currently, the term "annual inspection" is not defined in the rule section or Tennessee Code Annotated.

- (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;

Tenn. Code Ann. § 49-6-2109 requires annual inspections of school buses that transport school children, in order to determine safe operation and authorizes the Commissioner of Safety to promulgate rules for the purposes of enforcing these inspection requirements.

- (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 Tennessee Department of Safety and Homeland Security, city and county school systems, and bus companies who contract with these school systems to provide and maintain buses for the transportation of school children are directly affected by this rule.

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

N/A

- (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;

There is no expected increase or decrease in state and local government revenues and expenditures.

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

Tennessee Department of Safety and Homeland Security
Tennessee Highway Patrol
Lieutenant Colonel Dereck Stewart
Ray Robinson, Director of Commercial Vehicle Enforcement/Pupil

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

Tennessee Department of Safety and Homeland Security
Tennessee Highway Patrol
Lieutenant Colonel Dereck Stewart
Lieutenant Ray Robinson, Director of Commercial Vehicle Enforcement/Pupil
Deputy General Counsel Lizabeth Hale
Jenny Taylor, Staff Attorney

- (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

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Tennessee Highway Patrol
Lieutenant Colonel Dereck Stewart
Lieutenant Ray Robinson, Director of Commercial Vehicle Enforcement/Pupil
1228 Foster Avenue
Nashville, TN 37243
(615) 743-4974
Ray.Robinson@tn.gov

Deputy General Counsel Lizabeth Hale
Lizabeth.Hale@tn.gov
Jenny Taylor, Staff Attorney
Jenny.C.Taylor@tn.gov
(615) 687-2410

Tennessee Department of Safety and Homeland Security
312 Rosa L Parks Blvd, 25th Floor, Nashville, TN 37243

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

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1340-03-03-.02 Definitions is amended by adding the following as new paragraph (4):

- (1) FMVSS. The Federal Motor Vehicle Safety Standards as defined by Title 49, part 571 of the Code of Federal Regulations.
- (2) OEM. Original Equipment Manufacturer.
- (3) School Bus Inspection Report (SF-0722)/Electronic Inspection Report. The inspection report form that is to be completed by the Department of Safety's Inspector/Trooper.
- (4) Annual Inspection. An inspection performed within the period of twelve (12) months that begins with the first day of the month following the month in which the last inspection was performed.

Authority: T.C.A. §§ 49-6-2102, 49-6-2109, and 4-4-102; Executive Order 45 (Feb. 11, 1983).

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Board Member	Aye	No	Abstain	Absent	Signature (if required)

I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the Department of Safety and Homeland Security on 02/04/2016, 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 ninety (90) days of the filing of the proposed rule with the Secretary of State.

Date: _____

Signature: _____

Name of Officer: Dereck Stewart

Title of Officer: Lieutenant Colonel, Tennessee Highway Patrol

Subscribed and sworn to before me on: _____

Notary Public Signature: _____

My commission expires on: _____

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.

Herbert H. Slatery III
Attorney General and Reporter

Date

Department of State Use Only

Filed with the Department of State on: _____

Effective on: _____

Tre Hargett
Secretary of State

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

N/A

- (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;

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