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For Department of State Use Only

Sequence Number: 08-13-15
Rule ID(s): 10001
File Date: 08/14/15
Effective Date: 11/12/15

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 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.

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:	Private Investigation and Polygraph Commission
Division:	Division of Regulatory Boards Department of Commerce and Insurance
Contact Person:	Anthony Glandorf
Address:	Davy Crockett Tower 500 James Robertson Pkwy Nashville, Tennessee
Zip:	37243
Phone:	615-741-3072
Email:	Anthony.glandorf@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
1175-01	Private Investigation and Polygraph Commission
Rule Number	Rule Title
1175-01-.04	Applicants for Licenses

Chapter 1175-01
Private Investigation and Polygraph Commission

Rule 1175-01-.04 Applicants for Licenses is amended by adding new paragraphs (10), (11), (12) and (13) that read:

- (10) An applicant for licensure meeting the requirements of T.C.A. § 4-3-1304(d)(1) may:
- (a) Be issued a license upon application and payment of all fees required for the issuance of such license, if, in the opinion of the commission, the requirements for licensure of such other state are substantially equivalent to that required in Tennessee; or
 - (b) Be issued a temporary permit as described herein if the commission determines that the applicant's license does not meet the requirements for substantial equivalency, but that the applicant could perform additional acts, including -- but not limited to -- education, training, or experience, in order to meet the requirements for the license to be substantially equivalent. Under these circumstances, the commission may issue a temporary permit upon application and payment of all fees required for issuance of a regular license of the same type, which shall allow such person to perform services as if fully licensed for a set period of time that is determined to be sufficient by the commission for the applicant to complete such requirements.
 - 1. After completing those additional requirements and providing the commission with sufficient proof thereof as may be required, a full license shall be issued to the applicant with an issuance date of the original issuance of the temporary permit and an expiration date as if the full license had been issued at that time.
 - 2. A temporary permit shall be issued for a period no longer than the length of a renewal cycle for a full license of the same type.
 - 3. A temporary permit shall expire upon the date set by the commission and shall not be subject to renewal except through the completion of the requirements for substantial equivalency as required by the commission or by an extension of time granted by the commission for good cause.
 - 4. Should an extension to a temporary permit cause the permit to be in effect longer than the renewal cycle of a full license, then the holder of the temporary permit shall file a renewal application with such documentation and fees, including completion of continuing education, as are required by the commission for all other renewals of a full license of the same type.
 - (c) Military education, training, or experience completed by a person described at T.C.A. § 4-3-1304(d)(1)(B)(ii)(a)-(c) shall be accepted toward the qualifications, in whole or in part, to receive any license issued by the commission if such military education, training, or experience is determined by the commission to be substantially equivalent to the education, training, or experience required for the issuance of such license.
- (11) Any licensee who is a member of the National Guard or a reserve component of the armed forces of the United States called to active duty whose license expires during the period of activation shall be eligible to be renewed upon the licensee being released from active duty without:
- (a) Payment of late fees or other penalties; or
 - (b) Obtaining continuing education credits when:
 - 1. Circumstances associated with the person's military duty prevented the obtaining of

continuing education credits and a waiver request has been submitted to the commission;
or

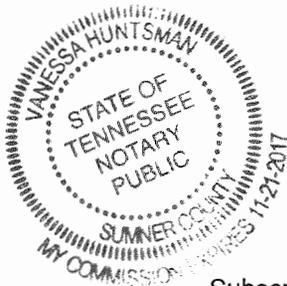
2. The person performs the licensed or certified occupation as part of such person's military duties and provides documentation sufficient to demonstrate such to the commission.
- (12) The license, certification or permit shall be eligible for renewal pursuant to Paragraph (11) for six (6) months from the person's release from active duty.
 - (13) Any person renewing under Paragraph (11) shall provide the commission such supporting documentation evidencing activation as may be required by the commission prior to the renewal of any license pursuant to Paragraph (11).

Authority: T.C.A. §§ 4-3-1304(d)(1); 62-6-303(a).

* 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)
Minnie Ann Lane	X				
Alan G. Rousseau	X				
David Brown, Jr.	X				
Larry T. Flair, Sr.	X				
David W. Horton	X				
William Rick Jones	X				
Jerry Richards, Jr.	X				
Dr. Paul A. Ritch	X				
Walt Valentine	X				

I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the Tennessee Private Investigation and Polygraph Commission on 2/14/2014, 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: 7/24/2015

Signature: [Handwritten Signature]

Name of Officer: Anthony M. Glandorf

Title of Officer: Chief Counsel

Subscribed and sworn to before me on: 07/24/2015

Notary Public Signature: Vanessa Huntsman

My commission expires on: 11/21/2017

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. Staty III
Herbert H. Staty III
Attorney General and Reporter

8/7/2015
Date

RECEIVED
 2015 AUG 14 PM 3: 56
 SECRETARY OF STATE
 PUBLICATIONS

Department of State Use Only

Filed with the Department of State on: 08/14/15

Effective on: 11/12/15

Tre Hargett
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.

- (1) The type or types of small business and an identification and estimate of the number of small businesses subject to the proposed rule that would bear the cost of, or directly benefit from the proposed rule;**

These rules are not expected to have a measurable impact on the cost to small businesses.

- (2) The projected reporting, recordkeeping and other administrative costs required for compliance with the proposed rule, including the type of professional skills necessary for preparation of the report or record;**

There are no projected reporting, recordkeeping or other administrative costs required for these proposed rules.

- (3) A statement of the probable effect on impacted small businesses and consumers;**

There is no expected adverse impact on small businesses as a result of these proposed rules. The proposed rules are expected to assist with the protection of the welfare of the citizens of the State of Tennessee by seeking to make it easier for military applicants and their spouses who hold private investigation, polygraph, or similar licenses in other states to obtain their private investigation or polygraph licenses in Tennessee and thus more easily obtain employment here.

- (4) A description of any less burdensome, less intrusive or less costly alternative methods of achieving the purpose and objectives of the proposed rule that may exist, and to what extent the alternative means might be less burdensome to small business;**

There are no less burdensome, less intrusive, or less costly alternative methods known that will achieve the purpose and objectives of these proposed rules.

- (5) A comparison of the proposed rule with any federal or state counterparts; and**

This rule is being adopted pursuant to the requirements set forth in T.C.A. § 4-3-1304.

- (6) Analysis of the effect of the possible exemption of small businesses from all or any part of the requirements contained in the proposed rule.**

Any possible exemption of small businesses from these rules would result in less protection for the citizens of the State of Tennessee.

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 commission does not foresee any impact on local government by the promulgation of this Rule.

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 proposed rule adds a new section for the expedited licensure of certain military personnel and spouses pursuant to T.C.A. § 4-3-1304(d)(1).

- (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;

The promulgation of this rule was mandated by the passage of an amendment to T.C.A. § 4-3-1304, which mandated the establishment of a procedure to expedite the issuance of licenses, certifications, or permits to military personnel and their spouses to perform services regulated by a regulatory board or commission.

- (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;

Members of the Armed Services, including the National Guard, and their spouses would be most 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;

There have been no opinions of the attorney general and reporter or judicial rulings that relate to this rule.

- (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 could possibly be a minimal increase in state government revenues as a result of this rule.

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

Anthony Glandorf, Chief Counsel for the Private Protective Services Program, Division of Regulatory Boards, Department of Commerce and Insurance

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

Anthony Glandorf, Chief Counsel for the Private Protective Services Program, Division of Regulatory Boards, Department of Commerce and Insurance

- (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

Anthony Glandorf
Tennessee Department of Commerce and Insurance
500 James Robertson Parkway
Nashville, Tennessee 37243
615-741-3072
Anthony.glandorf@tn.gov

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

None.

Redline

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Agency/Board/Commission:	Private Investigation and Polygraph Commission
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Chapter Number	Chapter Title
1175-01	Private Investigation and Polygraph Commission
Rule Number	Rule Title
1175-01-.04	Applicants for Licenses

Chapter 1175-01
Private Investigation and Polygraph Commission
[REDLINE]

Rule 1175-01-.04 Applicants for Licenses is amended by adding new paragraphs (10), (11), (12) and (13) that read:

- (10) An applicant for licensure meeting the requirements of T.C.A. § 4-3-1304(d)(1) may:
- (a) Be issued a license upon application and payment of all fees required for the issuance of such license, if, in the opinion of the commission, the requirements for licensure of such other state are substantially equivalent to that required in Tennessee; or
 - (b) Be issued a temporary permit as described herein if the commission determines that the applicant's license does not meet the requirements for substantial equivalency, but that the applicant could perform additional acts, including -- but not limited to -- education, training, or experience, in order to meet the requirements for the license to be substantially equivalent. Under these circumstances, the commission may issue a temporary permit upon application and payment of all fees required for issuance of a regular license of the same type, which shall allow such person to perform services as if fully licensed for a set period of time that is determined to be sufficient by the commission for the applicant to complete such requirements.
 - 1. After completing those additional requirements and providing the commission with sufficient proof thereof as may be required, a full license shall be issued to the applicant with an issuance date of the original issuance of the temporary permit and an expiration date as if the full license had been issued at that time.
 - 2. A temporary permit shall be issued for a period no longer than the length of a renewal cycle for a full license of the same type.
 - 3. A temporary permit shall expire upon the date set by the commission and shall not be subject to renewal except through the completion of the requirements for substantial equivalency as required by the commission or by an extension of time granted by the commission for good cause.
 - 4. Should an extension to a temporary permit cause the permit to be in effect longer than the renewal cycle of a full license, then the holder of the temporary permit shall file a renewal application with such documentation and fees, including completion of continuing education, as are required by the commission for all other renewals of a full license of the same type.
 - (c) Military education, training, or experience completed by a person described at T.C.A. § 4-3-1304(d)(1)(B)(ii)(a)-(c) shall be accepted toward the qualifications, in whole or in part, to receive any license issued by the commission if such military education, training, or experience is determined by the commission to be substantially equivalent to the education, training, or experience required for the issuance of such license.
- (11) Any licensee who is a member of the National Guard or a reserve component of the armed forces of the United States called to active duty whose license expires during the period of activation shall be eligible to be renewed upon the licensee being released from active duty without:
- (a) Payment of late fees or other penalties; or
 - (b) Obtaining continuing education credits when:
 - 1. Circumstances associated with the person's military duty prevented the obtaining of

continuing education credits and a waiver request has been submitted to the commission;
or

2. The person performs the licensed or certified occupation as part of such person's military duties and provides documentation sufficient to demonstrate such to the commission.

(12) The license, certification or permit shall be eligible for renewal pursuant to Paragraph (11) for six (6) months from the person's release from active duty.

(13) Any person renewing under Paragraph (11) shall provide the commission such supporting documentation evidencing activation as may be required by the commission prior to the renewal of any license pursuant to Paragraph (11).

Authority: T.C.A. §§ 4-3-1304(d)(1); 62-6-303(a).

* 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)
Minnie Ann Lane	X				
Alan G. Rousseau	X				
David Brown, Jr.	X				
Larry T. Flair, Sr.	X				
David W. Horton	X				
William Rick Jones	X				
Jerry Richards, Jr.	X				
Dr. Paul A. Ritch	X				
Walt Valentine	X				

I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the Tennessee Private Investigation and Polygraph Commission on 2/14/2014, 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: _____

Title of Officer: _____

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

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Filed with the Department of State on: _____

Effective on: _____

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.

- (1) The type or types of small business and an identification and estimate of the number of small businesses subject to the proposed rule that would bear the cost of, or directly benefit from the proposed rule;**

These rules are not expected to have a measurable impact on the cost to small businesses.

- (2) The projected reporting, recordkeeping and other administrative costs required for compliance with the proposed rule, including the type of professional skills necessary for preparation of the report or record;**

There are no projected reporting, recordkeeping or other administrative costs required for these proposed rules.

- (3) A statement of the probable effect on impacted small businesses and consumers;**

There is no expected adverse impact on small businesses as a result of these proposed rules. The proposed rules are expected to assist with the protection of the welfare of the citizens of the State of Tennessee by seeking to make it easier for military applicants and their spouses who hold private investigation, polygraph, or similar licenses in other states to obtain their private investigation or polygraph licenses in Tennessee and thus more easily obtain employment here.

- (4) A description of any less burdensome, less intrusive or less costly alternative methods of achieving the purpose and objectives of the proposed rule that may exist, and to what extent the alternative means might be less burdensome to small business;**

There are no less burdensome, less intrusive, or less costly alternative methods known that will achieve the purpose and objectives of these proposed rules.

- (5) A comparison of the proposed rule with any federal or state counterparts; and**

This rule is being adopted pursuant to the requirements set forth in T.C.A. § 4-3-1304.

- (6) Analysis of the effect of the possible exemption of small businesses from all or any part of the requirements contained in the proposed rule.**

Any possible exemption of small businesses from these rules would result in less protection for the citizens of the State of Tennessee.

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 commission does not foresee any impact on local government by the promulgation of this Rule.

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 proposed rule adds a new section for the expedited licensure of certain military personnel and spouses pursuant to T.C.A. § 4-3-1304(d)(1).

- (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;

The promulgation of this rule was mandated by the passage of an amendment to T.C.A. § 4-3-1304, which mandated the establishment of a procedure to expedite the issuance of licenses, certifications, or permits to military personnel and their spouses to perform services regulated by a regulatory board or commission.

- (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;

Members of the Armed Services, including the National Guard, and their spouses would be most 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;

There have been no opinions of the attorney general and reporter or judicial rulings that relate to this rule.

- (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 could possibly be a minimal increase in state government revenues as a result of this rule.

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

Anthony Glandorf, Chief Counsel for the Private Protective Services Program, Division of Regulatory Boards, Department of Commerce and Insurance

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

Anthony Glandorf, Chief Counsel for the Private Protective Services Program, Division of Regulatory Boards, Department of Commerce and Insurance

- (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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500 James Robertson Parkway
Nashville, Tennessee 37243
615-741-3072
Anthony.glandorf@tn.gov

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

None.