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Sequence Number: 08-32-16
 Notice ID(s): 2584-2593
 File Date: 8/29/16

Notice of Rulemaking Hearing

Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, T.C.A. § 4-5-204. For questions and copies of the notice, contact the person listed below.

Agency/Board/Commission:	Tennessee Wildlife Resources Agency
Division:	Boating and Law Enforcement
Contact Person:	Lisa Crawford
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Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:

ADA Contact:	Rick Pharris
Address:	TWRA, PO Box 40747, Nashville, TN 37204-0747
Phone:	615-781-6594
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Hearing Location(s) (for additional locations, copy and paste table)

Address 1:	Holiday Inn World's Fair Park		
Address 2:	525 Henley Street		
City:	Knoxville, TN		
Zip:	37902		
Hearing Date :	10/28/2016		
Hearing Time:	9:00 a.m.	<input type="checkbox"/> CST/CDT	<input checked="" type="checkbox"/> EST/EDT

Additional Hearing Information:

LeConte / Summit Room

Revision Type (check all that apply):

- Amendment
 New
 Repeal

Rule(s) (ALL chapters and rules contained in filing must be listed. If needed, copy and paste additional tables to accommodate more than one chapter. Please enter only **ONE** Rule Number/Rule Title per row.)

Chapter Number	Chapter Title
1660-01-08	Rules and Regulations Governing Hunts
Rule Number	Rule Title
1660-01-08-.03	Permit Requirements – Wildlife Management Areas, Refuges, and Other Agency Controlled Lands
1660-01-08-.05	Permit Applications and Drawings

Chapter Number	Chapter Title
1660-02-01	Rules and Regulations for Boating Certificates
Rule Number	Rule Title
1660-02-01-.01	Application for Certificate of Number
1660-02-01-.02	Issuance of Certificate of Number

Chapter Number	Chapter Title
1660-02-02	Rules and Regulations for Number
Rule Number	Rule Title
1660-02-02-.02	Display

Chapter Number	Chapter Title
1660-02-03	Rules and Regulations Governing Classification of Vessels and Equipment and Lights Required
Rule Number	Rule Title
1660-02-03-.01	Classifications
1660-02-03-.03	Flotation Devices
1660-02-03-.05	Backfire Flame Control
1660-02-03-.06	Fire Extinguishers

Chapter Number	Chapter Title
1660-02-04	Rules and Regulations Governing Reporting of Boating Accidents
Rule Number	Rule Title
1660-02-04-.01	Accident Report
1660-02-04-.02	Death

Chapter Number	Chapter Title
1660-02-05	Rules and Regulations Governing Issuance of Warning Citations
Rule Number	Rule Title
1660-02-05-.01	Officers

Chapter Number	Chapter Title
1660-02-07	Rules and Regulations Governing Operations of Vessels
Rule Number	Rule Title
1660-02-07-.11	Special Areas

Chapter Number	Chapter Title
1660-02-09	Rules and Regulations Governing Noise Level Standards
Rule Number	Rule Title
1661-02-09-.01	Noise Level Standards

Chapter Number	Chapter Title
1660-02-10	Rules and Regulations Governing Personal Watercraft
Rule Number	Rule Title
1660-02-10-.01	Operation of Personal Watercraft

Chapter Number	Chapter Title
1660-02-12	Rules and Regulations for Boating Education
Rule Number	Rule Title
1660-02-12-.01	Boating Education Program

Amendment

1660-01-08-.03 Permit Requirements – Wildlife Management Areas, Refuges and Other Agency Controlled Lands, paragraph (3) subparagraph (a) is amended by removing “Refuge” from “Paint Rock Refuge”, adding SS-7039 (November 2014)

"Refuge" to Cypress Pond, removing South Cherokee, adding the following lands: Beason Creek, Beech River, Blackburn Fork, Chambers Creek, Col. Forrest V. Durand, Fort Ridge, Gray's Creek, Happy Hollow, Harp, Harts Mill, McGlothin-Largin, Perry Switch, Spring Creek, and Tull Bottom to the table, and adding Wolf River WMA to the paragraph below the table, so that, as amended, the rule shall read:

(a) A WMA Small Game permit is required on the following wildlife management areas and refuges:

AEDC	Forks of the River	North Chickamauga Creek
Alpine Mountain	Fort Ridge	North Cumberland
Arnold Hollow	Gray's Creek	Oak Ridge
Bark Camp Barrens	Haley-Jaqueth	Obion River
Barkley	Happy Hollow	Old Hickory
Bean Switch Refuge	Harmon Creek	Old Hickory Lock 5 Refuge
Bear Hollow Mountain	Harp	Owl Hollow Mill
Beason Creek	Harts Mill	Paint Rock
Beaver Dam Creek	Haynes Bottom	Parker Branch
Beech River	Headwaters	Pea Ridge
Big Sandy (including Gin Creek)	Henderson Island Refuge	Percy Priest
Blackburn Fork	Hick Hill	Perry Switch
Bogota	Hickory Flat	Perryville
Bridgestone/Firestone	Hiwassee Refuge	Prentice Cooper
Centennial Wilderness	Hop-In Refuge	Rankin
Browntown	Horns Bluff Refuge	Shelton Ferry
Buffalo Springs	Jackson Swamp	Skinner Mountain
Camden	Jarrell Switch Refuge	South Fork Refuge
Catoosa	John Tully	Spring Creek
Cedar Hill Swamp	Keyes-Harrison	Tellico Lake
Chambers Creek	Kingston Refuge	Thorny Cypress
Charlotte Ann Finnell Neal	Kyker Bottoms Refuge	Tie Camp
Cheatham	Kyles Ford	Tigrett
Cheatham Lake	Laurel Hill	The Boils
Chickamauga	Lick Creek	Three Rivers
Chuck Swan	Lick Creek Bottoms	Tull Bottom
Col. Forrest V. Durand	Luper Mountain	Tumbleweed
Cordell Hull	Maness Swamp Refuge	Watts Bar
Cordell Hull Refuge	Maple Springs	West Sandy
Cove Creek	McGlothin-Largin	White Lake Refuge
C. M. Gooch	Meeman-Shelby Forest	White Oak
Cummings Cove	Mingo Swamp	Williamsport
Cypress Pond Refuge	Moss Island	Wolf River
Dry Creek	Mount Roosevelt	Woods Reservoir Refuge
Eagle Creek	MTSU	Yanahli

Eagle Lake Refuge	Natchez Trace	Yuchi Refuge
Ernest Rice Sr.	New Hope	
Flintville Hatchery	Nolichucky	
Foothills	Normandy	

A WMA small game permit is required for individuals participating in dog training. A field trial permit is required on Percy Priest WMA, Tellico Lake WMA and Wolf River WMA.

Amendment

1660-01-08-.03 Permit Requirements – Wildlife Management Areas, Refuges and Other Agency Controlled Lands, paragraph (3) subparagraph (b) is amended by removing “Refuge” from “Paint Rock Refuge”, and by adding the following lands: Beason Creek, Beech River, Chambers Creek, Col. Forrest V. Durand, Fort Ridge, Gray’s Creek, Happy Hollow, Harts Mill, McGlothin-Largin, Perry Switch, Spring Creek, and Tull Bottom to the table, so that, as amended, the rule shall read:

- (b) A WMA Small Game and Waterfowl permit is required for hunting waterfowl on the following wildlife management areas and refuges:

AEDC	Happy Hollow	Obion River
Barkley	Harmon Creek	Old Hickory
Bean Switch Refuge	Harts Mill	Parker Branch
Beason Creek	Haynes Bottom	Percy Priest
Beech River	Headwaters	Perry Switch
Big Sandy (including Gin Creek)	Hiwassee Refuge	Shelton Ferry
Bogota	Horns Bluff Refuge	South Fork Refuge
C.M. Gooch	Jackson Swamp	Spring Creek
Camden	Jarrell Switch Refuge	The Boils
Cedar Hill Swamp	John Tully	Thorny Cypress
Chambers Creek	Moss Island	Three Rivers
Charlotte Ann Finnell Neal	Lick Creek	Tigrett
Cheatham Lake	Lick Creek Bottoms	Tumbleweed
Chickamauga	McGlothin-Largin	Tull Bottom
Col. Forrest V. Durand	Meeman-Shelby Forest	Watts Bar
Cordell Hull	Mingo Swamp	West Sandy
Cordell Hull Refuge	Moss Island	White Oak
Cypress Pond Refuge	New Hope	Wolf River
Eagle Lake Refuge	Nolichucky	Yanahli
Ernest Rice Sr.	North Chickamauga Creek	Yuchi Refuge
Fort Ridge	Paint Rock	
Gray's Creek	Oak Ridge	

Amendment

1660-01-08-.03 Permit Requirements – Wildlife Management Areas, Refuges and Other Agency Controlled Lands, paragraph (3) subparagraph (c) is amended by removing “Refuge” from “Paint Rock Refuge”, adding “Refuge” to Cypress Pond, and adding the following lands: Beason Creek, Beech River, Blackburn Fork, Chambers Creek, Col. Forrest V. Durand, Fort Ridge, Gray’s Creek, Happy Hollow, Harp, Harts Mill, McGlothin-Largin, Perry Switch, Spring Creek, and Tull Bottom to the table, so that, as amended, the rule shall read:

- (c) A WMA big game permit is required for hunting deer, bear, and turkey on the following wildlife management areas and refuges:

AEDC	Ernest Rice Sr.	McGlothin-Largin
Alpine Mountain	Fall Creek Falls State Park	Nolichucky
Arnold Hollow	Flintville Hatchery	Normandy
Bark Camp Barrens	Foothills	North Chickamauga Creek
Barkley	Forks of the River	North Cumberland
Beason Creek	Fort Ridge	Oak Ridge
Bean Switch Refuge	Gallatin Steam Plant	Obion River
Bear Hollow Mountain	Gray’s Creek	Old Hickory
Beaver Dam Creek	Haley-Jaqueth	Old Hickory Lock 5 Refuge
Beech River	Happy Hollow	Owl Hollow Mill
Big Sandy (including Gin Creek)	Harmon Creek	Paint Rock
Bogota	Harp	Parker Branch
Blackburn Fork	Harts Mill	Pea Ridge
Bridgestone/Firestone	Haynes Bottom	Percy Priest
Centennial Wilderness	Headwaters	Perry Switch
Browntown	Henderson Island Refuge	Perryville
Buffalo Springs	Hick Hill	Prentice Cooper
C. M. Gooch	Hickory Flat	President’s Island
Camden	Hiwassee Refuge	Rankin
Catoosa	Hop-In Refuge	Shelton Ferry
Cedar Hill Swamp	Horns Bluff Refuge	Skinner Mountain
Chambers Creek	Jackson Swamp	South Fork Refuge
Charlotte Ann Finnell Neal	Jarrell Switch Refuge	Spring Creek
Cheatham	John Tully	Tellico Lake
Cheatham Lake	Keyes-Harrison	The Boils
Cherokee	Kingston Refuge	Thorny Cypress
Chickamauga	Kyles Ford	Three Rivers
Chuck Swan	Laurel Hill	Tie Camp WMA
Col. Forrest V. Durand	Lick Creek	Tigrett
Cordell Hull	Lick Creek Bottoms	Tumbleweed
Cordell Hull Refuge	Luper Mountain	Tull Bottom
Cove Creek	Maness Swamp Refuge	Watts Bar
Cummings Cove	Maple Springs	West Sandy

Cypress Pond Refuge	Meeman-Shelby Forest	White Lake Refuge
Dry Creek	Mingo Swamp	White Oak
Eagle Creek	Moss Island	Williamsport
Eagle Lake Refuge	Mount Roosevelt	Wolf River
Edgar Evins State Park	MTSU	Woods Reservoir Refuge
Enterprise South Park	Natchez Trace	Yanahli
	New Hope	Yuchi Refuge

Authority: T.C.A. §§70-1-206, 70-2-201, 70-4-107 and 70-5-101. Administrative History: Original rule certified May 8, 1974. Amendment filed July 18, 1974; effective August 18, 1974. Amendment filed December 23, 1974; effective January 23, 1975. Amendment filed June 25, 1975; effective July 25, 1975. Amendment filed October 8, 1975; effective November 7, 1975. Amendment filed July 19, 1976; effective August 18, 1976. Amendment filed October 22, 1976; effective November 22, 1976. Amendment filed June 8, 1977; effective July 8, 1977. Amendment filed March 2, 1978; effective April 1, 1978. Amendment filed June 9, 1978; effective July 10, 1978. Amendment filed May 17, 1979; effective July 2, 1979. Amendment filed August 2, 1982; effective August 31, 1982. Amendment filed January 24, 1984; effective February 23, 1984. Amendment filed June 27, 1985; effective July 27, 1985. Amendment filed June 9, 1986; effective July 9, 1986. Amendment filed July 25, 1986; effective September 8, 1986. Amendment filed July 8, 1987; effective August 22, 1987. Amendment filed April 20, 1988; effective June 4, 1988. Amendment filed October 26, 1988; effective December 10, 1988. Amendment filed June 8, 1989; effective July 23, 1989. Amendment filed May 11, 1990; effective June 25, 1990. Amendment filed November 6, 1991; effective December 21, 1991. Amendment filed December 14, 1992; effective January 19, 1993. Amendment filed September 26, 1996; effective December 10, 1996. Amendments filed August 16, 1999; effective October 30, 1999. Amendment filed July 1, 2000; effective September 23, 2000. Amendment filed July 19, 2001; effective October 2, 2001. Amendment filed April 23, 2003; effective July 7, 2003. Amendment filed July 29, 2004; effective October 12, 2004. Amendment filed July 12, 2005; effective September 25, 2005. Amendment filed October 25, 2005; effective January 8, 2006. Amendment filed June 22, 2006; effective September 5, 2006. Amendment filed September 29, 2006; effective December 13, 2006. Amendment filed June 25, 2008; effective September 8, 2008. Amendment filed April 4, 2012; effective July 3, 2012. Amendment filed December 9, 2014; effective March 9, 2015. Amendment filed _____, 2016, effective _____, 2017.

Amendment

Rule 1660-01-08-.05 Permit Applications and Drawings is amended by amending paragraph (6), subparagraph (k) and paragraph (8) to clarify language, age, license, and post-hunt requirements so that, as amended, the rules shall read:

- (6) Elk Hunt Quota Permits
 - (k) Successful applicants may be subject to hunting in specialized elk zones as designated by the TWRA.
- (8) Sandhill Crane Quota Permit Allocation Procedures.
 - (a) Permits will be issued by handheld drawing(s) on-site or near hunt zone(s) and/or by a computer drawing to determine successful applicants.
 - (b) Each individual desiring to participate in a quota permit drawing must submit an application during the application period specified and per the instructions supplied by the Tennessee Wildlife Resources Agency (hereafter "Agency").
 - (c) Applicants may submit one application per year. If more than one application is received per hunter, that individual's applications will be rejected. Each applicant must be at least thirteen (13) years of age to compete in the drawing.

- (d) All information requested at the time of application must be completed; failure to provide all information will result in the application being rejected.
- (e) If a handheld drawing is conducted, a current Hunting & Fishing License and Waterfowl license (or equivalent) are required to apply. If a computerized drawing is conducted, each application must be accompanied by a non-refundable handling fee, except Sportsman License holders, Lifetime Sportsman License holders and persons possessing an Annual Senior Citizen Permit (type 167). Landowners may either have the required license(s) as described above, or if their property is within an area open to Sandhill crane hunting, they may claim landowner license exemption by providing a completed, signed Landowner Exemption Statement, available in the Hunting and Trapping Guide.
- (f) If a computerized drawing is conducted, priority drawings and procedures for qualifying with priority status will be established as indicated on the application.
- (g) When permits remain following the drawing(s), leftover permits will be available on a first-come, first-served basis either at Regional Offices and other locations designated by the Agency or on the Agency web site. If obtaining left over permits in person at a Regional office or other location designated by the Agency, an individual may obtain permits for up to 5 other individuals if they provide proof that the individuals they are representing meet the minimum licensing requirements (as outlined in (e)). Individuals wishing to obtain permits for others may obtain one permit at a time and only by returning to the end of the line for each additional permit they wish to obtain.
- (h) Successful applicants must possess appropriate licenses and permits in order to participate in the hunt(s).
- (i) Successful applicants may be required to pass a bird identification test; specific requirements will be outlined by the Agency.
- (j) Each Sandhill Crane Quota Permit holder is required to complete and submit a Sandhill Crane Post-Hunt Report by the required deadline even if they did not participate in the hunt. Failure to submit a completed report by the deadline will disqualify them from entering the following season's drawing.

Authority: T.C.A. §§ 70-1-206, 70-2-219, 70-4-107. Administrative History: Original rule filed July 19, 1976; effective August 18, 1976. Amendment filed June 8, 1977; effective July 8, 1977. Amendment filed June 9, 1978; effective July 10, 1978. Amendment filed May 17, 1979; effective July 2, 1979. Amendment filed August 28, 1979; effective October 12, 1979. Amendment filed May 19, 1980; effective July 3, 1980. Amendment filed February 6, 1981; effective March 23, 1981. Amendment filed August 12, 1982; effective August 31, 1982. Amendment filed June 27, 1984; effective July 27, 1984. Amendment filed June 27, 1985; effective July 27, 1985. Amendment filed June 9, 1986; effective July 9, 1986. Amendment filed April 22, 1988; effective June 6, 1988. Amendment filed September 1, 1988; effective October 16, 1988. Amendment filed June 8, 1989; effective July 23, 1989. Amendment filed May 11, 1990; effective June 25, 1990. Amendment filed June 11, 1992; effective July 26, 1992. Amendment filed February 12, 1996; effective April 27, 1996. Amendment filed July 26, 1996; effective October 7, 1996. Amendment filed September 26, 1996; effective December 10, 1996. Amendment filed March 4, 1998; effective May 18, 1998. Amendment filed May 20, 1998; effective August 3, 1998. Amendments filed September 17, 1998; effective December 1, 1998. Amendment filed July 13, 1999; effective September 26, 1999. Amendment filed May 19, 2000; effective August 2, 2000. Amendment filed October 2, 2000; effective December 16, 2000. Amendment filed December 1, 2000; effective February 14, 2001. Amendment filed July 19, 2001; effective October 2, 2001. Amendment filed April 23, 2003; effective July 7, 2003. Amendments filed July 12, 2005; effective September 25, 2005. Amendments filed October 25, 2005; effective January 8, 2006. Amendment filed June 20, 2006; effective September 3, 2006. Amendment filed September 29, 2006; effective December 13, 2006. Amendment filed June 26, 2007; effective September 9, 2007. Amendment filed May 5, 2008; withdrawn June 5, 2008. Amendment filed June 11, 2008; effective August 11, 2008.

25, 2008. Amendments filed January 5, 2009; effective March 21, 2009. Amendment filed April 1, 2009; effective June 15, 2009. Amendment filed June 16, 2010; effective September 14, 2010. Amendments filed November 17, 2010; effective February 15, 2011. Amendments filed April 4, 2012; effective July 3, 2012. Amendment filed December 9, 2014; effective March 9, 2015. Amendment filed _____, 2016, effective _____, 2017.

Amendment

1660-02-01-.01 Application for Certificate of Number is amended by replacing the rule in its entirety and replacing it with the following:

- (1) All applications for a Certificate of Number shall include the following information and shall be submitted on forms furnished by the Wildlife Resources Agency.
 - (a) Name and address of owner, including zip code;
 - (b) Owner identifier, which must be the owner's social security number, or date of birth together with driver's license number, or date of birth together with TWRA Identification Number.
 - (c) Present TN number (if any) on vessel;
 - (d) Hull materials: Authorized terms are "aluminum," "fiberglass," "plastic," "rubber/vinyl/canvas," "steel," "wood," or "other";
 - (e) Type of propulsion: Authorized terms are "air thrust," "manual," "propeller," "sail," "water jet," or "other."
 - (f) Fuel: Authorized terms are "electric," "diesel," "gas," or "other."
 - (g) Make and model of vessel.
 - (h) Model year of vessel.
 - (i) Overall length of vessel (in feet and inches);
 - (j) Primary operation: Authorized terms are "charter fishing," "commercial fishing," "commercial passenger carrying," "dealer or manufacturer demonstration," "other commercial operation," "pleasure," or "rent or lease."
 - (k) Signature of owner.
 - (l) Vessel type: Authorized terms are "air boat," "auxiliary sail," "cabin motorboat," "houseboat," "inflatable boat," "open motorboat," "paddlecraft," "personal watercraft," "pontoon boat," "rowboat," "sail only," or "other."
 - (m) Engine drive type: Authorized terms are "inboard," "outboard," "pod drive," "sterndrive," or "other."
 - (n) State of principal operation.
 - (o) Indicate whether the application is for a new number, renewal of a number, or transfer of ownership.
 - (p) Manufacturer's hull identification number (if any).
- (2) All requirements of paragraph (1) shall apply to rental boats, except that a description of motor, if any, and type of fuel need not be completed on the application in every case where the engines is not rented as part of the boat.

- (3) Paragraph (1) shall apply for dealers' or manufacturers' vessels except a description of the vessel shall not be required since the number issued may be transferred from one vessel to another. In lieu of the description, the word "manufacturer" or "dealer" as appropriate will be plainly indicated on the application.
 - (a) Application for a dealer or manufacturer certificate must be accompanied by a notarized copy (copies) of the dealer/manufacturer license to conduct such business and the sale tax number issued to said business.
 - (b) A dealer and manufacturer certificate is to be used only for demonstration and or testing purposes and may be transferred from boat to boat. However, no certificate may be used to operate more than one boat at the same time and each boat operated simultaneously requires a separate certificate.
- (4) Application for a duplicate certificate of Number containing the information as required by paragraph (1) of these regulations shall be made if the Certificate of Number is lost or destroyed. Such an application shall be made within fifteen (15) days of loss or destruction.
- (5) The application for number by a new owner of a vessel bearing a Tennessee number shall, for purpose of fee, be regarded as an original application for number and the number issued shall be identical to the previous one, except where a lien holder requires title or lawful possession by virtue of his lien, in which case a new number shall be issued.
- (6) Applications for a consignment vessel, certificate of number, shall adhere to the following guidelines:
 - (a) A consignment vessel is one which is owned by a vessel manufacturer or boat dealer, and is consigned to an individual or other entity for a period of time for demonstration or advertising use, and for which no sale has occurred.
 - (b) A consignment vessel certificate of number may only be issued to a vessel manufacturer or boat dealer located in Tennessee.
 - (c) Applications for consignment vessels shall be made using the Tennessee Wildlife Resources Agency "application for boat certificate of number" (WR0292), and include all applicable information outlined in 1660-02-01-.02 (Issuance of Certificate of Number).
 - (d) Applications must be accompanied by proof of manufacturer's or dealer's status which shall include at least the company name, Manufacturer Identification Code, location of the company office, and United States tax identification number or tax number issued by the Tennessee Department of Revenue.
 - (e) The application fee shall be the same as any other vessel of the same length.
 - (f) Applications for consignment vessels may be made only with the Nashville office of the Tennessee Wildlife Resources Agency.
 - (g) The certificate of number shall be issued in the name of the manufacturer's or dealer's business name.
 - (h) If the vessel is sold at the end of the consignment period, it must be sold as a used vessel.
 - (i) The vessel number will remain unchanged at the time of sale unless the state of principal use changes or as outlined in 1660-02-01-.01(5), 1660-02-01-.02(8) or 1660-02-01-.02(9).

Authority: T.C.A. §§69-9-209 and 70-1-206. Administrative History: Original rule certified May 8, 1974. Amendment filed April 16, 1993; effective May 31, 1993. Amendment filed October 16, 1996; effective December

_____.

Amendment

1660-02-01-.02 Issuance of Certificate of Number is amended by replacing the rule in its entirety and by replacing it with the following:

- (1) All Certificates of number issued by the Wildlife Resources Agency shall be pocketsize, water resistant and available for examination on the vessel for which issued whenever the vessel is in use, and shall contain the following information:
 - (a) Name and address of owner, including zip code;
 - (b) Number issued to the vessel;
 - (c) Expiration date;
 - (d) Make and model of boat;
 - (e) Hull material: Authorized terms are "aluminum," "fiberglass," "plastic," "rubber/vinyl/canvas," "steel," "wood," or "other."
 - (f) Overall length of vessel (in feet and inches);
 - (g) Propulsion type: Authorized terms are "air thrust," "manual," "propeller," "sail," "water jet," or "other."
 - (h) Type of fuel: Authorized terms are "electric," "diesel," "gas," or "other."
 - (i) Primary operation: Authorized terms are "charter fishing," "commercial fishing," "commercial passenger carrying," "dealer or manufacturer demonstration," "other commercial operation," "pleasure," or "rent or lease."
 - (j) Engine drive type: Authorized terms are "inboard," "outboard," "pod drive," "sterndrive," or "other."
 - (k) Vessel type: Authorized terms are "air boat," "auxiliary sail," "cabin motorboat," "houseboat," "inflatable boat," "open motorboat," "paddlecraft," "personal watercraft," "pontoon boat," "rowboat," "sail only," or "other."
 - (l) State of principal operation;
 - (m) Manufacturer's hull identification number (if any);
 - (n) Model year of vessel.
- (2) Certificates of Number issued to rental motorboats need not include the type of fuel or method propulsion if the motor is not rented as part of the boat, but shall be plainly marked with the word "Rental."
- (3) The Certificate of Number for vessels less than 26' in length and leased or rented to another for the latter's non-commercial use of less than twenty-four (24) hours may be retained on shore by the vessel's owner or his representative at the place from which the vessel departs or returns to the possession of the owner or his representative; provided, however, the operator shall have with him a copy of the lease or rental agreement signed by the owner or his authorized representative and by the person leasing or renting the vessel that contains the vessel's number than appears on the Certificate of Number and the period of time for which the vessel is leased or rented.

- (4) Certificates of Number issued for a dealers' or manufacturers' vessel shall, in lieu of the description of the vessel, be plainly marked with the words 'MANUFACTURER' or "DEALER' as appropriate.
- (5) Certificates of Number issued are valid for a period of three (3) years from date of issuance unless sooner cancelled. Certain causes for cancellation of certificates and voiding of numbers are:
 - (a) Surrender of certificate for cancellation;
 - (b) Issuance of a new number for the same vessel;
 - (c) Issuance of a marine document by the U. S. Bureau of Customs for the same vessel;
 - (d) False or fraudulent certification in an application for number.
- (6) When an owner of a vessel numbered by Tennessee changes his address from that shown on the Certificate of Number, he shall notify in writing the Executive Director, Wildlife Resources Agency, Nashville, Tennessee, of his new address within fifteen (15) days from such change.
- (7) When a vessel numbered by Tennessee is lost, stolen and/or recovered, destroyed, abandoned or transferred to another person, the Certificate of Number issued for the vessel shall be surrendered together with written notification of the change in status of the vessel to the Executive Director, within fifteen (15) days from such event.
- (8) The owner of a vessel must remove the number when the vessel is documented by the United States Coast Guard, the Certificate of Number becomes invalid, or the vessel is no longer principally used in Tennessee.
- (9) The certificate of number is invalid if the person whose name appears on the certificate loses his interest by legal process.

Authority: T.C.A. §§69-9-209 and 70-1-206. Administrative History: Original rule filed May 8, 1975. Amendment filed March 2, 1978; effective April 1, 1978. Amendment filed April 3, 2008; effective June 17, 2008. Amendment filed _____; effective _____.

Amendment

1660-02-02-.02 Display of Number is amended by inserting a new paragraph (c) and renumbering the remaining paragraphs accordingly so that, as amended, the rule shall read:

- (1) The identification number awarded to any vessel under the Tennessee numbering system shall be displayed thereon by being:
 - (a) Painted on, or attached to, each side of the bow (i.e., the forward half) of the vessel; read from left to right; and in such position to provide clear legibility for identification.
 - (b) In block characters of good proportion not less than three (3) inches in height and of a color which will contrast with the color of the background (i.e., dark numbers on a light background, or light numbers on a dark background) and so maintained as to be clearly visible and legible. Vessels operated by manufacturers or dealers for demonstration purposes may have the number issued printed upon or attached to a removable sign or signs to be temporarily but firmly mounted upon or attached to the vessel being demonstrated or tested so long as the display meets the above requirements.
 - (c) On vessels so configured that a number on the hull or superstructure would not be easily visible, the number must be painted on or attached to a backing plate that is attached to the forward half of the vessel so that the number is visible from each side of the vessel.
 - (d) A validation decal must be affixed to the vessel on each side of the forward

half of the vessel immediately preceding or following the TN identification number.

- (e) Vessels with a valid document issued by the United States Coast Guard shall not be required to display a certificate of number but shall display a current vessel validation decal issued by the Tennessee Wildlife Resources Agency. The decal shall be located on each side of the vessel on the windows located nearest the main operator station, or if not equipped with windows, the decal shall be placed in the immediate vicinity of the operator so that the decal is clearly visible to enforcement officers. Sailboats, in lieu of that location, may place the decal on the bottom of the main mast, on both the port and starboard sides.

Authority: T.C.A. §§69-9-209 and 70-1-206(3). Administrative History: Original rule certified May 8, 1974. Amendment filed May 7, 1985; effective June 6, 1985. Amendment filed April 3, 2008; effective June 17, 2008. Amendment filed _____; effective _____.

Amendment

1660-02-03 Rules and Regulations Governing Classification of Vessels and Equipment and Lights Required is amended by changing the title of the chapter to "Rules and Regulations Governing Equipment Required on Vessels and Navigation Rules."

Amendment

1660-02-03-.01 Classifications is amended by changing the title to "Applicability" and by deleting the rule in its entirety and replacing it with the following:

1660-02-03-.01 Applicability

This rule applies to all vessels that are propelled or controlled by machinery, sails, oars, paddles, poles, or another vessel.

Authority: T.C.A. §§69-9-209 and 70-1-206. Administrative History: Original rule certified May 8, 1974. Amendment filed November 20, 1975; effective December 20, 1975. Amendment filed _____; effective _____.

Amendment

1660-02-03-.03 Flotation Devices is amended by deleting the rule in its entirety and replacing it with the following:

1660-02-03-.03 Flotation Devices.

- (1) The operator of a vessel, when carrying passengers for hire, shall provide a United States Coast Guard approved life jacket for each person on board, and unless the service is such that children are never carried, with an additional number of approved life jackets suitable for children equal to at least 10 percent of the total number of person carried.

- (2) As used in this rule:

Personal Flotation Device or *PFD* means a device that is approved by the Commandant of the U.S. Coast Guard under 46 CFR part 160.

Throwable PFD means a PFD that is intended to be thrown to a person in the water. A PFD labeled as Type IV or Type V with Type IV performance is considered a throwable PFD. Unless specifically marked otherwise, a wearable PFD is not a throwable PFD.

Wearable PFD means a PFD that is intended to be worn or otherwise attached to the body. A PFD labeled as Type I, Type II, Type III, or Type V with Type (I, II or III) performance is considered a wearable PFD.

- (3) (a) No person may use a recreational vessel unless—
 - 1. At least one wearable PFD is on board for each person;
 - 2. Each PFD is used in accordance with any requirements on the Approval label; and
 - 3. Each PFD is used in accordance with any requirements in its owner's manual, if the approval label makes reference to such a manual.
- (b) No person may use a recreational vessel 16 feet or more in length unless one throwable PFD is onboard in addition to the total number of wearable PFDs required in paragraph (a) of this section.
- (2) All Personal Flotation devices ("PFD's") carried on board vessels operating within the state shall be in good and serviceable condition, and of an appropriate size for the persons who intend to wear them. Wearable PFD's shall be readily accessible and throwable devices shall be immediately available for use. All PFD's shall be legibly labeled with an approval number, as specified in 46 CFR part 160.
- (5) A PFD is considered to be in serviceable condition only if the following conditions are met:
 - (a) No PFD may exhibit deterioration that could diminish the performance of the PFD, including—
 - 1. Metal or plastic hardware used to secure the PFD on the wearer that is broken, deformed, or weakened by corrosion;
 - 2. Webbing or straps used to secure the PFD on the wearer that are ripped, torn, or which have become separated from an attachment point on the PFD; or
 - 3. Any other rotted or deteriorated structural component that fails when tugged.
 - (b) In addition to meeting the requirements of paragraph (a) of this section, no inherently buoyant PFD, including the inherently buoyant components of a hybrid inflatable PFD, may exhibit—
 - 1. Rips, tears, or open seams in fabric or coatings, that are large enough to allow the loss of buoyant material;
 - 2. Buoyant material that has become hardened, non-resilient, permanently compressed, waterlogged, oil-soaked, or which shows evidence of fungus or mildew; or
 - 3. Loss of buoyant material or buoyant material that is not securely held in position.
 - (c) In addition to meeting the requirements of paragraph (a) of this section, an inflatable PFD, including the inflatable components of a hybrid inflatable PFD, must be equipped with—
 - 1. Except as provided in paragraph (d) of this section, a properly armed inflation mechanism, complete with a full inflation medium cartridge and all status indicators showing that the inflation mechanism is properly armed;
 - 2. Inflatable chambers that are all capable of holding air;

3. Oral inflation tubes that are not blocked, detached, or broken;
 4. A manual inflation lanyard or lever that is not inaccessible, broken, or missing; and
 5. Inflator status indicators that are not broken or otherwise non-functional.
- (d) The inflation system of an inflatable PFD need not be armed when the PFD is worn inflated and otherwise meets the requirements of paragraphs (a) and (c) of this section.
- (3) Exemptions:
- (a) Racing shells, rowing sculls, and racing paddlecraft ~~canoes and racing kayaks~~ are exempted from the requirements for carriage of any Type PFD. This exemption only applies to racing shells, rowing sculls, and racing paddlecraft when competing in an organized or sanctioned race or training program approved by a national or international body, or by appropriate permit, and where adequate safety precautions are in place.

Paddlecraft means a vessel powered only by its occupants, using a single or double bladed paddle as a lever without the aid of a fulcrum provided by oarlocks, thole pins, crutches, or similar arrangements.
 - (b) Sailboards are exempted from the requirements for any carriage of any Type PFD. A sailboard means a sail propelled vessel with no freeboard and equipped with a swivel mounted mast not secured to a hull by guys or stays.
 - (b) Vessels of the United States used by foreign competitors while practicing for or racing in competition are exempted from these carriage requirements provided the vessel carries one of the sponsoring foreign country's acceptable flotation devices for each foreign competitor on board.

Authority: T.C.A. §§69-9-209, 69-9-502, and 70-1-206. Administrative History: Original rule certified May 8, 1974. Amendment filed March 2, 1978; effective April 1, 1978. Amendment filed May 19, 1980; effective July 3, 1980. Amendment filed May 27, 1983; effective June 27, 1983. Amendment filed September 26, 1996; effective December 10, 1996. Amendment filed _____; effective _____.

Amendment

1660-02-03-.05(4)(d) Backfire Flame Control is amended by correcting the word "file" to "fuel" in (4) (d).

- (1) Except for compartments open to the atmosphere, a natural or power ventilation system must be provided for each compartment in a boat that—
 - (a) contains a permanently installed gasoline engine;
 - (b) has openings between it and a compartment that requires ventilation; except that an accommodation compartment above a compartment requiring ventilation by a deck or other structure does not have to comply;
 - (c) contains a permanently installed fuel tank where an electrical component is not ignition protected;
 - (d) contains a fuel tank that vents into that compartment; or
 - (e) contains a non-metallic fuel tank with an aggregate permeability rate greater than the allowable standards established in CFR 183.620.

Authority: T.C.A. §§69-9-209 and 70-1-206. Administrative History: Original rule certified May 8, 1974. Amendment filed June 11, 1981; effective July 27, 1981. Amendment filed _____; effective _____.

Amendment

1660-02-03-.06(5) Fire Extinguishers is amended by removing vessel classes in paragraph (5) and replacing it with vessel lengths as follows:

- (5) All motorboats shall carry at least the minimum number of hand portable fire extinguishers as set forth below, except that motorboats less than 26 feet in length, propelled by outboard motors and not carrying passengers for hire need not carry such portable fire extinguishers if the construction of such motorboat will not permit the entrapment of explosive or flammable gases or vapors.

Minimum Number of BI Hand Portable Fire Extinguishers Needed

Length of Motorboat	No fixed fire Extinguishing system in machinery spaces	With fixed fire extinguishing system in machinery spaces
Less than 16'	1	0
16' to less than 26'	1	0
26' to less than 40'	2 or 1 BII	1
Greater than 40'	3 or 1 BII	2 or 1 BII and 1 BI

Examples of minimum size graduations for some of the typical hand portable fire extinguishers are set forth below:

Type	Classification Size	Foam (gallons)	Carbon dioxide (pounds)	Dry chemical (pounds)
B	I	1¼	4	2
B	II	2½	15	10
B	III	12	35	20

Authority: T.C.A. §§69-9-209 and 70-1-206. Administrative History: Original rule certified May 8, 1974. Amendment filed June 11, 1981; effective July 27, 1981. Amendment filed _____; effective _____.

Amendment

1660-02-04-.01 Accident Report is amended by deleting the rule in its entirety and replacing it with the following:

- (1) The operator of a vessel shall immediately notify the Tennessee Wildlife Resources Agency and, shall provide the information listed in Rule 1660-02-04-.01(2) to an officer of the Tennessee Wildlife Resources Agency upon request when, as a result of an occurrence that involved the vessel or its equipment –
- (a) A person dies;
- (b) A person is injured and receives, or should have received, medical treatment beyond first aid;

- (c) Damage to the vessel or combination of vessels and other property damage totals more than \$2000 or complete loss of vessel; or
 - (d) A person disappears from the vessel under circumstances that indicate death or injury.
- (2) The following information about the casualty or accident shall be provided as required by paragraph (1) of this rule to be included in the report filed by the Agency.
- (a) The numbers and names of each vessel involved.
 - (b) The names and address of each owner of each vessel involved.
 - (c) The name of the nearest city or town, the county, the state, and the body of water.
 - (d) The time and date the casualty or accident occurred.
 - (e) The location on the water.
 - (f) The visibility, weather, and water conditions.
 - (g) The estimated air and water temperatures.
 - (h) The name, address, age, or date of birth, telephone number, vessel operating experience, and boating safety training of the operator making the report.
 - (i) The name and address of each operator of each vessel involved.
 - (j) The number of persons on board or towed on skis by each vessel.
 - (k) The name, address, and date of birth of each person injured or killed.
 - (l) The cause of each death.
 - (m) Weather forecasts available to, and weather reports used by, the operator before and during the use of the vessel;
 - (n) The name and address of each owner of property involved.
 - (o) The availability and use of personal flotation devices.
 - (p) The type and amount of each fire extinguisher used.
 - (q) The nature and extent of each injury
 - (r) A description of all property damage and vessel damage with an estimate of the cost of all repairs.
 - (s) A description of each equipment failure that caused or contributed to the cause of the casualty.
 - (t) A description of the vessel casualty or accident.
 - (u) The type of vessel operation and the type of accident.
 - (v) The opinion of the person making the report as to the cause of the casualty.
 - (w) The make, model, type, beam width at widest point, length, horsepower, propulsion engine drive type, fuel, hull material, and model year, of the reporting operator's vessel.
 - (x) The name, address, and telephone number of each witness.

- (y) The manufacturer's hull identification number, if any, of the reporting operator's vessel.

Authority: T.C.A. §§70-1-206, 69-9-209. Administrative History: Original rule certified May 8, 1974. Amendment filed May 27, 1983; effective June 27, 1983. Amendment filed August 3, 2006; effective October 17, 2006. Amendment filed _____; effective _____.

Repeal

1660-02-04-.02 Death is repealed in its entirety.

Authority: T.C.A. §70-1-206. Administrative History: Original rule certified May 8, 1974. Repeal filed _____; effective _____.

Amendment

1660-02-05-.01 Officers is amended by removing "Chapter 334, Public Acts 1965" and replacing it with "Title 69, Chapter 9"

1660-02-05-.01 OFFICERS. Officers of the Wildlife Resources Agency, upon observance of violations of Title 69, Chapter 9, and any rules and regulations promulgated by the Commission may, at their discretion, issue warning citations to the offenders.

Authority: T.C.A. §§70-1-206 and 69-9-220. Administrative History: Original rule certified May 8, 1974. Amendment filed _____; effective _____.

Amendment

1660-02-07-.11 Special Areas is amended by removing "Type I, Type II, Type III, or Type V" and replacing with "wearable" and "in accordance with the approval label" in paragraph (2) so that, as amended, the rule shall read:

1660-02-07-.11 SPECIAL AREAS.

- (1) All motorboats being operated within 300 feet of a commercial dock or marina shall be operated at a "slow, no-wake speed" unless otherwise marked and approved under 1660-2-6-.01, or a specific rule and regulation.
 - (a) The measurement shall be made from the last structure associated with the dock or marina except as noted above.
 - (b) For this rule, a commercial marina is defined as any permanent facility accessible by boat which:
 1. offers goods or services to the general public in exchange for currency or other consideration
 2. has a valid business license, if required, and a Tennessee Tax Identification number
 3. is permitted by the U.S. Corps of Engineers, and the Tennessee Valley Authority if applicable, as a commercial boat dock or marina.
- (2) No person shall operate or use any vessel, within the area designated and appropriately marked as a hazardous area, below any dam and/or lock unless each person aboard is wearing a U. S. Coast Guard approved wearable flotation device in accordance with the approval label.
 - (a) This regulation is not intended to affect regulations promulgated by other governmental agencies, federal or state, related to activities that may or may not be conducted within said hazardous area.

- (3) Vessels being operated within 300 yards of the Tennessee Wildlife Resources Agency access ramp on Indian Creek will be operated at a "Slow—No Wake" speed.
- (4) Vessels being operated on Deer Creek located at River Mile 125 on Kentucky Lake shall operate at a "Slow—No Wake" speed within the embayment area.
- (5) Water skiing is prohibited on Great Falls Reservoir in the Rock River Embayment from its mouth upstream to Blanks Bridge.
- (6) Vessels being operated on Crooked Creek located at River Mile 121.5 on Kentucky Lake shall operate at a "Slow—No Wake" speed from the mouth of the Tennessee River to the Crooked Creek embayment.
- (7) Vessels being operated within the buoyed area in Eagle Creek located at river mile 1 on the big Sandy River, from a point east of Big Eagle picnic area, west to the west boundary of Buchanan's boat dock, shall operate at a "slow—No Wake" speed.

Authority: T.C.A. §§70-1-206 and 69-9-209. Administrative History: Original rule certified May 8, 1974. Amendment filed November 20, 1975; effective December 20, 1975. Amendment filed November 4, 1976; effective December 4, 1976. Amendment filed June 8, 1977; effective July 8, 1977. Amendment filed February 6, 1978; effective March 8, 1978. Amendment filed April 20, 1988; effective June 4, 1988. Amendment filed June 8, 1989; effective July 23, 1989. Amendment filed January 28, 2002; effective April 13, 2002. Amendment filed April 26, 2004; effective July 10, 2004. Amendment filed _____; effective _____.

Amendment

1660-02-09-.01 Noise Level Standards is amended by removing "70-2222" in section (1) (e) and replacing it with "T.C.A. §69-9-301 et. seq."

- (1) No person shall operate any vessel in or upon the waters of Tennessee in such a manner so that the total noise produced by the watercraft exceeds 86 dBA at a distance of 50 feet or more, whether or not said vessel is in motion.
 - (a) Measurements shall be made with a Type I or Type II sound level meter which meets the requirements of the American National Standards Institute SI.4-1971.
 - (b) Measurements shall be taken at a minimum distance of 50 feet, and in so far as practical, be taken at an angle approximately perpendicular to the vessel in question.
 - (c) A test course, if used in testing, shall consist of an approximately straight course 50 yards in length through which the vessel in question shall operate at full throttle; measurements shall be made at a minimum distance of 50 feet and at an angle approximately perpendicular to the vessel near the center of the course.
 - (d) Any duly commissioned officer of the Wildlife Resources Agency with a reason to suspect that a vessel is exceeding the noise limitation may require the vessel operator to transverse a noise emission test course as set forth herein.
 - (e) Any person who fails to comply with the directive to transverse the test course shall be subject to prosecution under T.C.A. §69-9-301 et seq. and/or at the discretion of the officer, the vessel shall be ordered to immediately return to its mooring and cease operations.

Authority: T.C.A. §§ 69-9-302 and 70-1-206. Administrative History: Original rule filed June 11, 1981; effective July 27, 1981. Amendment filed _____; effective _____.

Amendment

1660-02-10-.01 Operation of Personal Watercraft is amended by removing from paragraph (2) "type I, type II, type SS-7037 (July 2014)

III, or type V” and replacing with “wearable” and adding “and in accordance with the approval label” to the end of the sentence.

- (1) “Personal Watercraft” shall mean a vessel propelled by machinery which is designed to be operated by a person sitting, standing or kneeling on the vessel rather than being operated by a person sitting or standing inside the vessel. It shall include, but not be limited to, jet skis, wet bikes, waverunners, seadoos, and similar craft.
- (2) No person shall operate a personal watercraft unless each person aboard is wearing a wearable personal flotation device as approved by the United States Coast Guard and in accordance with the approval label.
- (3) No person shall operate a personal watercraft between sunset and sunrise.
- (4) Personal watercraft shall not be operated in such a manner as to endanger life, limb, or property. Maneuvers such as, but not limited to, weaving through congested vessel traffic, jumping the wake of another vessel unreasonably or unnecessarily close to said vessel or when visibility around said vessel is obstructed, or riding unreasonably or unnecessarily close to ramps, docks, or the shore shall constitute unsafe or reckless operation.
- (5) Exemptions: the provision of these rules shall not apply to a person’s participation in an event authorized by permit in accordance with T.C.A. §69-9-211.

Authority: T.C.A. §§70-1-206 and 69-9-209. Administrative History: Original rule filed July 8, 1994; effective September 21, 1994. Amendment filed _____; effective _____.

Amendment

1660-02-12-.01 Boating Education Program is amended by adding “of more than 8.5 horsepower” to paragraph (1) and by deleting (2) (b) in its entirety and replacing it with “Pass an exam administered by an approved representative of TWRA.”

- (1) Any Tennessee resident born after January 1, 1989, who is operating a boat of more than 8.5 horsepower, must have onboard the TWRA-issued Boating Safety Education Certificate card.
- (2) To receive the Boating Safety Education Certificate card a person must:
 - (a) Purchase the Type 600 Boating Safety Exam Permit from any business that sells hunting and fishing licenses.
 - (b) Pass an exam administered by an approved representative of TWRA.
- (3) To receive a replacement card, a person must purchase the Type 605 Boating Certification Card from any business that sells hunting and fishing licenses.
- (4) Falsification of a document with intent that it will be taken as a genuine government record may be prosecuted pursuant to T.C.A. §39-16-504.

Authority: T.C.A. §§69-9-226 and 70-1-206. Administrative History: Original rule filed May 15, 2007; effective July 29, 2007. Amendment filed _____; effective _____.

I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.

Date: 8/26/16

Signature: Ed Carter

Name of Officer: Ed Carter

Title of Officer: Executive Director



Subscribed and sworn to before me on: 8-26-16

Notary Public Signature: Lisa Crawford

My commission expires on: 3-10-2019

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Filed with the Department of State on: 8/29/16

Tre Hargett

Tre Hargett
Secretary of State

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