

**Department of State
Division of Publications**

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For Department of State Use Only

Sequence Number: 09-25-09
Rule ID(s): 4456
File Date: 09/21/2010
Effective Date: 02/28/2010

Petition for hearing filed on 11/12/2009. See <http://tn.gov/sos/pub/tar/announcements/11-14-09.pdf>.

Notice of Withdrawal of Rules filed on 01/26/2010. <http://tn.gov/sos/pub/tar/announcements/01-21-10.pdf>

Proposed Rule(s) Filing Form

Proposed rules are submitted pursuant to T.C.A. §4-5-202, 4-5-207 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 sixty (60) days of the first day of the month subsequent to 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.

Agency/Board/Commission:	Tennessee Department of Safety
Division:	Administrative
Contact Person:	Gerry Crownover
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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. Please enter only ONE Rule Number/RuleTitle per row)

Chapter Number	Chapter Title
1340-08-01	Rules and Regulations for Access to Public Records
Rule Number	Rule Title
1340-08-01-.04	Sale of Motor Vehicle Records

(Place substance of rules and other info here. Statutory authority must be given for each rule change. For information on formatting rules go to <http://state.tn.us/sos/rules/1360/1360.htm>)

Chapter 1340-08-01
Rules and Regulations for Access to Public Records

New Rule

Table of Contents

1340-08-01-.04 Sale of Motor Vehicle Records

1340-08-01-.04 Sale of Motor Vehicle Records

- (1) For the preparing and furnishing of each individual motor vehicle record (MVR), or a portion thereof, the Department shall charge a fee of five (\$5.00) dollars.
- (2) The fee shall be charged per record, whether supplied in paper or electronic format.

Authority: T.C.A. §§ 4-3-2009, 10-7-501 et seq., and 55-50-204(c).

* 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 Commissioner of the Department of Safety on 08/21/2009 (date as mm/dd/yyyy), and is in compliance with the provisions of TCA 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 sixty (60) days of the first day of the month subsequent to the filing of the proposed rule with the Secretary of State.

Date: 08/21/2009

Signature: *Dave Mitchell*

Name of Officer: Dave Mitchell

Title of Officer: Commissioner, Tennessee Department of Safety

Subscribed and sworn to before me on: August 21, 2009

Notary Public Signature: *Clarence J. Davis*

My commission expires on: Sept 19, 2009



My Commission Expires **SEPT 19, 2009**

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.

Robert E. Cooper, Jr.
 Robert E. Cooper, Jr.
 Attorney General and Reporter
9-2-09
 Date

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Filed with the Department of State on: 9/21/09

Effective on: ~~2/28/10~~

Tre Hargett
 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.

This rule will have negligible effect on small businesses.

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;

Authorizes the Department of Safety to charge a fee of \$5.00 per record, whether supplied in paper or electronic format, for the preparing and furnishing of each individual motor vehicle record (MVR), or a portion thereof.

- (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;

T.C.A. § 55-50-204(c) authorizes the Department to charge and collect a fee of \$5.00 per record for preparing and furnishing driver license records. T.C.A. § 4-3-2009 authorizes the Commissioner to establish and promulgate rules and regulations governing the administration and operation of the Department.

- (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;

Insurance companies and large broker entities acting on behalf of insurance companies.

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

None

- (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;

Currently when these companies or entities request MVRs of Tennessee drivers the Department furnishes them with a bulk of the records for a minimal fee without the charge of \$5.00 per individual record. With this rule in place the Department expects the companies and entities will purchase only the records they need resulting in a minimal amount of revenue generated for the Department.

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

Jimmy Lichtenstein, Administrator, Technology Systems

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

Jimmy Lichtenstein, Administrator, Technology Systems

- (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

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

The Department has not received any requests for additional information.