

**Department of State
Division of Publications**

312 Rosa L. Parks Avenue, 8th Floor Snodgrass/TN Tower
Nashville, TN 37243
Phone: 615-741-2650
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For Department of State Use Only

Sequence Number: 10-10-15
Rule ID(s): 6658
File Date: 10-14-2015
Effective Date: 1-12-2016

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: University of Tennessee
Division:
Contact Person: Matthew Scoggins, Deputy General Counsel
Address: 719 Andy Holt Tower, 1331 Circle Park, Knoxville, TN
Zip: 37996-0170
Phone: 865-974-3245
Email: scoggins@tennessee.edu

Revision Type (check all that apply):

Amendment
 New
 Repeal

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

Chapter Number	Chapter Title
1720-02-03	Traffic and Parking Regulations
Rule Number	Rule Title
1720-02-03-07	Penalties

The University of Tennessee (Chattanooga)
Chapter 1720-02-03
Traffic and Parking Regulations
Amendments

Rule 1720-02-03-.07 Penalties is amended by deleting the dollar amount, \$20.00, in subparts (a), (b), (d), and (e) of subparagraph (1) and substituting the dollar amount, \$25.00, in subparts (a), (b), (d), and (e) of subparagraph (1) so that, as amended, subparagraph (1) shall read:

- (1) Violation Fines - Staff, Students and Visitors. All violation fines will be paid at Parking Services or the Bursar's Office.
 - (a) No parking permit \$25.00
 - (b) Other parking violations \$25.00
 - (c) Overtime on meter \$8.00
 - (d) Moving violations \$25.00
 - (e) Immobilized vehicles \$25.00 plus other fines owed
 - (f) Impounded Vehicle/Towed Vehicles Amount of fine plus costs
 - (g) Disability Parking Violation \$200.00
The fine for a disability parking violation is set by State law, Tennessee Code Annotated section 55-21-108. As of July 1, 2008, the fine was set at \$200. The fine imposed under these regulations will increase or decrease automatically when increased or decreased by State law. The fine shall not be suspended or waived.
 - (h) Fire Lane/Obstruction \$40.00

Authority: T.C.A. § 49-9-209(e) and Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5, and Public Acts of Tennessee, 1807, Chapter 64.

University of Tennessee Rules
 Chapter 1720-02-03 Traffic and Parking Regulations

* 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)
Governor Bill Haslam				x	
Commissioner Julius Johnson	x				
Commissioner Candice McQueen				x	
Dr. Joe DiPietro	x				
Dr. Russ Deaton (non-voting)					
Charles C. Anderson, Jr.	x				
Jalen Blue	x				
Shannon Brown	x				
George E. Cates	x				
Dr. Brian Donavant (non-voting)					
Spruell Driver, Jr.	x				
Dr. William E. Evans				x	
John N. Foy	x				
Crawford Gallimore				x	
Dr. David Golden	x				
Vicky B. Gregg	x				
Raja J. Jubran	x				
Brad A. Lampley	x				
James L. Murphy, III	x				
Sharon J. Miller Pryse	x				
Miranda N. Rutan (non-voting)					
Rhedona Rose	x				
Julia T. Wells	x				
Charles E. Wharton	x				
Tommy G. Whittaker	x				

I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the University of Tennessee Board of Trustees on 06/25/2015, 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.

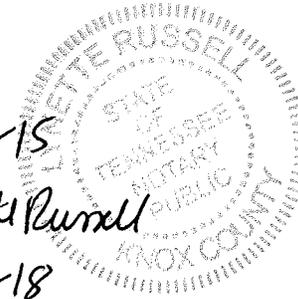
Date: 09/14/2015

Signature: 

Name of Officer: Matthew Scoggins

Title of Officer: Deputy General Counsel

Subscribed and sworn to before me on: 9-14-15
Notary Public Signature: Wynette Russell
My commission expires on: 12-4-18



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
Herbert H. Slatery III
Attorney General and Reporter
10/5/2015 Date

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Filed with the Department of State on: 10-14-15
Effective on: 1-12-16
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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.

The rules are not anticipated to have an effect on small businesses.

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 rules are not anticipated to have an impact on 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;

The University of Tennessee at Chattanooga (UTC) is amending its traffic and parking rules for the limited purpose of increasing the penalties for the following violations from \$20 to \$25: (1) parking without a permit; (2) other parking violations (e.g., parking in an unmarked space, exceeding the time allowed in 15 and 30 minute parking zones, parking in the wrong lot, having an expired parking decal, parking outside of the lines); and (3) committing a moving violation.

UTC has not increased its parking penalties in the last 15 years. UTC requests an increase primarily to be more market driven with other UT campuses and the Chattanooga community. Although additional revenue is expected to be realized from this increase, the intent is to deter violators to create more spaces for students, faculty, and staff that purchase parking decals and park in the appropriate lots.

- (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;

None.

- (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;

Individuals who violate UTC's parking rules, most likely students, faculty, and staff. The student and faculty members of the UT Board of Trustees voted to approve this rule. The University has not received notice from anyone urging rejection of this rule.

- (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;

The estimated revenue for the increase in penalties is \$105,540. These additional funds will be used primarily to cover unbudgeted City of Chattanooga Storm Water Fees (\$65,000-\$75,000/annually), general parking operations, and both major and minor maintenance.

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

Matthew Scoggins
Deputy General Counsel
University of Tennessee

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

Matthew Scoggins
Deputy General Counsel
University of Tennessee

- (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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719 Andy Holt Tower
Knoxville, TN 37996-0170
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- (I) Any additional information relevant to the rule proposed for continuation that the committee requests.

None.

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Sequence Number: 12-13-15
 Rule ID(s): N/A
 File Date: 12/16/15
 Effective Date: 12/16/15

Filing Form for Stay of Effective Date on Rules, Withdrawal of Stay, and Withdrawal of Rules

Agency/Board/Commission:	<u>University of Tennessee</u>
Division:	
Contact Person:	<u>Matthew Scoggins, Deputy General Counsel</u>
Address:	<u>719 Andy Holt Tower, 1331 Circle Park, Knoxville, TN</u>
Zip:	<u>37996-0170</u>
Phone:	<u>865-974-3245</u>
Email:	<u>scoggins@tennessee.edu</u>

Type of Action on Rule:

Stay of Effective Date of Rules

Rule Filing Date: (mm/dd/yy)10-14-15

Rule Original Effective Date: (mm/dd/yy)01-12-16

Length of Stay (not to exceed 75 days): 30 days

New Effective Date of Rule Filing: (mm/dd/yy)02-11-16

Notice of Withdrawal of Stay

Stay Filing Date: (mm/dd/yy)

Stay Effective Date: (mm/dd/yy)

New Effective Date of Rule Filing: (mm/dd/yy)

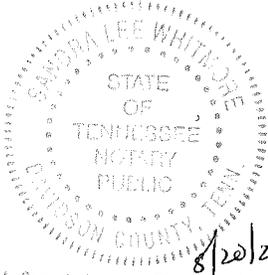
Notice of Withdrawal of Rules

Rule Filing Date: (mm/dd/yy)

Rule Effective Date: (mm/dd/yy)

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Chapter Number	Chapter Title
<u>1720-02-03</u>	<u>Traffic and Parking Regulations</u>
Rule Number	Rule Title
<u>1720-02-03-.07</u>	<u>Penalties</u>



Date: December 16, 2015

Signature: Sean McMinn

Name of Officer: Sean McMinn

Legislative Attorney for Joint Government Operations

Title of Officer: Committee

My Commission 8/20/2019

Subscribed and sworn to before me on: December 16, 2015

Notary Public Signature: Sandra Lee Whitmore

My commission expires on: 8/20/2019

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Filed with the Department of State on: 12/16/15

Tre Hargett
Secretary of State

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