

Notice of Rulemaking Hearing  
Tennessee Wildlife Resources Commission

There will be a hearing before the Tennessee Wildlife Resources Commission to consider the promulgation of rules, amendments of rules, or repeals of rules pursuant to Tennessee Code Annotated, Section 70-1-206. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-204 and will take place in Ellington Hall (Visitor Center, Reelfoot Lake State Park), 2595-A Rural Route 25 E, Tiptonville, Tennessee, at 9:00 a.m., local time, on the 17 day of January, 2008.

Any individuals with disabilities who wish to participate in these proceedings (to review these filings) should contact the Tennessee Wildlife Resources Agency to discuss any auxiliary aids or services needed to facilitate such participation. Such initial contact may be made no less than ten (10) days prior to the scheduled meeting date (the date the party intends to review such filings), to allow time for the Tennessee Wildlife Resources Agency to determine how it may reasonably provide such aid or service. Initial contact may be made with the Tennessee Wildlife Resources Agency ADA Coordinator, Carolyn Wilson, Room 229, Tennessee Wildlife Resources Agency Building, Ellington Agricultural Center, Nashville, Tennessee 37204, telephone number (615)781-6594.

For a copy of this notice of rulemaking hearing, contact: Lisa Crawford, Legal Assistant, Tennessee Wildlife Resources Agency, P.O. Box 40747, Nashville, TN 37204, telephone number (615)781-6606.

Substance of Proposed Rules

Chapter 1660-2-1  
Rules and Regulations for Boating Certificates

Amendments

Rule 1660-2-1-.01, Application for Certificate of Number, is amended by deleting subparagraph (3)(b) in its entirety and replacing it with a new subparagraph (3)(b) to read as follows:

- (b) A dealer and manufacturer certificate is to be used 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.
  - 1. Persons who wish to conduct an on-the-water dealer or manufacturer show may, through an approved application for a Tennessee Wildlife Resources Agency marine permit, use a single manufacturer / dealer certificate of number, followed by a numerical suffix for each boat used: Example: (TN 1234 AA – 1, TN 1234 AA – 2, etc.)
  - 2. The number of boats to utilize this format must be listed on the marine event application and the appropriate fee for each vessel must be remitted to the Tennessee Wildlife Resources Agency.

Authority: T.C.A. §§69-9-209 and 70-1-206.

Rule 1660-2-1-.01, Application for Certificate of Number, is further amended by adding a new paragraph (6) to read as follows:

- (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, 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, whose manufacturing facility is located in Tennessee, and who has obtained a Manufacturer Identification Code issued by the United States Coast Guard.
- (c) Applications for consignment vessels shall be made using the Tennessee Wildlife Resources Agency "application for boat certificate of number" (WR0292), and including all applicable information outlined in 1660-2-1-.02 (Issuance of Certificate of Number).
- (d) Applications must be accompanied by proof of manufacturer'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 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 1660-2-1-.01(5), 1660-2-1-.02(8) or 1660-2-1-.02(9).

Authority: T.C.A. §§69-9-209 and 70-1-206.

1660-2-1-.02, Issuance of Certificate of Number, is amended by deleting paragraph nine (9) and replacing it with a new paragraph nine (9) to read as follows:

- (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. §70-1-206.

1660-2-1-.03, Fees for Vessel Registration and Certificate of Number, is amended by deleting this rule in its entirety and replacing it with a new rule to read as follows:

The fee to be collected for issuance of a vessel certificate of number or registration shall be as follows:

Vessel Fee Category	1 year	2 years	3 years
16 feet and under	\$13	\$24	\$35
Over 16 feet to less than 26 feet	25	48	71
26 feet to less than 40 feet	38	72	107

40 feet and over	51	97	142
Dealer / Manufacturer	32	64	95
Duplicate	6		
Consignment:			
16 feet and under	13	24	35
Over 16 feet to less than 26 feet	25	48	71
26 feet to less than 40 feet	38	72	107
40 feet and over	51	97	142

Authority: T.C.A. §§69-9-207 and 70-1-206.

Chapter 1660-02-02  
Rules and Regulations for Number

Amendments

1660-02-02-.02(1), Display, is amended by deleting subparagraph (c) in its entirety and replacing it with a new subparagraph (c) to read as follows:

- (c) 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.

Authority: T.C.A. §70-1-206.

1660-02-02-.02(1), Display, is further amended by adding a new subparagraph (d) to read as follows:

- (d) 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. §70-1-206.

The notice of rulemaking set out herein was properly filed in the Department of State on the 27th day of November, 2007. FS 11-18-07; DBID 782-783)