

**Department of State
Division of Publications**

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For Department of State Use Only

Sequence Number: 12-14-10
Rule ID(s): 4880
File Date: 12/16/2010
Effective Date: 05/31/2011

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:	Department of Safety
Division:	Driver Control
Contact Person:	Gerry Crownover , Staff Attorney
Address:	1150 Foster Avenue, Nashville, TN
Zip:	37243
Phone:	(615) 251-5277
Email:	Gerry.Crownover@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
1340-01-10	Motor Vehicle Accident Prevention Courses For Automobile Insurance Premium Reduction
Rule Number	Rule Title
1340-01-10-.01	Purpose
1340-01-10-.02	Definitions
1340-01-10-.03	Motor Vehicle Accident Prevention Course Provider Requirements
1340-01-10-.04	Motor Vehicle Accident Prevention Course Instructor Requirements
1340-01-10-.05	Denial, Revocation or Suspension
1340-01-10-.06	Hearings

(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>)

Rules
of
Tennessee Department of Safety
Driver Control Division

Chapter 1340-01-10
Motor Vehicle Accident Prevention Courses For
Liability Insurance Premium Reduction

Chapter 1340-01-10, Motor Vehicle Accident Prevention Courses for Liability Insurance Premium Reduction, is amended by deleting the text of the chapter in its entirety and substituting the following text, so that, as amended, the chapter shall read:

Chapter 1340-01-10
Motor Vehicle Accident Prevention Courses For
Automobile Insurance Premium Reduction

Table of Contents

1340-01-10-.01	Purpose	1340-01-10-.04	Motor Vehicle Accident Prevention
1340-01-10-.02	Definitions		Instructor Requirements
1340-01-10-.03	Motor Vehicle Accident Prevention Course Provider Requirements	1340-01-10-.05	Denial, Revocation or Suspension
		1340-01-10-.06	Hearings

1340-01-10-.01 Purpose.

- (1) To establish a system for the application, approval, regulation and standardization of Motor Vehicle Accident Prevention Courses by the Tennessee Department of Safety. Drivers over the age of 55 who successfully complete a motor vehicle accident prevention course approved by the Department of Safety shall qualify for a reduction of premiums for automobile insurance.

Authority: T.C.A. § 56-7-1107. Administrative History:

1340-01-10-.02 Definitions.

- (1) "Commissioner" shall mean the Commissioner of the Tennessee Department of Safety.
- (2) "Department" shall mean the Tennessee Department of Safety.
- (3) "Motor Vehicle Accident Prevention Course" shall mean a classroom or on-line curriculum of driver safety training of not less than eight (8) hours which has been determined by the Department to meet or exceed the standards of the AAA, National Safety Council or such other nationally recognized curriculum approved by the Department and which is designed to educate drivers over the age of 55 in motor vehicle accident prevention.
- (4) "Motor Vehicle Accident Prevention Course Instructor" shall mean an individual who is approved by the Department for the purpose of conducting a Motor Vehicle Accident Course.
- (5) "Motor Vehicle Accident Prevention Course Provider" shall mean an entity approved by the Department to operate and conduct a Motor Vehicle Accident Prevention Course.

Authority: T.C.A. § 56-7-1107. Administrative History:

1340-01-10-.03 Motor Vehicle Accident Prevention Provider Requirements.

- (1) An entity which proposes to offer a Motor Vehicle Accident Prevention Course must submit an application supplied by the Department, along with a nonrefundable certified check or money order in the amount of

one hundred fifty dollars (\$150.00) for the application fee, to the Department's Safety Education Unit of the Highway Patrol.

- (2) Upon initial approval, the applicant will be provided a certificate or letter of approval by the Department. The certificate or letter shall be conspicuously displayed in the primary place of business of the approved applicant.
- (3) Submit an annual renewal fee in the amount of fifty dollars (\$50.00).
- (4) Provide a minimum of eight (8) hours of classroom or on-line driver safety training which has been determined by the Department to meet or exceed the standards of the AAA, National Safety Council or such other nationally recognized curriculum approved by the Department and which is designed to educate drivers over the age of 55 in motor vehicle accident prevention.
- (5) Issue a certificate of completion to each student who has successfully completed the Motor Vehicle Accident Prevention Course. Such certificate shall have thereon the student's full name, driver license number, date of birth, course name, hours completed and the Motor Vehicle Accident Prevention Course Provider's name and address.
- (6) Comply with or exceed the minimum standards set forth herein.
- (7) Only use Instructors who meet the qualifications set forth herein.
- (8) Maintain the following records for a period of three (3) years and ensure that such records are available for inspection by the Department during business hours:
 - (a) A roster of each class, listing the course name, location, Instructor's full name, student names, driver license numbers and date of birth.
 - (b) A receipt for each student stating the student's full name, driver license number and amount paid.
 - (c) A list of students who have successfully completed the Motor Vehicle Accident Prevention Course, with each student's full name, driver license number, date of birth, course name and class location.
 - (d) Course material, which shall include the most recent material to teach crash prevention, and safe and defensive driving.
 - (e) Any other records that may be required by the Department.
- (9) Ensure compliance with all Department rules and regulations.
- (10) Immediately notify the Department by mail, facsimile or electronic transmission of any change(s) in information on the application or any change in ownership or Instructors.
- (11) Be open for periodic (with or without notice) on-site inspection by the Department.
- (12) Shall not hire any person as an Instructor or otherwise who is an employee of the Department.
- (13) Comply with the requirements of the Americans with Disabilities Act of 1990.

Authority: T.C.A. § 56-7-1107. Administrative History:

1340-01-10-.04 Motor Vehicle Accident Prevention Course Instructor Requirements.

- (1) Must be at least twenty-one (21) years of age, high school graduate or passed the GED, have and maintain a valid driver license that has not been revoked, suspended or cancelled for any reason in the three (3) years preceding the date of hire, no conviction for a felony or any crime involving violence, dishonesty, deceit, fraud, or indecency and not an employee of the Department.

- (2) Shall have attended and successfully completed a Driver Education Course Instructor's School operated by AAA, National Safety Council or such other certified school approved by the Department. The Motor Vehicle Accident Prevention Course Provider shall send a copy of the Instructor's certificate of completion to the Department's Safety Education Unit. The Instructor shall maintain current certification.

Authority: T.C.A. § 56-7-1107. Administrative History:

1340-01-10-.05 Denial, Revocation or Suspension.

- (1) The Department may deny, revoke or suspend a Motor Vehicle Accident Prevention Course Provider or Instructor for any violation of the law, rules or regulations relating to the operation of a Motor Vehicle Accident Prevention Course.
- (2) The Department may deny, revoke or suspend the Motor Vehicle Accident Prevention Course Provider or Instructor for actions including, but not limited to, the following:
 - (a) Conviction of a Provider or Instructor for a felony or any crime involving violence, dishonesty, deceit, fraud or indecency.
 - (b) Knowingly presenting false or misleading information to the Department.
 - (c) Failure or refusal to permit the Department to inspect, audit or investigate the Motor Vehicle Accident Prevention Course Provider's premises, the course instruction records, financial records, etc.
 - (d) Failure to submit the application with supporting documentation and/or the required fees within the prescribed time limit.
 - (e) Failure to maintain Department approved standards in instruction, equipment or facilities.
 - (f) The presence of alcoholic beverages or narcotic drugs on the premises.

Authority: T.C.A. § 56-7-1107. Administrative History:

1340-01-10-.06 Hearings.

- (1) Any Provider or Instructor of a Motor Vehicle Accident Prevention Course who has been denied, revoked or suspended shall have the right to request a hearing in writing within thirty (30) days of the date of written notification of such action.
- (2) The hearing shall be before the Commissioner or the Commissioner's designee and held in accordance with the Uniform Administrative Procedures Act (T.C.A. § 4-5-101 et seq.).

Authority: T.C.A. § 4-5-101 et seq. Administrative History:

* 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 (board/commission/other authority) on _____ (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: _____

Signature: _____

Name of Officer: _____

Title of Officer: _____



Subscribed and sworn to before me on: _____

Notary Public Signature: _____

My commission expires on: _____

10/8/10

Donna L. Elmore

1-26-2014

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

12-10-10

Date

Department of State Use Only

Filed with the Department of State on: _____

Effective on: _____

12/16/10

5/31/11

Tre Hargett

Tre Hargett
Secretary of State

STATE CAPITAL
SECRETARY OF STATE
2010 DEC 16 PM 3:48
RECEIVED

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.

(If applicable, insert Regulatory Flexibility Addendum here)

Regulatory Flexibility Analysis

Pursuant to the Regulatory Flexibility Act of 2007, T.C.A. § 4-5-401, et seq., the Department of Safety submits the following regulatory flexibility analysis:

- (1) The extent to which the rule may overlap, duplicate, or conflict with other federal, state, and local government rules:

The proposed rule does not overlap, duplicate or conflict with other federal, state or local government rules.

- (2) Clarity, conciseness, and lack of ambiguity in the rule:

The proposed rule exhibits clarity, conciseness, and lack of ambiguity.

- (3) The establishment of flexible compliance and reporting requirements for small businesses:

The proposed rule establishes reasonable compliance and inspection requirements for small businesses engaged in providing Motor Vehicle Accident Prevention Courses. The proposed rule does not establish any reporting requirements for small businesses.

- (4) The establishment of friendly compliance and reporting requirements for small businesses:

The proposed rule establishes the requirement for periodic compliance inspections for small businesses engaged in Driver Education Courses. The proposed rule does not establish any reporting requirements for small businesses.

- (5) The consolidation or simplification of compliance or reporting requirements for small businesses:

The proposed rule requires periodic inspections for small businesses engaged in Motor Vehicle Accident Prevention Courses.

- (6) The establishment of performance standards for small businesses as opposed to design or operational standards required in the proposed rule:

The proposed rule establishes certain performance and operational standards for small businesses engaged in Motor Vehicle Accident Prevention Courses.

- (7) The unnecessary creation of entry barriers or other effects that stifle entrepreneurial activity, curb innovation, or increase costs.

The proposed rule does not unnecessarily create entry barriers or other effects that stifle entrepreneurial activity, curb innovation, or increase costs.

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)

(Insert statement here)

The proposed rule will not impact local governments.

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;

T.C.A. § 56-7-1107 provides for appropriate reductions in the rates and premiums for automobile insurance for drivers over the age of 55 years of age who have completed a motor vehicle accident prevention course approved by the commissioner of safety. The statute has required the course to consist of at least eight (8) hours of classroom instruction. Public Chapter 617, 2010 amended the statute to include eight (8) hours of approved online instruction to qualify for the premium reduction. These amendments revise the previous department of safety regulations to include the online course. The regulations have been further overhauled and revised to simplify the application and approval process.

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 Department is authorized by T.C.A. § 56-7-1107 to promulgate rules and regulations to effectuate the purposes of the law.

- (B) 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;

Entities that operate and conduct on-line and/or classroom motor vehicle accident prevention courses for purposes of automobile insurance premium reduction in accordance with T.C.A. § 56-7-1107.

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

None

- (D) 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;

Entities that provide and conduct motor vehicle accident prevention courses will be required to pay an initial application fee to the Department of \$150.00 and a \$50.00 renewal fee each year thereafter. These fees will be used by the Department to cover administrative and inspection costs and are not intended or expected to result in any increase in government revenues.

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

Major Dereck Stewart; Gerry Crownover, Staff Attorney

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

Major Dereck Stewart; Gerry Crownover, Staff Attorney

- (G) 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

1150 Foster Avenue
Nashville, TN 37243
Dereck.Stewart@tn.gov
(615) 687-2408
Gerry.Crownover@tn.gov
(615) 251-5277

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

None

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Agency/Board/Commission:	Department of Safety
Division:	Driver Control
Contact Person:	Gerry Crownover , Staff Attorney
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Zip:	37243
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Email:	Gerry.Crownover@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
1340-01-10	Motor Vehicle Accident Prevention Courses For Automobile Insurance Premium Reduction
Rule Number	Rule Title
1340-01-10-.01	Purpose
1340-01-10-.02	Definitions
1340-01-10-.03	Motor Vehicle Accident Prevention Course Provider Requirements
1340-01-10-.04	Motor Vehicle Accident Prevention Course Instructor Requirements
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1340-01-10-.06	Hearings

(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>)

Rules
of
Tennessee Department of Safety
Driver Control Division

Chapter 1340-01-10
Motor Vehicle Accident Prevention Courses For
Liability Insurance Premium Reduction

Chapter 1340-01-10, Motor Vehicle Accident Prevention Courses for Liability Insurance Premium Reduction, is amended by deleting the text of the chapter in its entirety and substituting the following text, so that, as amended, the chapter shall read:

**RULES
OF
TENNESSEE DEPARTMENT OF SAFETY
DRIVER CONTROL DIVISION**

**CHAPTER 1340-1-10
MOTOR VEHICLE ACCIDENT PREVENTION COURSES FOR
LIABILITY INSURANCE PREMIUM REDUCTION**

TABLE OF CONTENTS

1340-1-10-.01 — Purpose	1340-1-10-.07 — Sponsoring Agency Course Administration
1340-1-10-.02 — Definitions	1340-1-10-.08 — Delivery Agency Course Administration
1340-1-10-.03 — Course and Sponsoring Agency Approval	1340-1-10-.09 — Course Advertising
1340-1-10-.04 — Delivery Agency Approval	1340-1-10-.10 — Records of Certification of Course
1340-1-10-.05 — Course Instructor Approval	
1340-1-10-.06 — Denial or Suspension of Approval-Hearing Completion	

~~1340-1-10-.01 PURPOSE.~~ To establish a system for an appropriate reduction of the premium for automobile liability insurance of those insured over the age of 55 who successfully complete a motor vehicle accident prevention course. The Commissioner of Safety is authorized to approve at least eight hours of classroom instruction and a Defensive Driving Course, course instructors, and record maintenance of certification of course completion. This proposed rule sets forth the requirements for the approval of such courses, the agencies which deliver such courses, the instructors presenting such courses and the records necessary for the integrity of the program and verification of eligibility.

~~Authority:~~ T.C.A. §56-7-1107. ~~Administrative History:~~ Original rule filed January 25, 1984; effective April 15, 1984.

~~1340-1-10-.02 DEFINITIONS.~~ For the purpose of this rule, the following terms shall have these meanings:

- ~~(1) Course shall mean a motor vehicle accident prevention course which is found by the Commissioner of Safety to meet or exceed the standards of the National Safety Council's 8-hour classroom safety instruction program.~~
- ~~(2) Sponsoring agency shall mean an organization which has created and established an approved motor vehicle accident prevention course.~~
- ~~(3) Delivery agency shall mean an organization which actually conducts a sponsoring agency's approved motor vehicle accident prevention course.~~
- ~~(4) Instructor shall mean an individual who has been approved by both the applicable sponsoring agency and the Program Administrator of the Department of Safety for the purpose of conducting an approved motor vehicle accident prevention course.~~
- ~~(5) Commissioner shall mean the Commissioner of the Department of Safety.~~
- ~~(6) Director shall mean the Director of the Driver Control Division of the Department of Safety.~~

- (7) ~~Program Administrator shall mean that individual designated by the Commissioner as responsible for administering the provisions of this rule.~~

Authority: T.C.A. §56-7-1107. Administrative History: Original rule filed January 25, 1984; effective April 15, 1984.

1340-1-10-03 COURSE AND SPONSORING AGENCY APPROVAL. A sponsoring agency which proposes to offer a motor vehicle accident prevention course to the public for liability insurance premium reduction must submit a completed application for approval to conduct such course on a form prescribed by the Commissioner and receive approval from the Program Administrator before such course can qualify for insurance premium reduction.

- (1) In order to be approved, a motor vehicle accident prevention course must:

- (a) have been given for at least two (2) years and research documentation showing evidence of effectiveness, if available, or a detailed description of the method or plan of such evaluation must be presented. However, a course which has not been given for at least two (2) years may be approved on a probationary basis for two (2) years subject to a review of the course curriculum and a review of an actual presentation of the course with research documentation showing evidence of effectiveness, if available, or a detailed description of the method or plan of such evaluation to be presented prior to renewal of probationary approval;
- (b) provide a minimum of eight (8) hours of classroom instruction. It is recommended that the entire course not be completed within a single day to allow time for adequate comprehension of traffic safety concepts. Such information must address the following subject areas and at least one (1) classroom hour must be devoted to each:
1. the concept of accident preventability including a discussion of the magnitude of traffic accident problems;
 2. defensive driving techniques;
 3. alcohol and/or any other drug or medication, and aging process as each affects safe driving ability;
 4. the risk factors involved in errant driver attitude and behavior such as speeding, reckless driving improper lane use, etc.; and
 5. traffic laws in the State of Tennessee.
- (c) incorporate audio-visual aids such as films, blackboards, magnetic boards, flip charts, slides, etc. when appropriate. Films, filmstrips, audio recordings, etc., should not exceed an aggregate of one quarter of the total presentation time;
- (d) be able to be subjected to quality control procedures acceptable to the Commissioner in order to ensure that the course continues to meet the standards set forth in this rule. This will involve the periodic review of administrative procedures, documentation of completions, and program monitoring; and
- (e) provide to the Program Administrator a copy of an instructor's manual, course participant's manual, and a description of audio-visual aids utilized in the presentation of the course.

- (2) In order to be approved, a sponsoring agency must:

- (a) provide an instructor preparation course of at least eight (8) hours classroom instruction to ensure competency in delivering the course;
- (b) provide each instructor. With an instructor's manual, instructional material (audio-visuals), and provide student workbooks and/or manuals when necessary to follow and participate in the course;
- (c) establish and maintain a record system compatible with the Commissioner's requirements for maintenance of records of certification of course completion and submission of such information to the Program Administrator;
- (d) designate in the application for approval an individual as representative of the sponsoring agency, including address and telephone number, who is responsible for all dealings with the Commissioner, Director and/or Program Administrator in order to provide efficient administration of the course;

- (e) — provide an address and telephone number which may be disseminated to the public; and
- (f) — maintain an office and staff in the State of Tennessee for the operation and supervision of such course.

Course and sponsoring agency approval must be renewed every two (2) years by submitting a completed application for approval to the Program Administrator.

Authority: T.C.A. 56-7-1107. Administrative History: Original rule filed January 25, 1984; effective April 15, 1984.

1340-1-10-.04 DELIVERY AGENCY APPROVAL. A delivery agency which conducts a sponsoring agency's course must have such sponsoring agency submit a completed application for approval on a form prescribed by the Commissioner and receive approval from the Program Administrator before it can conduct such approved course for liability insurance premium reduction.

In order to be approved, a delivery agency must:

- (1) — utilize an instructor or instructors who are approved pursuant to Rule 1340-1-10-.05.
- (2) — provide the identifying number of the driver education instructor's certificate or driver training school instructor's license and the date of their last renewal for all instructors who have or at any time have had such certificates or licenses;
- (3) — provide names and addresses of all instructors who will be utilized by the delivery agency indicating those instructors who have been approved pursuant to Rule 1340-1-10-.05.
- (4) — provide the address and description of the classroom facility. Maximum capacity must be indicated. Classes may not exceed 35 students or the maximum capacity of the accommodation, whichever is less. Classroom facilities should provide adequate space, lighting, ventilation, and freedom from distracting noises. If a delivery agency conducts an approved course at more than one (1) location, an address and description of each classroom facility must be filed.

Delivery agency approval must be renewed every two (2) years by submitting a completed application for approval to the Program Administrator.

Authority: T.C.A. §56-7-1104. Administrative History: Original rule filed January 25, 1984; effective April 15, 1984.

1340-1-10-.05 COURSE INSTRUCTOR APPROVAL. All instructors must be approved by the Program Administrator prior to their conducting an approved course. In order to be approved, an instructor must:

- (1) — have the delivery agency submit to the Program Administrator a completed application on a form prescribed by the Commissioner. Such application shall certify that the instructor has successfully completed the sponsoring agency's instructor preparation course and has been approved by such agency as an instructor of the approved course;
- (2) — have experience in communication skills, working knowledge of curriculum topics, ability to organize material for presentation and ability to make accurate assessments of driving attitude and behavior; and
- (3) — have held a valid driver's license for a period of at least two (2) years immediately prior to the date of application. An instructor's driving privileges must not have been suspended or revoked for one (1) or more traffic violations within the past seven (7) years.

An instructor's approval must be renewed every two (2) years by submitting a completed application for approval to the Program Administrator.

Authority: T.C.A. §56-7-1107. Administrative History: Original rule filed January 25, 1984; effective April 15, 1984.

1340-1-10-.06 DENIAL OR SUSPENSION OF APPROVAL HEARING.

- (1) — The Program Administrator may deny the approval of:

- (a) — a course and sponsoring agency if the Program Administrator determines that such course does not meet or exceed the standards of the National Safety Council's Defensive Driving Course's 8 hour classroom safety instruction program.
- (b) — a course and sponsoring agency, delivery agency, or instructor who does not meet the requirements of this rule.
 - (2) — The Program Administrator may suspend the approval of a course and sponsoring agency, delivery agency, or instructor for a period of not less than 30 days nor more than 90 days pending an investigation and hearing.
- (a) — The Program Administrator may suspend the approval of a course and sponsoring agency, delivery agency, and/or instructor if it is determined that there has been a failure to comply with any provision of this rule.
- (b) — The Program Administrator may suspend the approval of an instructor if it is determined that an instructor's driving privileges have been suspended, revoked, or cancelled in this or any other jurisdiction.
 - (3) — Upon the denial or suspension of approval, the Program Administrator shall notify the sponsoring agency, delivery agency, or instructor of such action in writing, including the specific grounds for such action, and shall further advise of the date, time and location of a hearing regarding such action. A decision adverse to the agency is subject to review pursuant to the Uniform Administrative Procedures Act upon his filing of a petition therefor within thirty (30) days from receipt of the adverse decision.

Authority: T.C.A. §56-7-1107. *Administrative History:* Original rule filed January 25, 1984; effective April 15, 1984.

1340-1-10-.07 SPONSORING AGENCY COURSE ADMINISTRATION. An approved sponsoring agency must:

- (1) — at the time of approval provide the Program Administrator with the name and location of all proposed local delivery agencies for approval by the Program Administrator. In addition, notification of withdrawal, termination, or addition of delivery agencies must be provided Within ten days to the Program Administrator so that an up-to-date listing of all motor vehicle accident prevention course locations may be maintained;
- (2) — provide the Program Administrator with notification, within 15 days from course completion, that a student has successfully completed such course on a form and in a manner prescribed by the Commissioner, including the following information on each student:
 - (a) — complete name, sex, and date of birth (as it appears on the student's Tennessee driver's license);
 - (b) — Tennessee driver's license number;
 - (c) — Tennessee address;
 - (d) — name of approved course completed by the student;
 - (e) — name of delivery agency;
 - (f) — date of course completion;
 - (g) — instructor's name; and
 - (h) — notification if the student was required to complete the course as a result of convictions of motor vehicle laws of this state.
- (3) — perform all administrative functions in connection with the course in accordance with the procedures and regulations established by the Commissioner;
- (4) — authorize the Commissioner to audit the records of the approved course and to monitor and evaluate any and all portions of the course including the classroom facility, use of instructional material, and the presentation of the course; and
- (5) — advertise its course in compliance with the requirements set forth in Rule 1340-1-10-.09.

Authority: T.C.A. §56-7-1107. *Administrative History:* Original rule filed January 25, 1984; effective April 15, 1984.

~~1340-1-10-.08 DELIVERY AGENCY COURSE ADMINISTRATION.~~ An approved delivery agency must:

- ~~(1) provide and/or train instructors to conduct an approved course for liability insurance premium reduction; prior to enrollment in the course, review each course applicant's current annual motor vehicle liability insurance premium and provide in writing the total expected savings in such premium, based on the current premium rate, the current premium reduction rate, and the cost of the course;~~
- ~~(3) conduct the course in the classroom facility as described in its application;~~
- ~~(4) provide the sponsoring agency with all information required for maintenance of records of course completion, and notification to the Program Administrator;~~
- ~~(5) perform all administrative functions in connection with the course in accordance with the procedures and regulations established by the Commissioner;~~
- ~~(6) refund any fees collected from a person enrolled in the course in any case in which the agency is unable to conduct the course.~~
- ~~(7) authorize the Commissioner to audit the records of the approved course and to monitor and evaluate any and all portions of the course, including the classroom facility, use of instructional material, and the presentation of the course;~~
- ~~(8) advertise its course in compliance with the requirements set forth in Rule 1340-1-10-.09; and~~
- ~~(9) provide the Commissioner with a monthly schedule of class dates, times, and locations at least two (2) weeks prior to the first day of each month.~~

~~*Authority:* T.C.A. §56-7-1107. *Administrative History:* Original rule filed January 25, 1984; effective April 15, 1984.~~

~~1340-1-10-.09 COURSE ADVERTISING.~~ The Commissioner reserves the right to review and approve all advertising. The sponsoring agencies will be held responsible for all advertising by their respective delivery agencies.

~~The Commissioner may make information regarding Motor vehicle accident prevention courses for liability insurance premium reduction available at driver testing locations. However, the Commissioner reserves the right to cease doing so in cases where the Commissioner believes the information being distributed may be misleading or inappropriate.~~

~~Advertising by a sponsoring agency and/or a delivery agency approved to administer or conduct an approved course must conform with the following:~~

- ~~(1) it may not use or allow the use of advertising which portrays the agency as a representative or employee or in any other way associated with the Commissioner of Safety or the Department of Safety;~~
- ~~(2) it may make no false or misleading claims or statements in any of its advertising relating to insurance premium reduction, or program effectiveness and benefits;~~
- ~~(3) at least one (1) form of printed advertising must provide the course fee or fee schedule; and~~
- ~~(4) all advertising must indicate that the agency and course has been and is currently approved by the Commissioner of Safety.~~

~~*Authority:* T.C.A. §56-7-1107. *Administrative History:* Original rule filed January 25, 1984; effective April 15, 1984.~~

~~**1340-1-10-.10 RECORDS OF CERTIFICATION OF COURSE COMPLETION. A SPONSORING AGENCY WILL BE RESPONSIBLE FOR MAINTAINING RECORDS ON ALL INDIVIDUALS COMPLETING ITS MOTOR VEHICLE ACCIDENT PREVENTION COURSE FOR LIABILITY INSURANCE PREMIUM REDUCTION IN A MANNER WHICH WILL FACILITATE THE EASE OF VERIFYING AN INDIVIDUAL'S CERTIFICATION OF COMPLETION TO THE PROGRAM ADMINISTRATOR.**~~

~~Each sponsoring agency is required to submit to the Program Administrator information pertaining to each individual's completion of such course on a form and in a manner prescribed by the Commissioner and in conformity with Rule 1340-1-10-07.~~

~~The Commissioner shall insure to each eligible driver certified by an approved sponsoring agency as having successfully completed an approved course a certificate of eligibility for liability insurance premium reduction which may be presented by the driver to an insurance company or agency as qualification for such reduction.~~

~~Authority: T.C.A. §56-7-1107. Administrative History: Original rule filed January 25, 1984; effective April 15, 1984.~~

Chapter 1340-01-10
Motor Vehicle Accident Prevention Courses For
Automobile Insurance Premium Reduction

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1340-01-10-.01 Purpose.

- (1) To establish a system for the application, approval, regulation and standardization of Motor Vehicle Accident Prevention Courses by the Tennessee Department of Safety. Drivers over the age of 55 who successfully complete a motor vehicle accident prevention course approved by the Department of Safety shall qualify for a reduction of premiums for automobile insurance.

Authority: T.C.A. § 56-7-1107. Administrative History:

1340-01-10-.02 Definitions.

- (1) "Commissioner" shall mean the Commissioner of the Tennessee Department of Safety.
- (2) "Department" shall mean the Tennessee Department of Safety.
- (3) "Motor Vehicle Accident Prevention Course" shall mean a classroom or on-line curriculum of driver safety training of not less than eight (8) hours which has been determined by the Department to meet or exceed the standards of the AAA, National Safety Council or such other nationally recognized curriculum approved by the Department and which is designed to educate drivers over the age of 55 in motor vehicle accident prevention.
- (4) "Motor Vehicle Accident Prevention Course Instructor" shall mean an individual who is approved by the Department for the purpose of conducting a Motor Vehicle Accident Course.
- (5) "Motor Vehicle Accident Prevention Course Provider" shall mean an entity approved by the Department to operate and conduct a Motor Vehicle Accident Prevention Course.

Authority: T.C.A. § 56-7-1107. Administrative History:

1340-01-10-.03 Motor Vehicle Accident Prevention Provider Requirements.

- (1) An entity which proposes to offer a Motor Vehicle Accident Prevention Course must submit an application supplied by the Department, along with a nonrefundable certified check or money order in the amount of one hundred fifty dollars (\$150.00) for the application fee, to the Department's Safety Education Unit of the Highway Patrol.

- (2) Upon initial approval, the applicant will be provided a certificate or letter of approval by the Department. The certificate or letter shall be conspicuously displayed in the primary place of business of the approved applicant.
- (3) Submit an annual renewal fee in the amount of fifty dollars (\$50.00).
- (4) Provide a minimum of eight (8) hours of classroom or on-line driver safety training which has been determined by the Department to meet or exceed the standards of the AAA, National Safety Council or such other nationally recognized curriculum approved by the Department and which is designed to educate drivers over the age of 55 in motor vehicle accident prevention.
- (5) Issue a certificate of completion to each student who has successfully completed the Motor Vehicle Accident Prevention Course. Such certificate shall have thereon the student's full name, driver license number, date of birth, course name, hours completed and the Motor Vehicle Accident Prevention Course Provider's name and address.
- (6) Comply with or exceed the minimum standards set forth herein.
- (7) Only use Instructors who meet the qualifications set forth herein.
- (8) Maintain the following records for a period of three (3) years and ensure that such records are available for inspection by the Department during business hours:
 - (a) A roster of each class, listing the course name, location, Instructor's full name, student names, driver license numbers and date of birth.
 - (b) A receipt for each student stating the student's full name, driver license number and amount paid.
 - (c) A list of students who have successfully completed the Motor Vehicle Accident Prevention Course, with each student's full name, driver license number, date of birth, course name and class location.
 - (d) Course material, which shall include the most recent material to teach crash prevention, and safe and defensive driving.
 - (e) Any other records that may be required by the Department.
- (9) Ensure compliance with all Department rules and regulations.
- (10) Immediately notify the Department by mail, facsimile or electronic transmission of any change(s) in information on the application or any change in ownership or Instructors.
- (11) Be open for periodic (with or without notice) on-site inspection by the Department.
- (12) Shall not hire any person as an Instructor or otherwise who is an employee of the Department.
- (13) Comply with the requirements of the Americans with Disabilities Act of 1990.

Authority: T.C.A. § 56-7-1107. Administrative History:

1340-01-10-.04 Motor Vehicle Accident Prevention Course Instructor Requirements.

- (1) Must be at least twenty-one (21) years of age, high school graduate or passed the GED, have and maintain a valid driver license that has not been revoked, suspended or cancelled for any reason in the three (3) years preceding the date of hire, no conviction for a felony or any crime involving violence, dishonesty, deceit, fraud, or indecency and not an employee of the Department.
- (2) Shall have attended and successfully completed a Driver Education Course Instructor's School operated by AAA, National Safety Council or such other certified school approved by the Department. The Motor

Vehicle Accident Prevention Course Provider shall send a copy of the Instructor's certificate of completion to the Department's Safety Education Unit. The Instructor shall maintain current certification.

Authority: T.C.A. § 56-7-1107. Administrative History:

1340-01-10-.05 Denial, Revocation or Suspension.

- (1) The Department may deny, revoke or suspend a Motor Vehicle Accident Prevention Course Provider or Instructor for any violation of the law, rules or regulations relating to the operation of a Motor Vehicle Accident Prevention Course.
- (2) The Department may deny, revoke or suspend the Motor Vehicle Accident Prevention Course Provider or Instructor for actions including, but not limited to, the following:
 - (a) Conviction of a Provider or Instructor for a felony or any crime involving violence, dishonesty, deceit, fraud or indecency.
 - (b) Knowingly presenting false or misleading information to the Department.
 - (c) Failure or refusal to permit the Department to inspect, audit or investigate the Motor Vehicle Accident Prevention Course Provider's premises, the course instruction records, financial records, etc.
 - (d) Failure to submit the application with supporting documentation and/or the required fees within the prescribed time limit.
 - (e) Failure to maintain Department approved standards in instruction, equipment or facilities.
 - (f) The presence of alcoholic beverages or narcotic drugs on the premises.

Authority: T.C.A. § 56-7-1107. Administrative History:

1340-01-10-.06 Hearings.

- (1) Any Provider or Instructor of a Motor Vehicle Accident Prevention Course who has been denied, revoked or suspended shall have the right to request a hearing in writing within thirty (30) days of the date of written notification of such action.
- (2) The hearing shall be before the Commissioner or the Commissioner's designee and held in accordance with the Uniform Administrative Procedures Act (T.C.A. § 4-5-101 et seq.).

Authority: T.C.A. § 4-5-101 et seq. Administrative History:

* 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 (board/commission/other authority) on _____ (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: 10/08/10

Signature: [Signature]

Name of Officer: Dereck Stewart

Title of Officer: Major, Tennessee Highway Patrol



Subscribed and sworn to before me on: 10-8-10

Notary Public Signature: Donna L. Elmore

My commission expires on: 1-26-2014

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.
Attorney General and Reporter

Date

Department of State Use Only

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.

(If applicable, insert Regulatory Flexibility Addendum here)

Regulatory Flexibility Analysis

Pursuant to the Regulatory Flexibility Act of 2007, T.C.A. § 4-5-401, et seq., the Department of Safety submits the following regulatory flexibility analysis:

- (1) The extent to which the rule may overlap, duplicate, or conflict with other federal, state, and local government rules:

The proposed rule does not overlap, duplicate or conflict with other federal, state or local government rules.

- (2) Clarity, conciseness, and lack of ambiguity in the rule:

The proposed rule exhibits clarity, conciseness, and lack of ambiguity.

- (3) The establishment of flexible compliance and reporting requirements for small businesses:

The proposed rule establishes reasonable compliance and inspection requirements for small businesses engaged in providing Motor Vehicle Accident Prevention Courses. The proposed rule does not establish any reporting requirements for small businesses.

- (4) The establishment of friendly compliance and reporting requirements for small businesses:

The proposed rule establishes the requirement for periodic compliance inspections for small businesses engaged in Driver Education Courses. The proposed rule does not establish any reporting requirements for small businesses.

- (5) The consolidation or simplification of compliance or reporting requirements for small businesses:

The proposed rule requires periodic inspections for small businesses engaged in Motor Vehicle Accident Prevention Courses.

- (6) The establishment of performance standards for small businesses as opposed to design or operational standards required in the proposed rule:

The proposed rule establishes certain performance and operational standards for small businesses engaged in Motor Vehicle Accident Prevention Courses.

- (7) The unnecessary creation of entry barriers or other effects that stifle entrepreneurial activity, curb innovation, or increase costs.

The proposed rule does not unnecessarily create entry barriers or other effects that stifle entrepreneurial activity, curb innovation, or increase costs.

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)

(Insert statement here)

The proposed rule will not impact local governments.

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;

T.C.A. § 56-7-1107 provides for appropriate reductions in the rates and premiums for automobile insurance for drivers over the age of 55 years of age who have completed a motor vehicle accident prevention course approved by the commissioner of safety. The statute has required the course to consist of at least eight (8) hours of classroom instruction. Public Chapter 617, 2010 amended the statute to include eight (8) hours of approved online instruction to qualify for the premium reduction. These amendments revise the previous department of safety regulations to include the online course. The regulations have been further overhauled and revised to simplify the application and approval process.

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 Department is authorized by T.C.A. § 56-7-1107 to promulgate rules and regulations to effectuate the purposes of the law.

- (B)** 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;

Entities that operate and conduct on-line and/or classroom motor vehicle accident prevention courses for purposes of automobile insurance premium reduction in accordance with T.C.A. § 56-7-1107.

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

None

- (D)** 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;

Entities that provide and conduct motor vehicle accident prevention courses will be required to pay an initial application fee to the Department of \$150.00 and a \$50.00 renewal fee each year thereafter. These fees will be used by the Department to cover administrative and inspection costs and are not intended or expected to result in any increase in government revenues.

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

Major Dereck Stewart; Gerry Crownover, Staff Attorney

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

Major Dereck Stewart; Gerry Crownover, Staff Attorney

- (G)** 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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(H) Any additional information relevant to the rule proposed for continuation that the committee requests.

None