

**Department of State
Division of Publications**

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For Department of State Use Only

Sequence Number: 12-16-13
Rule ID(s): 5633
File Date: 12/17/13
Effective Date: 5/31/14

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:	Highway Patrol
Contact Person:	Gerry Crowover, Staff Attorney
Address:	1150 Foster Avenue, Nashville TN
Zip:	37243
Phone:	(615) 251-5277
Email:	Gerry.Crowover@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
1340-03-04	Municipal Enforcement of Rules of the Road
Rule Number	Rule Title
1340-03-04-.02	Definitions
1340-03-04-.05	Annual Enforcement Notice
1340-03-04-.08	Clearly Identified Vehicles
1340-03-04-.09	Certified Speed Detection Equipment
1340-03-04-.10	Certified Peace Officers
1340-03-04-.14	Revocation of Authorization

(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>)

The language of Paragraphs (4), (5) and (6) of Rule 1340-03-04-.02 Definitions is deleted in its entirety and new language substituted, so that, as amended, the Paragraphs shall read:

- (4) Municipality means a city or town properly incorporated as a municipal corporation with a population of 10,000 or less according to the 2010 federal census or any subsequent federal census.
- (5) Municipal law enforcement agency means the police department of a municipality with a population of

10,000 or less according to the 2010 federal census or any subsequent federal census.

- (6) Chief law enforcement officer means the chief, director, or the highest ranking officer known by any other title of a municipal law enforcement agency in a municipality with a population of 10,000 or less according to the 2010 federal census or any subsequent federal census.

Authority: T.C.A. §§ 4-3-2009, 4-7-112, 55-10-308 and Public Chapter 90 of 2013. Administrative History: Original rule filed December 6, 2004; effective April 29, 2005.

The language of Subparagraph (5)(c) of Rule 1340-03-04-.05 Annual Enforcement Notice is deleted in its entirety and new language substituted, so that, as amended, the Subparagraph shall read:

- (c) A statement that all officers engaged in enforcement of the rules of the road have read, understand, and will follow the General Orders listed herein and any addendums or referenced manuals thereto issued by the Tennessee Highway Patrol to ensure their safety, the safety of the public, and to ensure uniform enforcement procedures and standards:

- G.O. # 405 – Traffic Direction and Control
- G.O. # 411 – Pursuit Regulations
- G.O. # 415 – Motorcycle Care and Operations (THP Only)
- G.O. # 430 – Traffic Crash Investigation
- G.O. # 501 – Enforcement Policy and Professional Conduct
- G.O. # 505 – Stop and Approach Procedures
- G.O. # 506 – Profiling
- G.O. # 513 – Vehicle Inventory and Searches
- G.O. # 520 – Citations
- G.O. # 555 – Speed Measurement Devices
- G.O. # 712-1 – Cameras (In-Car)

Authority: T.C.A. §§ 4-3-2009, 4-7-112, 55-10-308. Administrative History: Original rule filed December 6, 2004; effective April 29, 2005. Repeal and new rule filed August 21, 2008; effective December 29, 2008.

The language of Rule 1340-03-04-.08 Clearly Identified Vehicles is deleted in its entirety and new language substituted, so that, as amended, the Rule shall read:

1340-03-04-.08 Clearly Marked Vehicles.

- (1) Each municipal law enforcement agency enforcing rules of the road on interstate highways shall utilize only clearly marked law enforcement vehicles and shall not utilize unmarked law enforcement vehicles. Clearly marked law enforcement vehicles shall display the law enforcement agency's patch, badge, seal or other official agency logo.

Authority: T.C.A. §§ 4-3-2009, 4-7-112, 55-10-308. Administrative History: Original rule filed December 6, 2004; effective April 29, 2005. Repeal and new rule filed August 21, 2008; effective December 29, 2008.

The language of Paragraph (1) of Rule 1340-03-04-.09 Certified Speed Detection Equipment is deleted in its entirety and new language substituted, so that, as amended, the Paragraph shall read:

- (1) Each municipal law enforcement agency enforcing rules of the road on interstate highways, to the extent that speed detection equipment is used, shall utilize speed detection equipment tested and certified by the International Association of Chiefs of Police (IACP). Refer to paragraph 2 below for radar speed-measuring device models meeting the minimum performance specifications as published by the National Highway Traffic Safety Administration (NHTSA) of the USDOT. The requirements of General Order number 555 must be adhered to in checking, maintaining and testing such devices. A certified radar technician must also recertify this equipment annually pursuant to the manufacturer's recommendations. The operator of such equipment must also be certified and recertified annually on the use and operation of the speed detection equipment pursuant to the certification requirements of General Order number 555.

Authority: T.C.A. §§ 4-3-2009, 4-7-112, 55-10-308. Administrative History: Original rule filed December 6, 2004; effective April 29, 2005. Repeal and new rule filed August 21, 2008; effective December 29, 2008.

The language of Rule 1340-03-04-.10 Certified Peace Officers is deleted in its entirety and new language substituted, so that, as amended, the Rule shall read:

1340-03-04-.10 Certified Peace Officers.

- (1) Each municipal law enforcement agency enforcing rules of the road on interstate highways shall permit only "Full-time law enforcement officers" as defined in 1110-01-.01, Rules of the Tennessee Peace Officers Standards and Training Commission, who have completed the Basic Law Enforcement Course as provided for in 1110-03-.01, Rules of the Tennessee Peace Officers Standards and Training Commission, or equivalent course of instruction, to enforce rules of the road. Officers are not permitted to wear plain clothes while working the interstate highways under this authorization. All officers shall carry their official agency's identification card containing, at a minimum, a photograph of the employee, name, rank/title, and date of issuance.

Authority: T.C.A. §§ 4-3-2009, 4-7-112, 55-10-308. Administrative History: Original rule filed December 6, 2004; effective April 29, 2005. Repeal and new rule filed August 21, 2008; effective December 29, 2008.

The language of Rule 1340-03-04-.14 Revocation of Authorization is deleted in its entirety and new language substituted, so that, as amended, the Rule shall read:

1340-03-04-.14 Suspension of Authorization.

- (1) Upon determining that a municipality is enforcing the rules of the road on the interstate highways without proper authority or is not complying with these rules and all General Orders listed in 1340-03-04-.05(5)(c), the Commissioner (or the Commissioner's designee) may refuse to issue or may suspend for up to three (3) years the authorization for the municipality to enforce the rules of the road on the interstate highways.
- (2) Such suspension shall be made in writing and sent by certified mail, return receipt requested, to the chief law enforcement officer and the mayor of the municipality no less than thirty (30) days prior to the effective date of the suspension of authority.
- (3) The municipal law enforcement agency shall have twenty (20) days from receipt of the suspension notification to provide proof to the department that the municipal law enforcement agency was compliant with these rules and all General Orders listed in 1340-03-04-.05(5)(c). Timely submission of proof to the department shall stay the suspension until the department has made a determination whether or not to rescind the suspension.
- (4) If the proof submitted under paragraph (3) is acceptable to the department, the Commissioner (or the Commissioner's designee) shall inform the chief law enforcement officer and mayor in writing and sent by certified mail, return receipt requested, that the suspension is being rescinded.
- (5) If the proof submitted under paragraph (3) is not acceptable to the department, the Commissioner (or the Commissioner's designee) shall inform the chief law enforcement officer and mayor in writing and sent by certified mail, return receipt requested, that the suspension will be reinstated.
- (6) At the conclusion of the suspension served by a municipal law enforcement agency, such agency must re-file for authorization pursuant to 1340-03-04-.05 herein prior to enforcing the rules of the road on the interstate highways.

Authority: T.C.A. §§ 4-3-2009, 4-7-112, 55-10-308 and Public Chapter 90 of 2013. Administrative History: Original rule filed August 21, 2008; effective December 29, 2008.

* 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)

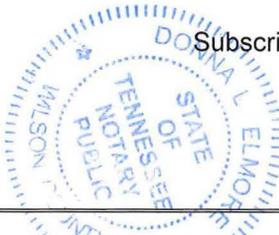
I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the Commissioner of Safety and Homeland Security on 07/08/2013, and is in compliance with the provisions of T.C.A. § 4-5-222. The Secretary of State is hereby instructed that, in the absence of 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 sixty (60) days of the first day of the month subsequent to the filing of the proposed rule with the Secretary of State.

Date: 11-27-13

Signature: [Signature]

Name of Officer: Dereck Stewart

Title of Officer: Lt. Colonel, Tennessee Highway Patrol



Subscribed and sworn to before me on: 11-27-13

Notary Public Signature: [Signature]

My commission expires on: 1-26-14

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.

[Signature]
Robert E. Cooper, Jr.
Attorney General and Reporter
12-5-13
Date

Department of State Use Only

Filed with the Department of State on: 12/17/13

Effective on: 5/31/14

[Signature]
Tre Hargett
Secretary of State

RECEIVED
2013 DEC 17 PM 1:15
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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.

This rule does not affect 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)

Impacts municipalities with populations of 10,000 persons or less.

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;

This regulation establishes terms for the manner and method of enforcement of the rules of the road on interstate highways by law enforcement agencies of municipalities with populations of 10,000 persons or less. The amendments are required as a result of Public Chapter No. 90 (2013), which mandates a 3-year suspension of authorization for municipalities to enforce the rules of the road on interstates in the event of non-compliance with this regulation.

- (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. 55-10-308

- (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;

Municipalities with populations of 10,000 persons or less.

- (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;

Unknown.

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

Lt. Colonel Dereck Stewart, Tennessee Highway Patrol

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

Lt. Colonel Dereck Stewart, Tennessee Highway Patrol
Captain Michael McAlister, Tennessee Highway Patrol
Gerry Crownover, Staff Attorney

- (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

Lt. Colonel Dereck Stewart
TN Department of Safety and Homeland Security
1150 Foster Avenue
Nashville, TN 37243
(615) 251-6316
Dereck.Stewart@tn.gov

Captain Michael McAlister
TN Department of Safety and Homeland Security
1226 Foster Avenue, Davis Quad – Bldg. #2
Nashville, TN 37243
(615) 251-743-4961
Michael.McAlister@tn.gov

Gerry Crownover, Staff Attorney
TN Department of Safety and Homeland Security
1150 Foster Avenue
Nashville, TN 37243
(615) 251-5277
Gerry.Crownover@tn.gov

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

None.

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Sequence Number: _____

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*Red-lined
No Signature
Needed*

Proposed Rule(s) Filing Form

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Agency/Board/Commission:	Tennessee Department of Safety
Division:	Highway Patrol
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
1340-03-04	Municipal Enforcement of Rules of the Road
Rule Number	Rule Title
1340-03-04-.02	Definitions
1340-03-04-.05	Annual Enforcement Notice
1340-03-04-.08	Clearly Identified Vehicles
1340-03-04-.09	Certified Speed Detection Equipment
1340-03-04-.10	Certified Peace Officers
1340-03-04-.14	Revocation of Authorization

(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>)

The language of Paragraphs (4), (5) and (6) of Rule 1340-03-04-.02 Definitions is deleted in its entirety and new language substituted, so that, as amended, the Paragraphs shall read:

- (4) Municipality means a city or town properly incorporated as a municipal corporation with a population of 10,000 or less according to the 2000-Decennial 2010 federal census or any subsequent federal census.
- (5) Municipal law enforcement agency means the police department of a municipality with a population of

10,000 or less according to the ~~2000-Decennial~~ 2010 federal census or any subsequent federal census.

- (6) Chief law enforcement officer means the chief, director, or the highest ranking officer known by any other title of a municipal law enforcement agency in a municipality with a population of 10,000 or less according to the ~~2000-Decennial~~ 2010 federal census or any subsequent federal census.

Authority: T.C.A. §§ 4-3-2009, 4-7-112, 55-10-308 and Public Chapter 944-~~of-2004~~ 90 of 2013. Administrative History: Original rule filed December 6, 2004; effective April 29, 2005.

The language of Subparagraph (5)(c) of Rule 1340-03-04-.05 Annual Enforcement Notice is deleted in its entirety and new language substituted, so that, as amended, the Subparagraph shall read:

- (c) A statement that all officers engaged in enforcement of the rules of the road have read, understand, and will follow the General Orders listed herein and any addendums or referenced manuals thereto issued by the Tennessee Highway Patrol to ensure their safety, the safety of the public, and to ensure uniform enforcement procedures and standards:

G.O. # 405 – Traffic Direction and Control

G.O. # 411 – Pursuit Regulations ~~Driving; Routine and Emergency Operations of the Patrol Vehicle~~

G.O. # 412 – ~~The Use of Tire Deflation Devices~~

G.O. # 415 – Motorcycle Care and Operations (THP Only)

G.O. # 430 – Traffic Crash Investigations

G.O. # 501 – Enforcement Policy and Professional Conduct

G.O. # 505 – Stop and Approach Procedures

G.O. # 506 – Profiling

G.O. # 513 – Vehicle Inventory and Searches

G.O. # 520 – Uniform Citations

G.O. # 521 – ~~Use of a Warning Ticket~~

G.O. # 555 – Speed Measurement Devices

G.O. # 710-1 – ~~Use and Investigation of Deadly Force Incidents~~

G.O. # 712-1 – Cameras (In-Car)

G.O. # 730 – ~~Maintenance, Assignment and Inventory of Radar Equipment~~

Authority: T.C.A. §§ 4-3-2009, 4-7-112, 55-10-308. Administrative History: Original rule filed December 6, 2004; effective April 29, 2005. Repeal and new rule filed August 21, 2008; effective December 29, 2008.

The language of Rule 1340-03-04-.08 Clearly Identified Vehicles is deleted in its entirety and new language substituted, so that, as amended, the Rule shall read:

1340-03-04-.08 Clearly Identified ~~Marked~~ Vehicles.

- (1) Each municipal law enforcement agency enforcing rules of the road on interstate highways shall utilize only clearly marked law enforcement vehicles and shall not utilize unmarked law enforcement vehicles. Clearly marked law enforcement vehicles shall display the law enforcement agency's patch, badge, seal or other official agency logo.

Authority: T.C.A. §§ 4-3-2009, 4-7-112, 55-10-308. Administrative History: Original rule filed December 6, 2004; effective April 29, 2005. Repeal and new rule filed August 21, 2008; effective December 29, 2008.

The language of Paragraph (1) of Rule 1340-03-04-.09 Certified Speed Detection Equipment is deleted in its entirety and new language substituted, so that, as amended, the Paragraph shall read:

- (1) Each municipal law enforcement agency enforcing rules of the road on interstate highways, to the extent that speed detection equipment is used, shall utilize speed detection equipment tested and certified by the International Association of Chiefs of Police (IACP). Refer to paragraph 2 below for radar speed-measuring device models meeting the minimum performance specifications as published by the National Highway Traffic Safety Administration (NHTSA) of the USDOT. The requirements of General Order numbers 555 and ~~730~~ must be adhered to in checking, maintaining and testing such devices. A certified radar technician must also recertify this equipment annually pursuant to the manufacturer's

recommendations. The operator of such equipment must also be certified and recertified annually on the use and operation of the speed detection equipment pursuant to the certification requirements of General Order number 555.

Authority: T.C.A. §§ 4-3-2009, 4-7-112, 55-10-308. Administrative History: Original rule filed December 6, 2004; effective April 29, 2005. Repeal and new rule filed August 21, 2008; effective December 29, 2008.

The language of Rule 1340-03-04-.10 Certified Peace Officers is deleted in its entirety and new language substituted, so that, as amended, the Rule shall read:

1340-03-04-.10 Certified Peace Officers.

- (1) Each municipal law enforcement agency enforcing rules of the road on interstate highways shall permit ~~only properly certified peace officers~~ "Full-time law enforcement officers" as defined in 1110-01-.01, Rules of the Tennessee Peace Officers Standards and Training Commission, who have completed the Basic Law Enforcement Course as provided for in 1110-03-.01, Rules of the Tennessee Peace Officers Standards and Training Commission, or equivalent course of instruction, ~~to enforce rules of the road. No reserve officer, part-time officer, or other uncertified peace officer may enforce rules of the road on interstate highways.~~ All officers shall wear the law enforcement agency's official uniform while working the interstate highways. Officers are not permitted to wear plain clothes while working the interstate highways under this authorization. All officers shall carry their official agency's identification card containing, at a minimum, a photograph of the employee, name, rank/title, and date of issuance.

Authority: T.C.A. §§ 4-3-2009, 4-7-112, 55-10-308. Administrative History: Original rule filed December 6, 2004; effective April 29, 2005. Repeal and new rule filed August 21, 2008; effective December 29, 2008.

The language of Rule 1340-03-04-.14 Revocation of Authorization is deleted in its entirety and new language substituted, so that, as amended, the Rule shall read:

~~1340-03-04-.14 Revocation of Authorization.~~

- ~~(1) Upon determining that a municipality is not complying with these rules and all General Orders listed in 1340-03-04-.05(5)(c), the Commissioner (or the Commissioner's designee) shall revoke the authorization for the municipality to enforce the rules of the road on the interstate highways.~~
- ~~(2) Such revocation shall be made in writing and sent by certified mail, return receipt requested, thirty (30) days prior to the effective date of the revocation of authority to the chief law enforcement officer of the~~
- ~~(3) The municipal law enforcement agency shall have twenty (20) days from receipt of the revocation notification to provide proof to the department that the municipal law enforcement agency is or will be compliant with these rules and all General Orders listed in 1340-03-04-.05(5)(c). Timely submission of proof to the department shall stay the revocation until the department has made a determination whether or not to rescind the revocation.~~
- ~~(4) If the proof submitted under paragraph (3) is acceptable to the department, the Commissioner (or the Commissioner's designee) shall inform the chief law enforcement officer in writing, by facsimile and mail, that the revocation is being rescinded.~~
- ~~(5) If the proof submitted under paragraph (3) is not acceptable to the department, the Commissioner (or the Commissioner's designee) shall inform the chief law enforcement officer in writing, by facsimile and mail, that the revocation will be effective either:
 - ~~(a) on the thirtieth (30th) day after the initial revocation letter was sent; or,~~
 - ~~(b) if the determination is made more than thirty (30) days after the initial revocation letter was sent, that the revocation will be effective immediately.~~~~

1340-03-04-.14 Suspension of Authorization.

- (1) Upon determining that a municipality is enforcing the rules of the road on the interstate highways without proper authority or is not complying with these rules and all General Orders listed in 1340-03-04-.05(5)(c), the Commissioner (or the Commissioner's designee) may refuse to issue or may suspend for up to three (3) years the authorization for the municipality to enforce the rules of the road on the interstate highways.
- (2) Such suspension shall be made in writing and sent by certified mail, return receipt requested, to the chief law enforcement officer and the mayor of the municipality no less than thirty (30) days prior to the effective date of the suspension of authority.
- (3) The municipal law enforcement agency shall have twenty (20) days from receipt of the suspension notification to provide proof to the department that the municipal law enforcement agency was compliant with these rules and all General Orders listed in 1340-03-04-.05(5)(c). Timely submission of proof to the department shall stay the suspension until the department has made a determination whether or not to rescind the suspension.
- (4) If the proof submitted under paragraph (3) is acceptable to the department, the Commissioner (or the Commissioner's designee) shall inform the chief law enforcement officer and mayor in writing and sent by certified mail, return receipt requested, that the suspension is being rescinded.
- (5) If the proof submitted under paragraph (3) is not acceptable to the department, the Commissioner (or the Commissioner's designee) shall inform the chief law enforcement officer and mayor in writing and sent by certified mail, return receipt requested, that the suspension will be reinstated.
- (6) At the conclusion of the suspension served by a municipal law enforcement agency, such agency must re-file for authorization pursuant to 1340-03-04-.05 herein prior to enforcing the rules of the road on the interstate highways.

Authority: T.C.A. §§ 4-3-2009, 4-7-112, 55-10-308 and Public Chapter 914 of 2004 90 of 2013. Administrative History: Original rule filed August 21, 2008; effective December 29, 2008.

* 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)

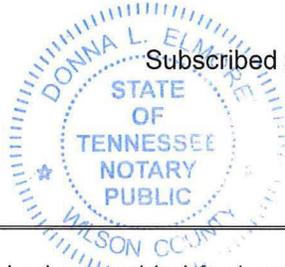
I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the Commissioner of Safety and Homeland Security on 07/08/2013, and is in compliance with the provisions of T.C.A. § 4-5-222. The Secretary of State is hereby instructed that, in the absence of 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 sixty (60) days of the first day of the month subsequent to the filing of the proposed rule with the Secretary of State.

Date: 11-27-13

Signature: [Signature]

Name of Officer: Dereck Stewart

Title of Officer: Lt. Colonel, Tennessee Highway Patrol



Subscribed and sworn to before me on: 11-27-13

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.

This rule does not affect 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)

Impacts municipalities with populations of 10,000 persons or less.

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;

This regulation establishes terms for the manner and method of enforcement of the rules of the road on interstate highways by law enforcement agencies of municipalities with populations of 10,000 persons or less. The amendments are required as a result of Public Chapter No. 90 (2013), which mandates a 3-year suspension of authorization for municipalities to enforce the rules of the road on interstates in the event of non-compliance with this regulation.

- (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. 55-10-308

- (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;

Municipalities with populations of 10,000 persons or less.

- (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;

Unknown.

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

Lt. Colonel Dereck Stewart, Tennessee Highway Patrol

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

Lt. Colonel Dereck Stewart, Tennessee Highway Patrol
Captain Michael McAlister, Tennessee Highway Patrol
Gerry Crownover, Staff Attorney

- (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

Lt. Colonel Dereck Stewart
TN Department of Safety and Homeland Security
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(I) Any additional information relevant to the rule proposed for continuation that the committee requests.

None.