

**RULES
OF
TENNESSEE DEPARTMENT OF COMMERCE AND INSURANCE
TENNESSEE MOTOR VEHICLE COMMISSION**

**CHAPTER 0960-05
AUTOMOTIVE MOBILITY DEALER LICENSE**

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0960-05-.01 SALES TAX IDENTIFICATION NUMBER.

All automotive mobility dealers shall obtain and hold a current sales tax identification number indicating their business as that of an automotive mobility dealer. Upon expiration of a sales tax identification number, the licensee shall either cease business operations, or provide evidence of a valid sales tax identification number. The automotive mobility dealer license shall be invalid during the period of time without a sales tax identification number.

Authority: T.C.A. §§ 55-17-107, 55-17-111 and 55-17-302. **Administrative History:** Emergency rule filed March 24, 2011; effective through September 20, 2011. Original rule filed June 22, 2011; effective September 20, 2011;

0960-05-.02 CITY AND COUNTY BUSINESS LICENSE.

All automotive mobility dealers shall obtain and hold a current city and county business license indicating their business as that of an automotive mobility dealer. Upon expiration of a business license, the licensee shall either cease business operations, or provide evidence of a valid business license. The automotive mobility dealer's license shall be invalid during the period of time without a valid business license.

Authority: T.C.A. §§ 55-17-107, 55-17-111 and 55-17-302. **Administrative History:** Emergency rule filed March 24, 2011; effective through September 20, 2011. Original rule filed June 22, 2011; effective September 20, 2011.

0960-05-.03 LIABILITY INSURANCE AND WORKER'S COMPENSATION.

- (1) An applicant for an automotive mobility dealer license shall submit to the Commission with each application for license a certificate of comprehensive garage liability insurance which covers all premises and operations as listed in the application for license, in a minimum amount of coverage of Five Hundred Thousand Dollars (\$500,000.00) per occurrence.
- (2) The minimum required coverage must remain and continue in force for as long as the automotive mobility dealer remains licensed. Upon notice of cancellation, the licensee shall either cease business operations until proof of minimum coverage is provided, or provide evidence of minimum coverage from another provider.
- (3) All automotive mobility dealers shall comply with the applicable workers' compensation laws of the State of Tennessee.

Authority: T.C.A. §§ 55-17-107, 55-17-111 and 55-17-302. **Administrative History:** Emergency rule filed March 24, 2011; effective through September 20, 2011. Original rule filed June 22, 2011; effective September 20, 2011.

0960-05-04 PRIMARY BUSINESS ACTIVITY.

All applicants for an automotive mobility dealer license shall provide a statement to the Commission that the applicant intends to be engaged primarily as an automotive mobility dealer.

Authority: T.C.A. §§ 55-17-107, 55-17-111 and 55-17-302. **Administrative History:** Emergency rule filed March 24, 2011; effective through September 20, 2011. Original rule filed June 22, 2011; effective September 20, 2011.

0960-05-05 SIGNS.

All automotive mobility dealers shall install signs at their established place of business identifying them as an automotive mobility dealer. Such signs shall consist of letters no less than eight (8) inches in height and shall not advertise any other business or product.

Authority: T.C.A. §§ 55-17-107 and 55-17-302. **Administrative History:** Emergency rule filed March 24, 2011; effective through September 20, 2011. Original rule filed June 22, 2011; effective September 20, 2011.

0960-05-06 AUTOMOTIVE MOBILITY DEALER FACILITIES.

The following minimum requirements apply to all automotive mobility dealer facilities:

- (1) The facility must be physically separate and apart from any other businesses and shall not include any private residence, tent or temporary stand. The facility may be connected to another business facility provide there is a permanent wall from floor to ceiling between the two businesses and the motor vehicle facility has a separate outside entrance and exit. Any doors between the businesses shall be permanently sealed.
- (2) The facility shall contain adequate office space (a minimum of 288 square feet) for processing sales and purchases of adapted vehicles. The facility shall also contain restroom accommodations.
- (3) The facility shall have a primary telephone number listed in the local directory under the name of the dealership. Mobile and/or cellular telephones are not acceptable as the primary business telephone. The primary phone number of the dealership shall be posted either on the door to the dealership, in a window of the dealership or on the dealership's sign.
- (4) The facility shall have immediate and contiguous access to and exclusive dedicated use of an adapted vehicle storage or display lot capable of accommodating fifteen (15) adapted vehicles of the dealership's product line. A lot shall consist of compacted gravel, chert, stone, or similar materials and shall not include public lands, unimproved land or residential driveways. The facility shall also contain a minimum of three (3) parking spots dedicated for customer parking.

Authority: T.C.A. §§ 55-17-107, 55-17-114 and 55-17-302. **Administrative History:** Emergency rule filed March 24, 2011; effective September 24, 2011. Original rule filed June 22, 2011; effective September 20, 2011.

0960-05-.07 REASONABLE BUSINESS HOURS.

All automotive mobility dealers shall be open at their established place of business during reasonable business hours, and these hours shall be posted either on the door to the dealership, in a window of the dealership or on the dealership's sign. For this section, "reasonable business hours" means at least three days a week for a minimum of twelve hours (12) total during the week. The reasonable business hours must be between 8:00 a.m. and 7:00 p.m., and at least eight (8) of the hours must be on Monday, Tuesday, Wednesday, Thursday or Friday.

Authority: T.C.A. §§ 55-17-107 and 55-17-302. **Administrative History:** Emergency rule filed March 24, 2011; effective through September 20, 2011. Original rule filed June 22, 2011; effective September 20, 2011.

0960-05-.08 AUTOMOTIVE MOBILITY DEALER APPLICATIONS AND REQUIREMENTS.

- (1) An applicant for an automotive mobility dealer license shall comply with the same requirements as a motor vehicle dealer in T.C.A. § 55-17-111 and shall provide the Commission with all information required by this section.
- (2) Applicants are required to provide the Commission, and keep current, the names of any inventory financiers, i.e. "floor planners" used by the dealership.
- (3) An automotive mobility dealer applicant shall provide to the Commission a compiled financial statement indicating a minimum net worth of at least Fifty Thousand Dollars (\$50,000.00). The compiled financial statement must be prepared in accordance with generally accepted accounting principles by a certified public accountant or public accountant dated not earlier than twelve (12) months prior to the date of the application, and a copy of the same must be furnished to the Commission along with any changes to the statement.
- (4) An applicant for an automotive mobility dealer license shall certify compliance with the following:
 - (a) T.C.A. § 55-9-201 et seq. regarding the required equipment of vehicles operated in Tennessee;
 - (b) 49 C.F.R. Part 567 regarding the modification and alteration of motor vehicles;
 - (c) 49 C.F.R. Part 571, Federal Motor Vehicle Safety Standards; and
 - (d) 49 C.F.R. Part 595 regarding make inoperative exemptions.
- (5) An automotive mobility dealer applicant that actually modifies motor vehicles to create adapted vehicles, installs mobility equipment, or services or repairs adapted vehicles or mobility equipment shall certify:
 - (a) That all mobility equipment and materials utilized in the modification, installation, servicing or repair comply with applicable federal and state guidelines, as set forth in paragraph (4) of this rule and;
 - (b) That the relevant personnel of the automotive mobility dealer have been trained and certified, if applicable, by the equipment manufacturers or other competent authority with regard to the modification, installation, repair or servicing.
- (6) Prior to the delivery of an adapted vehicle to a customer, an automotive mobility dealer shall:

(Rule 0900-05-.08, continued)

- (a) Verify that the customer received appropriate training regarding operation and usage of the adapted vehicle purchased;
- (b) Verify that the customer received a driver evaluation regarding operation and usage of the adapted vehicle purchased to ensure his/her ability to operate the vehicle in a safe manner; and
- (c) Retain a record of compliance with the requirements of Rule 0960-05-.08(5)(a) & (b) as part of its business record.

Authority: T.C.A. §§ 55-17-107, 55-17-111 and 55-17-302. **Administrative History:** Emergency rule filed March 24, 2011; effective through September 20, 2011. Original rule filed June 22, effective September 20, 2011.

0960-05-.09 DENIAL, SUSPENSION, OR REVOCATION OF LICENSE.

- (1) The Commission may deny an application for a license or revoke or suspend the license of an automotive mobility dealer who:
 - (a) Fails to comply with the application provisions and requirements of Rule 0960-05-.08;
 - (b) Violates any provision of T.C.A. § 55-17-114 (a) & (b); or
 - (c) Accepts on consignment at any given time more than two (2) new untitled motor vehicles of a specific line make by any franchised motor vehicle dealer.
- (2) The Commission shall, after a notice of hearing, revoke the license of an automotive mobility dealer if it determines that the dealer has sold or modified a vehicle that does not comply with the following:
 - (a) T.C.A. § 55-9-201 et seq. regarding the required equipment of vehicles operated in Tennessee;
 - (b) 49 C.F.R. Part 567 regarding the modification and alteration of motor vehicles;
 - (c) 49 C.F.R. Part 571, Federal Motor Vehicle Safety Standards; and
 - (d) 49 C.F.R. Part 595 regarding make inoperative exemptions.

Authority: T.C.A. §§ 55-17-107, 55-17-114, 55-17-302, and 55-17-303. **Administrative History:** Emergency rule filed March 24, 2011; effective through September 20, 2011. Original rule filed June 22, 2011; effective September 20, 2011.