

**RULES
OF
TENNESSEE DEPARTMENT OF HEALTH
BUREAU OF HEALTH SERVICES ADMINISTRATION
COMMUNITY SERVICES SECTION**

**CHAPTER 1200-11-4
CHILD SAFETY FUND**

TABLE OF CONTENTS

1200-11-4-.01	Introduction	1200-11-4-.04	Eligibility
1200-11-4-.02	Definitions	1200-11-4-.05	Accountability of Participating Entities
1200-11-4-.03	Distribution of Funds	1200-11-4-.06	Participating Entity Responsibilities

1200-11-4-.01 INTRODUCTION.

Tennessee Code Annotated (“T.C.A.”) Section 55-9-602 establishes the requirements for child passenger restraint systems for passenger motor vehicles operating in Tennessee and levies fines for violations of the same. Further, the law establishes within the general fund a revolving special account known as the Child Safety Fund.

Effective July 1, 2004, Section 55-9-602(f)(7) authorizes the Department, pursuant to duly promulgated rules and regulations, to determine equitable distribution of the moneys in the Child Safety Fund to those entities that are best suited for child passenger safety system distribution. These rules carry out this objective.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 55-9-602, and 55-9-610. **Administrative History:** Original rule filed January 10, 2005; effective March 26, 2005.

1200-11-4-.02 DEFINITIONS.

For purposes of these rules, the terms set forth below shall have the following meanings:

- (1) “Child Safety Fund” means moneys disbursed to designated entities to provide child passenger restraint systems pursuant to T.C.A. Section 55-9-602.
- (2) “Child passenger restraint system” or “child passenger safety system” means an age or size appropriate child safety seat as required by T.C.A. Section 55-9-602.
- (3) “Commissioner” means the Commissioner of the Tennessee Department of Health or a duly authorized designee.
- (4) “Department” means the Tennessee Department of Health.
- (5) “Distribution” means funds disbursed quarterly from the Child Safety Fund to participating entities based on an equal fraction of available funds.
- (6) “Quarter” means a three (3) month period of the year used for monetary accounting purposes.
- (7) “Participating entity” or “entity” means an organization or entity approved by the Department to participate in the program.
- (8) “Passenger motor vehicle” means any motor vehicle with a manufacturer’s gross vehicle weight rating of ten thousand pounds (10,000 lbs.) or less that is not used as a public or livery conveyance for passengers. “Passenger motor vehicle” does not apply to motor vehicles that are not required by federal law to be equipped with safety belts.

(Rule 1200-11-4-.02, continued)

- (9) "Poverty guideline" means the guideline used for determining whether a person or family is financially eligible for assistance or services under a particular Federal program as published annually in the Federal Register.
- (10) "Quarterly report" means the report to be submitted by participating entities to reflect the three- (3) month period of child passenger restraint system distribution activity.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 55-9-602, and 55-9-610. **Administrative History:** Original rule filed January 10, 2005; effective March 26, 2005.

1200-11-4.03 DISTRIBUTION OF FUNDS.

The following criteria shall apply to the distribution of funds and the types of entities receiving funds for the distribution of child passenger restraint systems.

- (1) Funds distributed pursuant to these rules shall not exceed the amount of funds available to the Department from the Child Safety Fund.
- (2) The money in the Child Safety Fund shall be allocated and distributed equally in one-third (1/3) increments to qualified entities serving children within the three (3) groups identified below.
 - (a) One-third (1/3) of the Child Safety Fund shall be allocated to children under one (1) year of age, or any child weighing twenty (20) pounds or less.
 - (b) One-third (1/3) of the Child Safety Fund shall be allocated for children one (1) through three (3) years of age weighing greater than twenty (20) pounds.
 - (c) One-third (1/3) of the Child Safety Fund shall be allocated for children four (4) through eight (8) years of age and measuring less than five feet (5') in height.
- (3) Funds shall be used for the purchase of child passenger safety systems to be given to the parent or guardian of infants and children in accordance with the provisions of these rules.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 55-9-602, and 55-9-610. **Administrative History:** Original rule filed January 10, 2005; effective March 26, 2005.

1200-11-4.04 ELIGIBILITY.

- (1) Eligibility Criteria for Participation in the Child Safety Fund.
 - (a) To be eligible, an entity must (1) be a governmental or nonprofit organization under section 501(c)(3) of the Internal Revenue Code, and (2) provide services to low income families meeting the federal poverty guidelines.
 - (b) The entity shall submit to the Department an application to participate, using a form, and in a manner, prescribed by the Department.
 - (c) Participating entities shall be determined eligible based upon previous experience of providing services to children, age newborn through eight years old, in low income families that meet federal poverty guidelines.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 55-9-602, and 55-9-610. **Administrative History:** Original rule filed January 10, 2005; effective March 26, 2005.

1200-11-4.05 ACCOUNTABILITY OF PARTICIPATING ENTITIES.

- (1) The Department will collect data through quarterly reports submitted by each participating entity. The data shall be used to document how the entity used the money that was distributed from the Child Safety Fund.
- (2) The Department will maintain a database that lists all participating entities and the total number of child passenger restraint systems purchased with money through the Child Safety Fund.
- (3) The participating entity is required to submit a quarterly report, in a format prescribed by the Department, no later than 45 days after the end of the quarter.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 55-9-602, and 55-9-610. **Administrative History:** Original rule filed January 10, 2005; effective March 26, 2005.

1200-11-4.06 PARTICIPATING ENTITY RESPONSIBILITIES

- (1) It is the responsibility of a participating entity to meet the requirements as set forth in these rules.
- (2) An entity is obligated to expend the funds received during the disbursement period no later than the end of the next full quarter following the disbursement period, and in the manner defined in these rules and Departmental policies and procedures.
- (3) An entity will not be eligible to receive continued funding if it fails to submit the required quarterly report within forty-five (45) days after the end of the quarter, as stated in 1200-11-4.05(3). If the entity fails to submit the required report, a letter will be sent to the entity informing it that its participation has been cancelled until the report is received by the Department.
- (4) Fraud or misrepresentation in the implementation process will render the entity ineligible for future participation.
- (5) Entity participation in the Child Safety Fund is not a property right, and the Department may refuse or cancel an entity's participation if the entity fails to abide by these rules or program policies, or for any other reason as deemed necessary by the Department.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 55-9-602, and 55-9-610. **Administrative History:** Original rule filed January 10, 2005; effective March 26, 2005.