

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

**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:** Original rule filed January 25, 1984; effective April 15, 1984. Repeal and new rule filed December 16, 2010; effective May 31, 2011.

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:** Original rule filed January 25, 1984; effective April 15, 1984. Repeal and new rule filed December 16, 2010; effective May 31, 2011.

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.

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(Rule 1340-01-10-.03, continued)

- (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:** Original rule filed January 25, 1984; effective April 15, 1984. Repeal and new rule filed December 16, 2010; effective May 31, 2011.

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. §56-7-1104. **Administrative History:** Original rule filed January 25, 1984; effective April 15, 1984. Repeal and new rule filed December 16, 2010; effective May 31, 2011.

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:** Original rule filed January 25, 1984; effective April 15, 1984.

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.).

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(Rule 1340-01-10-.06, continued)

Authority: T.C.A. §4-5-101 et seq. **Administrative History:** Original rule filed January 25, 1984; effective April 15, 1984. Repeal and new rule filed December 16, 2010; effective May 31, 2011.

1340-01-10-.07 REPEALED.

Authority: T.C.A. §56-7-1107. **Administrative History:** Original rule filed January 25, 1984; effective April 15, 1984. Repeal filed December 16, 2010; effective May 31, 2011.

1340-01-10-.08 REPEALED.

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

1340-01-10-.09 REPEALED.

Authority: T.C.A. §56-7-1107. **Administrative History:** Original rule filed January 25, 1984; effective April 15, 1984. Repeal filed December 16, 2010; effective May 31, 2011.

1340-01-10-.10 REPEALED.

Authority: T.C.A. §56-7-1107. **Administrative History:** Original rule filed January 25, 1984; effective April 15, 1984. Repeal filed December 16, 2010; effective May 31, 2011.