

**RULES
OF
TENNESSEE WILDLIFE RESOURCES AGENCY
NON-MOTORIZED VESSELS**

**CHAPTER 1660-04-01
RULES AND REGULATIONS GOVERNING COMMERCIAL NON-MOTORIZED VESSEL OUTFITTERS**

TABLE OF CONTENTS

1660-04-01-.01	Purpose	1660-04-01-.05	Vessel Requirements for Commercial Outfitters
1660-04-01-.02	Definitions		
1660-04-01-.03	Operating Requirements	1660-04-01-.06	Safety Requirements and Procedures
1660-04-01-.04	Application to the Tennessee Wildlife Resources Agency	1660-04-01-.07	Transportation
		1660-04-01-.08	Nonrenewal of Permit

1660-04-01-.01 PURPOSE.

- (1) To provide the Tennessee Wildlife Resources Agency an effective system of regulation for commercial outfitters that lease or rent non-motorized vessels to individuals for recreational use on the waters of Tennessee
- (2) To preserve the recreational value of Tennessee rivers and lakes by promoting the protection of these natural resources.
- (3) To preserve the integrity of public access to Tennessee rivers and lakes for the benefit of recreational boaters and anglers.
- (4) To promote the safety of the public.

Authority: T.C.A. §§ 69-9-227 and 70-1-206. **Administrative History:** Original rules filed August 13, 2019; effective November 11, 2019.

1660-04-01-.02 DEFINITIONS.

- (1) "Agency" and "TWRA" mean the Tennessee Wildlife Resources Agency.
- (2) "Non-motorized vessel" (hereinafter referred to as "NMV") means canoes, kayaks, stand up paddle boards, tubes, and any other vessels powered only by their occupants and propelled by manual methods, including, but not limited to paddles and oars.
- (3) "Waters of Tennessee" means any waters within the territorial limits of this state, except privately owned ponds or lakes not used for commercial purposes.
- (4) "Commercial NMV outfitter" means any entity (e.g., business, joint venture, individual, etc.) that leases or rents NMV for non-commercial use by the public on the waters of Tennessee, except it does not mean:
 - (a) A commercial outfitter operating pursuant to and in possession of a permit issued by the United States Forest Service on waters in and adjacent to the Cherokee National Forest;
 - (b) A commercial outfitter operating at a lake or pond wholly contained within the boundaries of any property owned or operated by the Tennessee Department of Environment and Conservation or the Agency; or

(Rule 1660-04-01-.02, continued)

- (c) Any state governmental entity.
- (5) "Life jacket" means a personal flotation device approved by the Commandant of the Coast Guard under 46 CFR part 160.
- (6) "Public access area" means a government-owned area open to the public that grants the public access to the waters of Tennessee such as a boat ramp or canoe/kayak steps.
- (7) "Accident" means any occurrence in which the operator of a commercial NMV requires medical attention beyond basic first aid.
- (8) "Water rescue" means any occurrence in which, absent intervention, an occupant or operator of a commercial NMV could suffer serious bodily injury or death.

Authority: T.C.A. §§ 69-9-227 and 70-1-206. **Administrative History:** Original rules filed August 13, 2019; effective November 11, 2019.

1660-04-01-.03 OPERATING REQUIREMENTS.

- (1) A commercial NMV outfitter must possess a valid operating permit issued by the TWRA.
- (2) A commercial NMV outfitter must maintain the following records:
 - (a) Number and type of NMV leased or rented each day;
 - (b) The public access and body of water utilized by an NMV each day, if known;
 - (c) Number of accidents and/or casualties involving the use of a commercial outfitter's NMV; and
 - (d) Number of water rescues each day involving a commercial NMV outfitter's vessel.
- (3) Records maintained by commercial NMV outfitters required by these rules are subject to inspection by TWRA personnel. Commercial NMV outfitters shall provide the TWRA with any such requested information.
- (4) A commercial NMV outfitter shall not lease or rent to an individual less than 16 years of age unless the individual is accompanied by someone at least 18 years of age.

Authority: T.C.A. §§ 69-9-227 and 70-1-206. **Administrative History:** Original rules filed August 13, 2019; effective November 11, 2019.

1660-04-01-.04 APPLICATION TO THE TENNESSEE WILDLIFE RESOURCES AGENCY.

- (1) Beginning October 1, 2019, a commercial NMV outfitter shall apply to the TWRA for an operating permit through the appropriate application form provided by the TWRA.
- (2) An operating permit is effective from January 1 through December 31 of each year.
- (3) All operating permit renewals shall be filed with the TWRA between October 1 and December 15.
- (4) Each application shall include, among other information, the following information for each applicant:

(Rule 1660-04-01-.04, continued)

- (a) The number of vessels owned by the commercial NMV outfitter that are available for lease or rent;
 - (b) The waterways of the state on which the applicant intends to operate, if known;
 - (c) Any public access areas the applicant intends to utilize;
 - (d) Estimated months of operation;
 - (e) Tennessee Secretary of State control number, if applicable;
 - (f) A copy of the applicant's business license;
 - (g) A copy of the applicant's Department of Revenue Certificate of Registration;
 - (h) Proof of liability insurance; and
 - (i) Designated representative for the applicant.
- (5) Operating permits may be transferred upon written notification to the TWRA of the date of transfer, the name of the new business owner, and the new designated representative. Transfer notifications must be submitted before the date of transfer.

Authority: T.C.A. §§ 69-9-227 and 70-1-206. **Administrative History:** Original rules filed August 13, 2019; effective November 11, 2019.

1660-04-01-.05 VESSEL REQUIREMENTS FOR COMMERCIAL OUTFITTERS.

- (1) Each NMV, except a stand up paddle board, operated by a commercial outfitter must clearly and conspicuously display the outfitter's name on both exterior sides of the NMV. If the outfitter has a uniquely identifying logo, then the outfitter's logo may be displayed instead of the outfitter's name. The name and/or logo must be visible above the water line when the NMV is in the water.
- (2) Each stand up paddle board operated by a commercial outfitter must display the outfitter's name and/or uniquely identifying logo on the top or side of the paddle board, but the name and/or logo is not required to be visible above the water line when the paddle board is in the water.
- (3) Each craft must be maintained in a reasonable operating condition for its intended use. Each outfitter shall inspect its craft after each trip for damage or wear which materially affect the structural integrity of the craft. If such damage is found, repairs must be made to the craft before it can be used for commercial NMV purposes.
- (4) All NMV used in commercial NMV operations shall be subject to inspection by TWRA personnel.

Authority: T.C.A. §§ 69-9-227 and 70-1-206. **Administrative History:** Original rules filed August 13, 2019; effective November 11, 2019.

1660-04-01-.06 SAFETY REQUIREMENTS AND PROCEDURES.

- (1) Commercial NMV outfitters must provide life jackets to occupants of NMVs in accordance with United States Coast Guard regulations.

(Rule 1660-04-01-.06, continued)

- (2) If a canoe, kayak, or stand up paddle board is leased or rented, then the NMV must be equipped with the appropriate paddles and/or oars for the particular NMV and its occupants.
- (3) If a paddle board is leased or rented for use on open water (e.g., lakes, reservoirs, ponds, etc.), then the NMV must be equipped with an appropriate paddle board leash.
- (4) If a canoe, kayak or stand up paddle board is leased or rented, then the NMV must be equipped with a life jacket of the appropriate size for the person on the NMV.
- (5) If a person on board the NMV is 12 years old or younger, then that person must wear a life jacket at all times while on the NMV.
- (6) Commercial NMV outfitters must maintain life jackets, paddles/oars, and leashes in a good and serviceable condition for their intended use. Each commercial NMV outfitter shall inspect this equipment after each trip for damage which materially affects the structural integrity of the equipment. If such damage is found, repairs must be made before it can be used for commercial NMV purposes. If damage is found on a life jacket, the life jacket must be serviced or disposed of in accordance with Tenn. Comp. R. & Regs. 1660-02-03-.03.
- (7) All life jackets, paddles, oars, and leashes used in commercial NMV operations shall be subject to inspection by TWRA personnel.
- (8) Each commercial NMV outfitter is encouraged to equip each NMV leased or rented with a litter bag. Litter bags will be provided to commercial NMV outfitters by the TWRA upon request.
- (9) Commercial NMV outfitters shall conduct a safety briefing for all passengers and strive to include at least the following topics as appropriate to the body of water in question and the conditions of the day:
 - (a) Description of the waterway and water features including, but not limited to, and any dam generation issues, shoals, shallows, riffles, or known obstructions;
 - (b) How to identify and manage hazards like deadfall/strainers and low head dams;
 - (c) How to manage wind and weather conditions of the day;
 - (d) How to navigate among motorized watercraft;
 - (e) Equipment;
 - (f) Paddling techniques to maintain a proper distance from the other NMVs, swimmers, fishermen, and other users on the water;
 - (g) Swimming in moving water;
 - (h) Relevant safe boating laws;
 - (i) River and lake etiquette; and
 - (j) Trespass concerns; and
 - (k) Contingency plans and phone numbers to use if someone in the group gets into trouble.

(Rule 1660-04-01-.06, continued)

- (10) All safety instruction must be conducted with materials or methods approved by the TWRA.

Authority: T.C.A. §§ 69-9-227 and 70-1-206. **Administrative History:** Original rules filed August 13, 2019; effective November 11, 2019.

1660-04-01-.07 TRANSPORTATION.

- (1) All parking by commercial NMV outfitters and their customers at public access areas controlled by the TWRA shall be restricted to areas approved by the TWRA. This provision shall not apply to customers of commercial NMV outfitters utilizing private NMVs.
- (2) Commercial NMV outfitters shall comply with the Department of Safety Rules and Regulations regarding the transportation of passengers.
- (3) Commercial NMV outfitters shall comply with the Department of Safety Rules and Regulations regarding commercial vehicles.

Authority: T.C.A. §§ 69-9-227 and 70-1-206. **Administrative History:** Original rules filed August 13, 2019; effective November 11, 2019.

1660-04-01-.08 NONRENEWAL OF PERMIT.

- (1) A commercial NMV outfitter's operating permit may not be renewed for failure to:
 - (a) Pay the requisite fees;
 - (b) Provide the necessary application information;
 - (c) Maintain the information and documentation required by Rule 1660-04-01-.03(2); or
 - (d) Produce and/or allow for the inspection of any information requested by the TWRA pursuant to Rule 1660-04-01-.03(3).

Authority: T.C.A. §§ 69-9-227 and 70-1-206. **Administrative History:** Original rules filed August 13, 2019; effective November 11, 2019.