

Department of State
Division of Publications
312 Rosa L. Parks Ave., 8th Floor, Snodgrass/TN Tower
Nashville, TN 37243
Phone: 615-741-2650
Email: publications.information@tn.gov

For Department of State Use Only

Sequence Number: 02-23-24

Rule ID(s): 10047

File Date: 2/28/2024

Effective Date: 5/28/2024

Rulemaking Hearing Rule(s) Filing Form

Rulemaking Hearing Rules are rules filed after and as a result of a rulemaking hearing (Tenn. Code Ann. § 4-5-205).

Pursuant to Tenn. Code Ann. § 4-5-229, any new fee or fee increase promulgated by state agency rule shall take effect on July 1, following the expiration of the ninety (90) day period as provided in § 4-5-207. This section shall not apply to rules that implement new fees or fee increases that are promulgated as emergency rules pursuant to § 4-5-208(a) and to subsequent rules that make permanent such emergency rules, as amended during the rulemaking process. In addition, this section shall not apply to state agencies that did not, during the preceding two (2) fiscal years, collect fees in an amount sufficient to pay the cost of operating the board, commission or entity in accordance with § 4-29-121(b).

Agency/Board/Commission:	Tennessee Fish and Wildlife Commission
Division:	
Contact Person:	Torrey S. Grimes, General Counsel Tennessee Wildlife Resources Agency
Address:	5107 Edmondson Pike Nashville, TN
Zip:	37211
Phone:	615.781.6657
Email:	Torrey.Grimes@tn.gov

Revision Type (check all that apply):

☒ Amendment
☐ New
☐ Repeal

☐ Content based on previous emergency rule filed on _____
☐ Content is identical to the emergency rule

Rule(s) (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please make sure that **ALL** new rule and repealed rule numbers are listed in the chart below. Please enter only **ONE** Rule Number/Rule Title per row.)

Chapter Number	Chapter Title
1660-02-01	RULES AND REGULATIONS FOR BOATING CERTIFICATES
Rule Number	Rule Title
1660-02-01-.01	Application for Certificate of Number
1660-02-01-.02	Issuance of Certificate of Number

Place substance of rules and other info here. Please be sure to include a detailed explanation of the changes being made to the listed rule(s). Statutory authority must be given for each rule change. For information on formatting rules go to <https://sos.tn.gov/products/division-publications/rulemaking-guidelines>.

Rule Amendment

Rule 1660-02-01-.01 is amended to read as follows:

1660-02-01-.01 APPLICATION FOR CERTIFICATE OF NUMBER.

- (1) All applications for a Certificate of Number shall include the following information and shall be submitted on forms furnished by the Wildlife Resources Agency.
 - (a) Name and address of registrant, including zip code; registrant identifier, which must be the registrant's social security number, or date of birth together with driver's license number, or date of birth together with TWRA Identification Number;
 - (b) Name and address of co-registrant (if applicable), including zip code; co-registrant identifier, which must be the co-registrant's social security number or date of birth together with TWRA identification number; maximum of one co-registrant per Certificate of Number;
 - (c) Present TN number (if any) on vessel;
 - (d) Hull materials: Authorized terms are "aluminum," "fiberglass," "plastic," "rubber/vinyl/canvas," "steel," "wood," or "other";
 - (e) Type of propulsion: Authorized terms are "air thrust," "manual," "propeller," "sail," "water jet," or "other."
 - (f) Fuel: Authorized terms are "electric," "diesel," "gas," or "other."
 - (g) Make and model of vessel.
 - (h) Model year of vessel.
 - (i) Overall length of vessel (in feet and inches);
 - (j) Primary operation: Authorized terms are, "charter fishing," "commercial fishing," "commercial passenger carrying," "dealer or manufacturer demonstration," "other commercial operation," "pleasure," or "rent or lease."
 - (k) Signature of registrant and co-registrant (if applicable);
 - (l) Vessel type: Authorized terms are "air boat," "auxiliary sail," "cabin motorboat," "houseboat," "inflatable boat," "open motorboat," "paddlecraft," "personal watercraft," "pontoon boat," "rowboat," "sail only," or "other."
 - (m) Engine drive type: Authorized terms are "inboard," "outboard," "pod drive," "sterndrive," or "other."
 - (n) State of principal operation and use;
 - (o) Indicate whether the application is for a new number, renewal of a number, or transfer of registration; and
 - (p) Manufacturer's hull identification number (if any) for all vessels built 1972 or after.

- (2) All requirements of paragraph (1) shall apply to rental boats, except that a description of motor, if any, and type of fuel need not be completed on the application in every case where the engines is not rented as part of the boat.
- (3) Paragraph (1) shall apply for dealers' or manufacturers' vessels except a description of the vessel shall not be required since the number issued may be transferred from one vessel to another. In lieu of the description, the word "manufacturer" or "dealer" as appropriate will be plainly indicated on the application.
 - (a) Application for a dealer or manufacturer certificate must be accompanied by a notarized copy (copies) of the dealer/manufacturer license to conduct such business and the sale tax number issued to said business.
 - (b) A dealer and manufacturer certificate is to be used only for demonstration and or testing purposes and may be transferred from boat to boat. However, no certificate may be used to operate more than one boat at the same time and each boat operated simultaneously requires a separate certificate.
- (4) Application for a duplicate certificate of Number containing the information as required by paragraph (1) of these regulations shall be made if the Certificate of Number is lost or destroyed. Such an application shall be made within fifteen (15) days of loss or destruction.
- (5) The application for number by a new registrant and co-registrant (if applicable) of a vessel bearing a Tennessee number shall, for purpose of fee, be regarded as an original application for number and the number issued shall be identical to the previous one, except where a lien holder requires title or lawful possession by virtue of his lien, in which case a new number shall be issued.
- (6) Applications for a consignment vessel, certificate of number, shall adhere to the following guidelines:
 - (a) A consignment vessel is one which is owned by a vessel manufacturer or boat dealer, and is consigned to an individual or other entity for a period of time for demonstration or advertising use, and for which no sale has occurred.
 - (b) A consignment vessel certificate of number may only be issued to a vessel manufacturer or boat dealer located in Tennessee.
 - (c) Applications for consignment vessels shall be made using the Tennessee Wildlife Resources Agency "application for boat certificate of number" (WR0292), and include all applicable information outlined in 1660-02-01-.02 (Issuance of Certificate of Number).
 - (d) Applications must be accompanied by proof of manufacturer's or dealer's status which shall include at least the company name, Manufacturer Identification Code, location of the company office, and United States tax identification number or tax number issued by the Tennessee Department of Revenue.
 - (e) The application fee shall be the same as any other vessel of the same length.
 - (f) Applications for consignment vessels may be made with any regional office of the Tennessee Wildlife Resources Agency.
 - (g) The certificate of number shall be issued in the name of the manufacturer's or dealer's business name.
 - (h) If the vessel is sold at the end of the consignment period, it must be sold as a used vessel.
 - (i) The vessel number will remain unchanged at the time of sale unless the state of principal use changes or as outlined in 1660-02-01-.01(5), 1660-02-01-.02(8) or 1660-02-01-.02(9).

Rule Amendment

Rule 1660-02-01-.02 is amended to read as follows:

- (1) All Certificates of Number issued by the Wildlife Resources Agency shall be pocketsize, water resistant and available for examination on the vessel for which issued whenever the vessel is in use, and shall contain the following information:
 - (a) Name and address of registrant, including zip code;
 - (b) Name of co-registrant (if applicable);
 - (c) Number issued to the vessel;
 - (d) Expiration date;
 - (e) Make and model of boat;
 - (f) Hull material: Authorized terms are "aluminum," "fiberglass," "plastic," "rubber/vinyl/canvas," "steel," "wood," or "other."
 - (g) Overall length of vessel (in feet and inches);
 - (h) Propulsion type: Authorized terms are "air thrust," "manual," "propeller," "sail," "water jet," or "other;"
 - (i) Type of fuel: Authorized terms are "electric," "diesel," "gas," or "other;"
 - (j) Primary operation: Authorized terms are "charter fishing," "commercial fishing," "commercial passenger carrying," "dealer or manufacturer demonstration," "other commercial operation," "pleasure," or "rent or lease;"
 - (k) Engine drive type: Authorized terms are "inboard," "outboard," "pod drive," "sterndrive," or "other;"
 - (l) Vessel type: Authorized terms are "air boat," "auxiliary sail," "cabin motorboat," "houseboat," "inflatable boat," "open motorboat," "paddlecraft," "personal watercraft," "pontoon boat," "rowboat," "sail only," or "other;"
 - (m) State of principal operation and use;
 - (n) Manufacturer's hull identification number (if any); and
 - (o) Model year of vessel.
- (2) Certificates of Number issued to rental motorboats need not include the type of fuel or method propulsion if the motor is not rented as part of the boat, but shall be plainly marked with the word "Rental."
- (3) The Certificate of Number for vessels less than 26' in length and leased or rented to another for the latter's non-commercial use of less than twenty-four (24) hours may be retained on shore by the vessel's owner or his representative at the place from which the vessel departs or returns to the possession of the owner or his representative; provided, however, the operator shall have with him a copy of the lease or rental agreement signed by the owner or his authorized

representative and by the person leasing or renting the vessel that contains the vessel's number than appears on the Certificate of Number and the period of time for which the vessel is leased or rented.

- (4) Certificates of Number issued for a dealers' or manufacturers' vessel shall, in lieu of the description of the vessel, be plainly marked with the words 'MANUFACTURER' or 'DEALER' as appropriate.
- (5) Certificates of Number issued are valid for a period of three (3) years from date of issuance unless sooner cancelled. Certain causes for cancellation of certificates and voiding of numbers are:
 - (a) Surrender of certificate for cancellation;
 - (b) Notification of sale;
 - (c) Issuance of a new number for the same vessel;
 - (d) Issuance of a marine document by the U. S. Bureau of Customs for the same vessel;
 - (e) False or fraudulent certification in an application for number.
- (6) When a registrant and/or co-registrant of a vessel numbered by Tennessee changes their address from that shown on the certificate of number, they shall notify in writing the Wildlife Resources Agency of the new address within fifteen (15) days from such change.
- (7) When a vessel numbered by Tennessee is lost, stolen and/or recovered, destroyed, abandoned or transferred to another person, the Certificate of Number issued for the vessel shall be surrendered together with written notification of the change in status of the vessel to the Executive Director, within fifteen (15) days from such event.
- (8) The owner of a vessel must remove the number when the vessel is documented by the United States Coast Guard, the Certificate of Number becomes invalid, or the vessel is no longer principally used in Tennessee.
- (9) The certificate of number is invalid if the person whose name appears on the certificate loses his interest by legal process.

Authority: T.C.A. §§ 69-9-209 and 70-1-206.

* If a roll-call vote was necessary, the vote by the Agency on these rulemaking hearing rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Chris Devaney	X				
Jimmy Granbery	X				
Stan Butt	X				
Wally Childress	X				
Bill Cox	X				
Chip Saltsman	X				
Rhonda Moody	X				
Kent Woods	X				
Greg Davenport	X				
Tommy Woods	X				
Monte Belew	X				
Brad Box	X				
Hank Wright	X				

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Tennessee Fish and Wildlife Commission on 06/23/2023 and is in compliance with the provisions of T.C.A. § 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: 05/01/2023

Rulemaking Hearing(s) Conducted on: (add more dates). 06/23/2023

Date: 02/21/2024

Signature: 

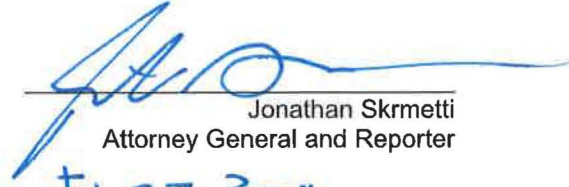
Name of Officer: Torrey S. Grimes

Title of Officer: General Counsel, Tennessee Wildlife Resources Agency

Agency/Board/Commission: Tennessee Fish and Wildlife Commission

Rule Chapter Number(s): 1660-02-01

All rulemaking hearing 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.


Jonathan Skrmetti
Attorney General and Reporter
Feb 27, 2024
Date

Department of State Use Only

Filed with the Department of State on: 2/28/2024

Effective on: 5/28/2024


Tre Hargett
Secretary of State

RECEIVED

Feb 28 2024, 4:00 pm

Secretary of State
Division of Publications

Public Hearing Comments

One copy of a document that satisfies T.C.A. § 4-5-222 must accompany the filing.

There were no public comments.

Regulatory Flexibility Addendum

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process, all agencies shall conduct a review of whether a proposed rule or rule affects small business.

- (1) The type or types of small business and an identification and estimate of the number of small businesses subject to the rule being proposed that would bear the cost of, or directly benefit from the rule being proposed;

It appears that the only affected small business would potentially be boat dealers. If they choose, they could add a co-registrant. Otherwise, the registrant could add another person at a later time. In light of any impact being optional, any impact to small business appears slight.

- (2) The projected reporting, recordkeeping and other administrative costs required for compliance with the rule being proposed, including the type of professional skills necessary for preparation of the report or record;

There is no additional reporting, recordkeeping, and any administrative costs would be limited to writing/typing an additional name for the co-registrant, if the primary registrant desires to add a co-registrant.

- (3) A statement of the probable effect on impacted small businesses and consumers;

Beyond writing/typing an additional name for the co-registrant, if the primary registrant desires to add a co-registrant, the impact appears negligible.

- (4) A description of any less burdensome, less intrusive or less costly alternative methods of achieving the purpose and objectives of the rule being proposed that may exist, and to what extent the alternative means might be less burdensome to small business;

The proposed amendment appears the least burdensome, least intrusive, and lowest cost method to achieve to results as to complicated.

- (5) A comparison of the rule being proposed with any federal or state counterparts; and

The direct comparison are states that require titling of boats like an automobile. Tennessee is a "registering" state and not titling state. Registration does not necessarily evidence ownership.

- (6) Analysis of the effect of the possible exemption of small businesses from all or any part of the requirements contained in the rule being proposed.

The small business potentially affected could simply not be willing to add a co-registrant. Therefore, the primary registrant or owner would be required to seek the co-registrant addition with the Agency or the County Clerk.

Impact on Local Governments

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228, "On any rule and regulation proposed to be promulgated, the proposing agency shall state in a simple declarative sentence, without additional comments on the merits or the policy of the rule or regulation, whether the rule or regulation may have a projected financial impact on local governments. The statement shall describe the financial impact in terms of increase in expenditures or decrease in revenues."

This rule change may have a nominal revenue increase for local government at the County Clerk level due to administrative fees being charged.

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 rule governs our requirements for boat registration and what documents the agency requires to complete the registration. Changes include: language from owner to registrant; adding option for co-registrant and co-registrant information (max of 1); defining year requirement for Hull Identification Numbers (HIN) and expanding location availability to register consignment vessels.

This rule amendment has been requested by stakeholders.

- (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;

The Tennessee Fish and Wildlife Commission's Rulemaking Authority for this matter is set forth in Tenn. Code Ann. § 69-9-209. Addressing this issue in Rule appears to be the most appropriate method to give notice to the public.

- (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;

Boat Owners; Boat Dealers; county clerks statewide; Department of Revenue. All parties listed above are in favor of adoption of this rule amendment as it was brought to the agency by a boat owner.

- (D) Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule or the necessity to promulgate the rule;

We are unaware of any Attorney General Opinions or judicial rulings on point to the specific matter addressed in this rule.

- (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;

There will be no financial impact to agency's revenue and a one-time increase in expenditures to reprint boat applications. Local government may see a increase in revenue (administrative fees) due to current registrants wishing to add a co-registrant, as most clerks are likely to add administrative fee.

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

Frank Fiss, Deputy Director
Susie Crist, Chief of Licensing Division

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

Frank Fiss, Deputy Director
Mike Bell, Legislative Director

Torrey Grimes; General Counsel

- (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

Frank Fiss, Deputy Director
Ph. 615.781.6555
Email: Frank.Fiss@tn.gov
5107 Edmondson Pike
Nashville, TN 37211

Mike Bell, Legislative Director
Ph. 615.837.6016
Email: Mike.Bell@tn.gov
5107 Edmondson Pike
Nashville, TN 37211

Torrey Grimes; General Counsel
Ph. 615.781.6657
Email: Torrey.Grimes@tn.gov
5107 Edmondson Pike
Nashville, TN 37211

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

None

Department of State
Division of Publications
312 Rosa L. Parks Ave., 8th Floor, Snodgrass/TN Tower
Nashville, TN 37243
Phone: 615-741-2650
Email: publications.information@tn.gov

For Department of State Use Only

Sequence Number: _____
Rule ID(s): _____
File Date: _____
Effective Date: _____

Rulemaking Hearing Rule(s) Filing Form

Rulemaking Hearing Rules are rules filed after and as a result of a rulemaking hearing (Tenn. Code Ann. § 4-5-205).

Pursuant to Tenn. Code Ann. § 4-5-229, any new fee or fee increase promulgated by state agency rule shall take effect on July 1, following the expiration of the ninety (90) day period as provided in § 4-5-207. This section shall not apply to rules that implement new fees or fee increases that are promulgated as emergency rules pursuant to § 4-5-208(a) and to subsequent rules that make permanent such emergency rules, as amended during the rulemaking process. In addition, this section shall not apply to state agencies that did not, during the preceding two (2) fiscal years, collect fees in an amount sufficient to pay the cost of operating the board, commission or entity in accordance with § 4-29-121(b).

Agency/Board/Commission:	Tennessee Fish and Wildlife Commission
Division:	
Contact Person:	Torrey S. Grimes, General Counsel Tennessee Wildlife Resources Agency
Address:	5107 Edmondson Pike Nashville, TN
Zip:	37211
Phone:	615.781.6657
Email:	Torrey.Grimes@tn.gov

Revision Type (check all that apply):

☒ Amendment
☐ New
☐ Repeal
☐ Content based on previous emergency rule filed on _____
☐ Content is identical to the emergency rule

Rule(s) (**ALL** chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please make sure that **ALL** new rule and repealed rule numbers are listed in the chart below. Please enter only **ONE** Rule Number/Rule Title per row.)

Chapter Number	Chapter Title
1660-02-01	RULES AND REGULATIONS FOR BOATING CERTIFICATES
Rule Number	Rule Title
1660-02-01-.01	Application for Certificate of Number
1660-02-01-.02	Issuance of Certificate of Number

Place substance of rules and other info here. Please be sure to include a detailed explanation of the changes being made to the listed rule(s). Statutory authority must be given for each rule change. For information on formatting rules go to <https://sos.tn.gov/products/division-publications/rulemaking-guidelines>.

Rule Amendment

Rule 1660-02-01-.01 is amended to read as follows:

1660-02-01-.01 APPLICATION FOR CERTIFICATE OF NUMBER.

- (1) All applications for a Certificate of Number shall include the following information and shall be submitted on forms furnished by the Wildlife Resources Agency.
 - (a) ~~Name and address of owner, including zip code;~~
(a) Name and address of registrant, including zip code; registrant identifier, which must be the registrant's social security number, or date of birth together with driver's license number, or date of birth together with TWRA Identification Number;
 - (b) ~~Owner identifier, which must be the owner's social security number, or date of birth together with driver's license number, or date of birth together with TWRA Identification Number.~~
(b) Name and address of co-registrant (if applicable), including zip code; co-registrant identifier, which must be the co-registrant's social security number or date of birth together with TWRA identification number; maximum of one co-registrant per Certificate of Number;
 - (c) Present TN number (if any) on vessel;
 - (d) Hull materials: Authorized terms are "aluminum," "fiberglass," "plastic," "rubber/vinyl/canvas," "steel," "wood," or "other";
 - (e) Type of propulsion: Authorized terms are "air thrust," "manual," "propeller," "sail," "water jet," or "other."
 - (f) Fuel: Authorized terms are "electric," "diesel," "gas," or "other."
 - (g) Make and model of vessel.
 - (h) Model year of vessel.
 - (i) Overall length of vessel (in feet and inches);
 - (j) Primary operation: Authorized terms are, "charter fishing," "commercial fishing," "commercial passenger carrying," "dealer or manufacturer demonstration," "other commercial operation," "pleasure," or "rent or lease."
 - (k) Signature of ~~owner.~~ registrant and co-registrant (if applicable);
 - (l) Vessel type: Authorized terms are "air boat," "auxiliary sail," "cabin motorboat," "houseboat," "inflatable boat," "open motorboat," "paddlecraft," "personal watercraft," "pontoon boat," "rowboat," "sail only," or "other."
 - (m) Engine drive type: Authorized terms are "inboard," "outboard," "pod drive," "sterndrive," or "other."
 - (n) State of principal operation and use;

- (o) Indicate whether the application is for a new number, renewal of a number, or transfer of ownership registration; and
 - (p) Manufacturer's hull identification number (if any) for all vessels built 1972 or after.
- (2) All requirements of paragraph (1) shall apply to rental boats, except that a description of motor, if any, and type of fuel need not be completed on the application in every case where the engines is not rented as part of the boat.
 - (3) Paragraph (1) shall apply for dealers' or manufacturers' vessels except a description of the vessel shall not be required since the number issued may be transferred from one vessel to another. In lieu of the description, the word "manufacturer" or "dealer" as appropriate will be plainly indicated on the application.
 - (a) Application for a dealer or manufacturer certificate must be accompanied by a notarized copy (copies) of the dealer/manufacturer license to conduct such business and the sale tax number issued to said business.
 - (b) A dealer and manufacturer certificate is to be used only for demonstration and or testing purposes and may be transferred from boat to boat. However, no certificate may be used to operate more than one boat at the same time and each boat operated simultaneously requires a separate certificate.
 - (4) Application for a duplicate certificate of Number containing the information as required by paragraph (1) of these regulations shall be made if the Certificate of Number is lost or destroyed. Such an application shall be made within fifteen (15) days of loss or destruction.
 - (5) The application for number by a new ~~owner~~ registrant and co-registrant (if applicable) of a vessel bearing a Tennessee number shall, for purpose of fee, be regarded as an original application for number and the number issued shall be identical to the previous one, except where a lien holder requires title or lawful possession by virtue of his lien, in which case a new number shall be issued.
 - (6) Applications for a consignment vessel, certificate of number, shall adhere to the following guidelines:
 - (a) A consignment vessel is one which is owned by a vessel manufacturer or boat dealer, and is consigned to an individual or other entity for a period of time for demonstration or advertising use, and for which no sale has occurred.
 - (b) A consignment vessel certificate of number may only be issued to a vessel manufacturer or boat dealer located in Tennessee.
 - (c) Applications for consignment vessels shall be made using the Tennessee Wildlife Resources Agency "application for boat certificate of number" (WR0292), and include all applicable information outlined in 1660-02-01-.02 (Issuance of Certificate of Number).
 - (d) Applications must be accompanied by proof of manufacturer's or dealer's status which shall include at least the company name, Manufacturer Identification Code, location of the company office, and United States tax identification number or tax number issued by the Tennessee Department of Revenue.
 - (e) The application fee shall be the same as any other vessel of the same length.
 - (f) Applications for consignment vessels may be made with ~~Nashville~~ any regional office of the Tennessee Wildlife Resources Agency.
 - (g) The certificate of number shall be issued in the name of the manufacturer's or dealer's business name.

- (h) If the vessel is sold at the end of the consignment period, it must be sold as a used vessel.
- (i) The vessel number will remain unchanged at the time of sale unless the state of principal use changes or as outlined in 1660-02-01-.01(5), 1660-02-01-.02(8) or 1660-02-01-.02(9).

Authority: T.C.A. §§ 69-9-209 and 70-1-206

Rule Amendment

Rule 1660-02-01-.02 is amended to read as follows:

1660-02-01-.02 ISSUANCE OF CERTIFICATE OF NUMBER.

- (1) All Certificates of Number issued by the Wildlife Resources Agency shall be pocketsize, water resistant and available for examination on the vessel for which issued whenever the vessel is in use, and shall contain the following information:
 - (a) Name and address of ~~owner~~ registrant, including zip code;
 - (b) Name of co-registrant (if applicable);
 - ~~(b)~~ (c) Number issued to the vessel;
 - ~~(c)~~ (d) Expiration date;
 - ~~(d)~~ (e) Make and model of boat;
 - ~~(e)~~ (f) Hull material: Authorized terms are "aluminum," "fiberglass," "plastic," "rubber/vinyl/canvas," "steel," "wood," or "other."
 - ~~(f)~~ (g) Overall length of vessel (in feet and inches);
 - ~~(g)~~ (h) Propulsion type: Authorized terms are "air thrust," "manual," "propeller," "sail," "water jet," or "other."
 - ~~(h)~~ (i) Type of fuel: Authorized terms are "electric," "diesel," "gas," or "other."
 - ~~(i)~~ (j) Primary operation: Authorized terms are "charter fishing," "commercial fishing," "commercial passenger carrying," "dealer or manufacturer demonstration," "other commercial operation," "pleasure," or "rent or lease."
 - ~~(j)~~ (k) Engine drive type: Authorized terms are "inboard," "outboard," "pod drive," "sterndrive," or "other."
 - ~~(k)~~ (l) Vessel type: Authorized terms are "air boat," "auxiliary sail," "cabin motorboat," "houseboat," "inflatable boat," "open motorboat," "paddlecraft," "personal watercraft," "pontoon boat," "rowboat," "sail only," or "other."
 - ~~(l)~~ (m) State of principal operation and use;
 - ~~(m)~~ (n) Manufacturer's hull identification number (if any); and
 - ~~(n)~~ (o) Model year of vessel.
- (2) Certificates of Number issued to rental motorboats need not include the type of fuel or method propulsion if the motor is not rented as part of the boat, but shall be plainly marked with the word "Rental."

- (3) The Certificate of Number for vessels less than 26' in length and leased or rented to another for the latter's non-commercial use of less than twenty-four (24) hours may be retained on shore by the vessel's owner or his representative at the place from which the vessel departs or returns to the possession of the owner or his representative; provided, however, the operator shall have with him a copy of the lease or rental agreement signed by the owner or his authorized representative and by the person leasing or renting the vessel that contains the vessel's number than appears on the Certificate of Number and the period of time for which the vessel is leased or rented.
- (4) Certificates of Number issued for a dealers' or manufacturers' vessel shall, in lieu of the description of the vessel, be plainly marked with the words 'MANUFACTURER' or 'DEALER' as appropriate.
- (5) Certificates of Number issued are valid for a period of three (3) years from date of issuance unless sooner cancelled. Certain causes for cancellation of certificates and voiding of numbers are:
 - (a) Surrender of certificate for cancellation;
 - (b) Notification of sale;
 - ~~(b)~~ (c) Issuance of a new number for the same vessel;
 - ~~(c)~~ (d) Issuance of a marine document by the U. S. Bureau of Customs for the same vessel;
 - ~~(d)~~ (e) False or fraudulent certification in an application for number.
- (6) When an ~~owner~~ registrant and/or co-registrant of a vessel numbered by Tennessee changes their address from that shown on the certificate of number, ~~he~~ they shall notify in writing the ~~Executive Director, Wildlife Resources Agency, Nashville, Tennessee,~~ of his the new address within fifteen (15) days from such change.
- (7) When a vessel numbered by Tennessee is lost, stolen and/or recovered, destroyed, abandoned or transferred to another person, the Certificate of Number issued for the vessel shall be surrendered together with written notification of the change in status of the vessel to the Executive Director, within fifteen (15) days from such event.
- (8) The owner of a vessel must remove the number when the vessel is documented by the United States Coast Guard, the Certificate of Number becomes invalid, or the vessel is no longer principally used in Tennessee.
- (9) The certificate of number is invalid if the person whose name appears on the certificate loses his interest by legal process.

Authority: T.C.A. §§ 69-9-209 and 70-1-206.

* If a roll-call vote was necessary, the vote by the Agency on these rulemaking hearing rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Chris Devaney	X				
Jimmy Granbery	X				
Stan Butt	X				
Wally Childress	X				
Bill Cox	X				
Chip Saltsman	X				
Rhonda Moody	X				
Kent Woods	X				
Greg Davenport	X				
Tommy Woods	X				
Monte Belew	X				
Brad Box	X				
Hank Wright	X				

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Tennessee Fish and Wildlife Commission on 06/23/2023 and is in compliance with the provisions of T.C.A. § 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: 04/30/2023

Rulemaking Hearing(s) Conducted on: (add more dates). 06/23/2023

Date: 01/04/2023

Signature: _____

Name of Officer: Torrey S. Grimes

Title of Officer: General Counsel, Tennessee Wildlife Resources Agency

Agency/Board/Commission: Tennessee Fish and Wildlife Commission

Rule Chapter Number(s): 1660-02-01

All rulemaking hearing 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.

Jonathan Skrmetti
Attorney General and Reporter

Date

Department of State Use Only

Filed with the Department of State on: _____

Effective on: _____

Tre Hargett
Secretary of State

Public Hearing Comments

One copy of a document that satisfies T.C.A. § 4-5-222 must accompany the filing.

There were no public comments.

Regulatory Flexibility Addendum

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process, all agencies shall conduct a review of whether a proposed rule or rule affects small business.

- (1) The type or types of small business and an identification and estimate of the number of small businesses subject to the rule being proposed that would bear the cost of, or directly benefit from the rule being proposed;

It appears that the only affected small business would potentially be boat dealers. If they choose, they could add a co-registrant. Otherwise, the registrant could add another person at a later time. In light of any impact being optional, any impact to small business appears slight.

- (2) The projected reporting, recordkeeping and other administrative costs required for compliance with the rule being proposed, including the type of professional skills necessary for preparation of the report or record;

There is no additional reporting, recordkeeping, and any administrative costs would be limited to writing/typing an additional name for the co-registrant, if the primary registrant desires to add a co-registrant.

- (3) A statement of the probable effect on impacted small businesses and consumers;

Beyond writing/typing an additional name for the co-registrant, if the primary registrant desires to add a co-registrant, the impact appears negligible.

- (4) A description of any less burdensome, less intrusive or less costly alternative methods of achieving the purpose and objectives of the rule being proposed that may exist, and to what extent the alternative means might be less burdensome to small business;

The proposed amendment appears the least burdensome, least intrusive, and lowest cost method to achieve to results as to complicated.

- (5) A comparison of the rule being proposed with any federal or state counterparts; and

The direct comparison are states that require titling of boats like an automobile. Tennessee is a "registering" state and not titling state. Registration does not necessarily evidence ownership.

- (6) Analysis of the effect of the possible exemption of small businesses from all or any part of the requirements contained in the rule being proposed.

The small business potentially affected could simply not be willing to add a co-registrant. Therefore, the primary registrant or owner would be required to seek the co-registrant addition with the Agency or the County Clerk.

Impact on Local Governments

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228, "On any rule and regulation proposed to be promulgated, the proposing agency shall state in a simple declarative sentence, without additional comments on the merits or the policy of the rule or regulation, whether the rule or regulation may have a projected financial impact on local governments. The statement shall describe the financial impact in terms of increase in expenditures or decrease in revenues."

This rule change may have a nominal revenue increase for local government at the County Clerk level due to administrative fees being charged.

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 rule governs our requirements for boat registration and what documents the agency requires to complete the registration. Changes include: language from owner to registrant; adding option for co-registrant and co-registrant information (max of 1); defining year requirement for Hull Identification Numbers (HIN) and expanding location availability to register consignment vessels.

This rule amendment has been requested by stakeholders.

- (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;

The Tennessee Fish and Wildlife Commission's Rulemaking Authority for this matter is set forth in Tenn. Code Ann. § 69-9-209. Addressing this issue in Rule appears to be the most appropriate method to give notice to the public.

- (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;

Boat Owners; Boat Dealers; county clerks statewide; Department of Revenue. All parties listed above are in favor of adoption of this rule amendment as it was brought to the agency by a boat owner.

- (D)** Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule or the necessity to promulgate the rule;

We are unaware of any Attorney General Opinions or judicial rulings on point to the specific matter addressed in this rule.

- (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;

There will be no financial impact to agency's revenue and a one-time increase in expenditures to reprint boat applications. Local government may see a increase in revenue (administrative fees) due to current registrants wishing to add a co-registrant, as most clerks are likely to add administrative fee.

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

Frank Fiss, Deputy Director
Susie Crist, Chief of Licensing Division

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

Frank Fiss, Deputy Director
Mike Bell, Legislative Director

Torrey Grimes; General Counsel

- (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

Frank Fiss, Deputy Director
Ph. 615.781.6555
Email: Frank.Fiss@tn.gov
5107 Edmondson Pike
Nashville, TN 37211

Mike Bell, Legislative Director
Ph. 615.837.6016
Email: Mike.Bell@tn.gov
5107 Edmondson Pike
Nashville, TN 37211

Torrey Grimes; General Counsel
Ph. 615.781.6657
Email: Torrey.Grimes@tn.gov
5107 Edmondson Pike
Nashville, TN 37211

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

None