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Sequence Number: 03-18-12
 Rule ID(s): 5173
 File Date: 03/22/2019
 Effective Date: 06/20/2019

Rulemaking Hearing Rule(s) Filing Form

Rulemaking Hearing Rules are rules filed after and as a result of a rulemaking hearing. T.C.A. § 4-5-205

Agency/Board/Commission:	Tennessee Collection Service Board
Division:	Division of Regulatory Boards, Department of Commerce and Insurance
Contact Person:	Terrance L. Bond, Assistant General Counsel
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Revision Type (check all that apply):

- Amendment
 New
 Repeal

Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please enter only ONE Rule Number/Rule Title per row)

Chapter Number	Chapter Title
0320-01	Licensing
Rule Number	Rule Title
0320-01-.02	Examinations
0320-01-.03	Fees

Chapter 0320-01
Licensing

Amendments

Rule 0320-01-.02 Examinations is amended by deleting subsection (1) of the rule in its entirety and substituting instead the following so that, as amended, the subsection shall read:

- (1) Upon being approved by the Collection Service Board, the candidate shall apply to the approved, independent educational testing organization, on the form supplied by the testing organization, accompanied by the testing fee as set by the board, pursuant to its contract with the testing organization, to take the location manager licensing examination.

Authority: Tenn. Code. Ann. §§ 62-20-104 and 62-20-108.

Rule 0320-01-.03 Fees is amended by deleting subsection (3) of the rule in its entirety and substituting instead the following so that, as amended, the subsection shall read:

- (3) In case of failure, the failing location manager licensing examination candidate shall pay a reexamination fee as set by the board, pursuant to its contract with the testing organization.

Authority: Tenn. Code. Ann. §§ 62-20-104 and 62-20-108.

* 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)
Bart Howard, Chairman	x				
Elizabeth Dixon	x				
Chip Hellman	x				
Cecile Testerman				x	
Elizabeth Trinkler, Vice-Chairman				x	

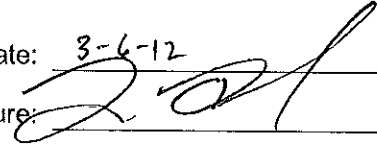
I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Tennessee Collection Service Board on January 11, 2012, and is in compliance with the provisions of T.C.A. § 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: (09/23/11)

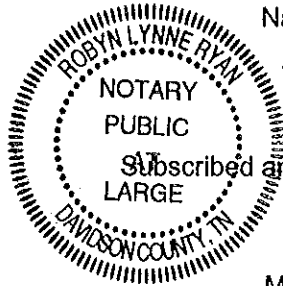
Rulemaking Hearing(s) Conducted on: (add more dates). (01/11/12)

Date: 3-6-12


Signature: 

Name of Officer: TERRENCE L. BOND

Title of Officer: ASSISTANT GENERAL COUNSEL



Subscribed and sworn to before me on: 3/6/12

Notary Public Signature: 

My commission expires on: 3/10/14

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.



Robert E. Cooper, Jr.
Attorney General and Reporter

3-19-12

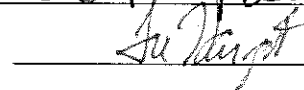
Date

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 2012 MAR 22 PM 4:03
 SECRETARY OF STATE
 REGISTRATION

Filed with the Department of State on: 03/22/2012

Effective on: 06/20/2012



Tre Hargett
Secretary of State

Public Hearing Comments

One copy of a document containing responses to comments made at the public hearing must accompany the filing pursuant to T.C.A. § 4-5-222. Agencies shall include only their responses to public hearing comments, which can be summarized. No letters of inquiry from parties questioning the rule will be accepted. When no comments are received at the public hearing, the agency need only draft a memorandum stating such and include it with the Rulemaking Hearing Rule filing. Minutes of the meeting will not be accepted. Transcripts are not acceptable.

No comments were received in response to the proposed rule changes.

Regulatory Flexibility Addendum

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process as described in T.C.A. § 4-5-202(a)(3) and T.C.A. § 4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

1. Types of small businesses directly affected:

It is estimated that at least 500 of the 638 collection services currently licensed to do business in Tennessee could be classified as "small businesses". Of these, it is anticipated that fewer than 100 currently licensed services will be affected by the proposed rules, as the proposed rules only apply to those currently licensed services that have lost a location manager for any reason and must replace such person pursuant to T.C.A. §62-20-126. Any collection service submitting a new license application will be affected by the proposed rules. The Board does not compile official statistics relative to the number of licensing applications received each calendar year; however, it is anticipated that seventy-five percent (75%) of new licensing applications filed will be small business filings.

2. Projected reporting, recordkeeping, and other administrative costs:

Collection service businesses that are seeking to do business in this state or that seek to continue doing business in this state following the loss of a location manager may bear the cost of a location manager licensing examination and incidental expenses (travel, lodging) reasonably related thereto.

3. Probable effect on small businesses:

It is anticipated that the enactment of these rules will not materially change any legal or other obligations to which collection service businesses operating in this state are currently subject.

4. Less burdensome, intrusive, or costly alternative methods:

The Board knows of no less burdensome, intrusive or costly alternative methods or means by which to accomplish the important objective of location manager licensing.

5. Comparison with federal and state counterparts:

There are no federal counterparts to the issues addressed by these rules.

6. Effect of possible exemption of small businesses:

As the majority of entities potentially affected by the adoption of these rules could be considered "small" businesses, to create an exemption for such entities would be impractical.

Impact on Local Governments

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228 "any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments." (See Public Chapter Number 1070 (<http://state.tn.us/sos/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

The proposed rule changes are not projected to have any impact on local governments.

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;

The amendments to Rules 0320-01-.02 and 0320-01-.03 eliminate the previous fifty dollar (\$50.00) examination/re-examination fee and instead authorize the Board to set an examination fee by contract with an examination vendor.

- (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 proposed rule changes are not mandated by any statute or rule at either the state or federal level.

- (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;

The amendments to Rules 0320-01-.02 and 0320-01-.03 will affect both location manager and collection service applicants (including any applicants for re-licensure) seeking licensure in the state of Tennessee. The drafter is unaware of any parties urging adoption or rejection of the proposed rules.

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

The drafter is unaware of any opinion of the attorney general and reporter or judicial ruling that directly relates to these rules.

- (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;

The proposed rule changes are not expected to result in any increase or decrease in state and/or local government revenue and expenditures.

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

Laura R. Betty

~~Terrance L. Bond~~, Assistant General Counsel – Tennessee Department of Commerce and Insurance; Donna Hancock, Executive Director – Tennessee Collection Service Board.

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

Laura R. Betty

~~Terrance L. Bond~~, Assistant General Counsel – Tennessee Department of Commerce and Insurance.

- (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

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