

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: 06-07-23
Notice ID(s): 3661
File Date: 6/6/2023

Notice of Rulemaking Hearing

Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, T.C.A. § 4-5-204. For questions and copies of the notice, contact the person listed below.

Agency/Board/Commission:	Department of Safety
Division:	Administrative
Contact Person:	Elizabeth Stroecker
Address:	312 Rosa L. Parks Ave., Nashville, TN 37243
Phone:	615-712-1525
Email:	Elizabeth.Stroecker@tn.gov

Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:

ADA Contact:	Elizabeth Stroecker
Address:	312 Rosa L. Parks Ave., Nashville, TN 37243
Phone:	615-712-1525
Email:	Elizabeth.Stroecker@tn.gov

Hearing Location(s) (for additional locations, copy and paste table)

Address 1:	1150 Foster Avenue		
Address 2:	McCord Hall Building Hearing Room 108		
City:	Nashville		
Zip:	37243		
Hearing Date:	08/08/2023		
Hearing Time:	9:00am	<input checked="" type="checkbox"/> _X_ CST/CDT <input type="checkbox"/> EST/EDT	

Additional Hearing Information:

https://teams.microsoft.com/l/meetup-join/19%3ameeting_ZTMzZTRmMTMtNTAwOC00OThmLWlzNTAtZDJINzA0MGNmNmQy%40thread.v2/0?context=%7b%22Tid%22%3a%22f345bebf-0d71-4337-9281-24b941616c36%22%2c%22Oid%22%3a%223e65be46-f4e6-4e59-a553-6097b28641fd%22%7d

Revision Type (check all that apply):

☒ Amendment
☐ New
☐ Repeal

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

Chapter Number	Chapter Title
1340-02-03	Department of Safety Approved Enhanced Handgun Safety Program
Rule Number	Rule Title
1340-02-03-.01	Purpose and Scope
1340-02-03-.02	Definitions
1340-02-03-.03	Enhanced Handgun Safety School Requirements
1340-02-03-.04	Application Procedures
1340-02-03-.05	Enhanced Handgun Safety Course Requirements
1340-02-03-.06	Instructor Requirements
1340-02-03-.07	Firing Range Requirements
1340-02-03-.08	Fees
1340-02-03-.09	Financial Responsibility Requirements
1340-02-03-.10	Suspension, Revocation or Denial of Certification
1340-02-03-.11	Certificate of Competition for Students
1340-02-03-.12	General Regulations

Place substance of rules and other info here. 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>.

These rules are being updated as they are out of date with current TCA and standards. The revisions in these rules make changes to requirements to administer enhanced handgun carry permit courses. Additionally, these rules make the rules more clear and understanding for all applicants and removes unnecessary regulations on the courses being approved to teach on behalf of the Department.

**RULES
OF
DEPARTMENT OF SAFETY**

**CHAPTER 1340-02-03
DEPARTMENT OF SAFETY APPROVED ENHANCED HANDGUN SAFETY PROGRAM**

**TABLE OF
CONTENTS**

1340-02-03-.01	Purpose and Scope	1340-02-03-.07	Firing Range Requirements
1340-02-03-.02	Definitions	1340-02-03-.08	Fees
1340-02-03-.03	Enhanced Handgun Safety School	1340-02-03-.09	Financial Responsibility Requirements
1340-02-03-.04	Application Procedures	1340-02-03-.10	Suspension, Revocation or Denial of
1340-02-03-.05	Enhanced Handgun Safety Course	1340-02-03-.11	Certificate of Competition for Students
1340-02-03-.06	Instructor Requirements	1340-02-03-.12	General Regulations

1340-02-03-.01 Purpose and Scope.

To establish uniform, statewide, minimum standards for the certification of Enhanced Handgun Safety Schools and instructors for non-police residents of Tennessee, and the approval of those programs under the provisions of T.C.A. §39-17-1351.

Authority: T.C.A. §§4-3-2009 and 39-17-1351.

1340-02-03-.02 Definitions.

- (1) Commercially Manufactured Ammunition – Ammunition manufactured by a company and/or business properly licensed by the Bureau of Alcohol Tobacco, Firearms and Explosives.
- (2) Commissioner – The Commissioner of the Tennessee Department of Safety.
- (3) Department – The Tennessee Department of Safety.
- (4) Director – A person designated by the commissioner to plan, organize, and administer the Handgun Carry Permit Safety Program.
- (5) Enhanced Handgun Safety Course – A course of instruction outlined herein which provides education in the fundamentals of handgun safety and the use and operation of handguns for non-police residents of Tennessee.
- (6) Enhanced Handgun Safety Program – A Department approved Handgun Safety Course as required by T.C.A. §39-17-1351 as amended.
- (7) Enhanced Handgun Safety School – A private organization, individual, corporation, governmental body, or other public entity approved by the Department to conduct Enhanced Handgun Safety Courses.
- (8) Eye protection – Meets or Exceeds American National Standard Institute (ANSI) 87.1 Standard.
- (9) Firing line – A line, from which, gunfire is directed toward targets.
- (10) Firing range – A location, at which, firearms training is conducted with live ammunition

- (11) Hearing protection – Meets or exceeds ANSI S3.19-1974 Standards.
- (12) Instructor – An individual either approved by the Department to conduct an Enhanced Handgun Safety Course for private entities, or a full-time, salaried, POST certified law enforcement officer approved as a firearm instructor by the chief administrative officer of their agency and who conducts Enhanced Handgun Safety Courses for their agency or another Enhanced Handgun Safety School.
- (13) POST – Peace Officer Standards and Training Commission.
- (14) Range Safety Officer – Any person who supervises range activities and range operations.
- (15) Student – Any person enrolled in an Enhanced Handgun Safety School.
- (16) Unprofessional conduct – Conduct detrimental to the best interests of the public, including conduct contrary to recognized standards that endangers the health, safety or welfare of a participant in the program or the public.
- (17) Workday – Any day when the Department offices are open to the public.

Authority: T.C.A. §§4-3-2009 and 39-17-1351.

1340-02-03-.03 Enhanced Handgun Training School Requirements.

- (1) Any organization that seeks to provide the Enhanced Handgun Safety Course and to issue training certificates for the purpose of applying for an Enhanced Handgun Carry Permit under T.C.A. §39-17-1351, must qualify as an Enhanced Handgun Safety School.
- (2) All Enhanced Handgun Safety Schools must agree to conduct a standardized Enhanced Handgun Safety Course which meet or exceed the minimum standards set forth herein. Enhanced handgun Safety Schools must submit alternate material to the Department for approval before use.
- (3) Enhanced Handgun Safety Schools shall use only those instructors which meet the minimum qualifications set forth in 1340-2-3-.06 or, for the legal portion only, an attorney not certified as an instructor.
- (4) Enhanced Handgun Safety Schools shall be responsible for all phases of the Enhanced Handgun Safety Program including, but not limited to:
 - (a) Assuring all Departmental rules and regulations are complied with;
 - (b) Maintaining accurate records of all program costs, student participation, accident and incident reports, and providing these records to the Director for inspection upon request;
 - (c) Advising the Department, immediately, of any change(s) in the information supplied on their application;
 - (d) Securing and maintaining the classroom and range sites, while in use as an approved Enhanced Handgun Safety Course;
 - (e) Ensuring that all students complete a release, waiver, and indemnification form supplied by the Department;
 - (f) Providing, to the Director, schedules of Enhanced Handgun Safety Courses upon request;
 - (g) Providing any additional records or reports as requested by the Director;
 - (h) A copy of all Department distributed records shall be maintained by the Enhanced Handgun Safety School for a minimum of one (1) year and then released to the Department for retention for four (4) more years from the date of the examinations; and
 - (i) Being available for periodic inspection and in-class monitoring by the Department.

- (5) Enhanced Handgun Safety Schools which meet the minimum qualifications and provisions herein, and upon the discretion of the Commissioner, will be approved to provide Enhanced Handgun Safety Courses and will be issued a certification by the Department.

(a) Enhanced Handgun Safety School certification shall be valid for a period of one year.

(b) Schools must renew by submitting an application annually, no less than thirty (30) days prior to expiration of current certification.

Authority: T.C.A. §§4-3-2009 and 39-17-1351.

1340-02-03-.04 Application Procedures.

(1) Enhanced Handgun Safety Schools:

(a) Any agency, organization, corporation, individual, governmental body, or other public entity approved by the Director that agrees to comply with the rules set forth herein may apply for an Enhanced Handgun Safety School certification;

(b) They shall make application on forms supplied by the Department;

(c) They shall pay the application fees specified in 1340-2-3-.08;

(d) Upon receipt, the Department will process the application and conduct an on-site inspection of the facilities if the Director deems it necessary; and

(e) The applicant will be contacted, via U.S. Mail or email, and advised of the approval or denial of the application. If the application is denied, the applicant will be informed within thirty (30) days of the reason and what steps may be taken, if any, to approve the application.

(2) Instructors:

(a) Any persons who meet the qualifications outlined in Section 1340-02-03-.06 of these rules may make application on forms supplied by the Department;

(b) Shall pay the application fees specified in 1340-02-03-.08;

(c) Upon receipt, the Department will process the application and request additional information if the Director deems it necessary; and,

(d) The applicant will be contacted via U.S. Mail or email, and advised of the approval or denial of the application. If the application is denied, the applicant will be informed within thirty (30) days of the reason and what steps may be taken, if any, to approve the application.

(e) Inspectors must renew by submitting an application every three years, no less than thirty (30) days prior to expiration of current certification.

Authority: T.C.A. §§4-3-2009 and 39-17-1351.

1340-02-03-.05 Enhanced Handgun Safety Course Requirements.

(1) Each Enhanced Handgun Safety Course shall consist of two (2) separate, but inter-related areas of instruction: classroom and firing range.

(2) Each Enhanced Handgun Safety Course shall be approximately six (6) hours of instruction including a ten (10) minute break each hour. The course shall be divided into two areas of instruction;

(a) Four (4) hours of classroom instruction; and

- (b) Two (2) hours on the range, depending on class size and instructor to student ratio. The range portion shall provide adequate time for students to display proper safety procedures.
- (3) Enhanced Handgun Safety Schools shall utilize the current standardized instructional outline material, and other media provided by the Department. No other material may be presented or delivered to any student during the class.
- (4) Current standardized instructional outline, material, and other media will be provided to each approved Enhanced Safety School.
- (5) Enhanced Handgun Safety Schools may utilize other instructional material specifically regarding facility/range safety or firearm safety provided they:
 - (a) Submit a written request to the Director and receive written approval;
 - (b) Furnish the Department a copy of the proposed-material, lesson plan on incorporating the material, and source documents, if any; and,
 - (c) The Director has discretion to approve or disapprove any requests for additional instructional material.
- (6) Only state certified instructors and attorneys delivering the legal portion of the class may present during the class.
 - (a) Outside vendors and sales presentations may not participate during any portion of the instruction.
 - (b) Nothing prohibits presentations before or after a class, so long as it is not mandated that students participate in order to receive credit for the Enhanced Handgun Safety class.
- (7) A written examination and handgun firing qualification shall be administered to each student.
 - (a) The written exam shall consist of a core of standardized questions provided by the Department;
 - (b) The handgun firing qualification shall, as a minimum, include the course of fire specified by the Department;
 - (c) A minimum score of seventy percent (70%) must be achieved on the written examination and firing qualification separately to successfully pass the Enhanced Handgun safety Course; and
 - (d) A copy of all scores shall be maintained by the Enhanced Handgun Safety School for a minimum of five (5) years from the date of the examinations.
- (8) Class size:
 - (a) The classroom shall be of sufficient size to adequately accommodate the total number of students;
 - (b) There shall be a minimum of one (1) instructor per fifty (50) students during the classroom instruction;
 - (c) There shall be a minimum of one (1) instructor per five (5) students during the actual live fire portion of the range instruction. Nothing shall prohibit Range Safety Officers from providing safety for the range. Range Safety Officers may not count as instructors unless certified by the Department as an instructor; and
 - (d) In no case shall the number of students on the firing line exceed the number of established firing positions.
- (9) Students must meet the eligibility requirements outlined in TCA § 39-17-1351(b) in order to attend an Enhanced Handgun Safety Course;
 - (a) Students that will be eligible to apply for the Enhanced Handgun Carry Permit within one year of

taking the Enhanced Handgun Safety Course will be eligible.

- (b) Instructors will validate the students' age requirements prior to enrolling them into the Enhanced Handgun Safety Course.

(10) While on, or within close proximity of an active firing line, all students, instructors, and observers must wear Department approved hearing and eye protection.

(11) Type of ammunition:

- (a) All ammunition used by students during training shall be of quality, commercial manufacture.
- (b) Reloaded ammunition is acceptable only if it is of commercial manufacture.
- (c) Ammunition must comply with restrictions set forth by individual ranges.
- (d) No black powder ammunition or multiple projectile ammunition is allowed.

(12) Type of handguns:

- (a) Handguns used by students shall be of quality manufacture and free from operational defects;
- (b) All handguns must be inspected by an instructor prior to the firing range portion of the instruction; and, if, the handgun is deemed unsafe by the instructor, the handgun may not be used.
- (c) No black powder handguns and only handguns that fire a single projectile with each trigger pull may be used. The Department shall not otherwise establish restrictions on the make, model, or caliber of handguns used by students in an Enhanced Handgun Safety Course; however, each School or range may establish restrictions on the caliber or type of handgun used in their course.

(13) Scores must be submitted by an instructor to the Department within 72 hours from the conclusion of the class or the instructor must request an extension. Score submission may be done electronically online, email, or fax. In emergency situations in which there is no internet access, submissions may be made by phone and U.S. Mail.

(14) It is not necessary for a student to take a Handgun Safety Course in their county of residence.

Authority: T.C.A. §§4-3-2009, 39-17-1351.

1340-02-03-.06 Instructor Requirements.

- (1) Enhanced Handgun Safety Schools shall use handgun instructors who meet the following minimum qualifications:
 - (a) Be at least twenty-one (21) years of age;
 - (b) Be eligible for the Enhanced Handgun Carry Permit;
 - (c) Applicants shall not:
 - (i) Have been convicted of a felony offense, stalking offense, or domestic violence offense at any time;
 - (ii) Have been convicted of any drug related offense or alcohol related offense in the past ten (10) years;
 - (iii) Be subject to an active order of protection; or
 - (iv) Be disqualified from purchasing, possessing, or carrying a firearm at the time of application.

- (d) Shall submit proof of the completion of a firearm/handgun instructor training course consisting of a minimum of twenty-four (24) hours and have a curriculum approved by the Department; and
 - (d) Shall possess an instructor certificate issued by the Department. Certificates are valid for three (3) years from the date of issuance. Instructors must renew by submitting an application every three (3) years, not less than thirty (30) days prior to expiration of current certification.
- (2) Enhanced Handgun Safety Schools may utilize attorneys who are not Department Certified Instructors to instruct only that portion of classroom instruction directly related to the legal liabilities and other legal aspects of the instruction.

Authority: T.C.A. §§4-3-2009 and 39-17-1351.

1340-02-03-.07 Firing Range Requirements.

- (1) Ranges shall be of adequate size to safely accommodate the number of students being trained.
- (2) Ranges are to be constructed in such a manner as to ensure the safety of the students, instructors, spectators, and all others in the immediate area.
- (3) Access to the ranges should be limited, with controlled points of ingress.
- (4) Warning signs, flags, lights, and/or audible devices shall be utilized to ensure safety to others.
- (5) All ranges shall have a first aid kit consisting of, at a minimum, tourniquet, bandages, gauze, nitrile gloves, surgical tape, and trauma shears while the class is in session.
- (6) All ranges shall have ready access to a telephone or other communication devices in the event of an emergency situation while class is in session.
- (7) All ranges must comply with all applicable state, county, and municipal ordinances/laws.
- (8) All firing shall be done on a standard silhouette type targets approved by the Director.
- (9) The overall safety of any firing range shall be determined by the Director. Any firing range determined to be unsafe may be suspended or denied until the range is made safe.

Authority: T.C.A. §§4-3-2009 and 39-17-1351.

1340-02-03-.08 Fees.

- (1) Fees charged by Enhanced Handgun Safety Schools for the instruction of students shall not be established by the Department and are considered individual contracts between the student and Enhanced Handgun Safety Schools. There is no fee to apply for annual renewals.
- (2) Application Fees:
 - (a) Enhanced Handgun Safety Schools making application to the Department shall pay an application fee of fifty dollars (\$50.00) to the Department.
 - (b) Schools operated by governmental bodies or other public entities approved by the Department to conduct Enhanced Handgun Safety Courses are exempt from paying a fee if they provide the course for free.
- (3) Instructors making application to the Department shall pay an application fee of twenty-five dollars (\$25.00) to the Department. There is no fee to apply for annual renewals.

Authority: T.C.A. §§4-3-2009 and 39-17-1351.

1340-02-03-.09 Financial Responsibility Requirements.

- (1) Each Enhanced Handgun Safety School must obtain, maintain, and provide evidence of financial responsibility as a condition of approval for certification.
- (2) Schools operated by governmental bodies or other public entities approved by the Department to conduct Enhanced Handgun Safety Courses are exempt from the insurance requirement if they meet these requirements under the Governmental Tort Liability provisions of T.C.A. Title 29, Chapter 20.
- (3) All Enhanced Handgun Safety Schools may comply with the financial responsibility requirement by providing the Department one (1) of the following:
 - (a) Written proof of liability insurance coverage provided by a single limit policy with a limit of not less than three hundred thousand (\$300,000) applicable to one (1) accident;
 - (b) Written proof of liability insurance provided by a split limit policy with a limit of not less than one hundred and fifty thousand dollars (\$150,000) for bodily injury to or death of one (1) person, not less than three hundred thousand dollars (\$300,000) for bodily injury or death of two (2) or more persons in any one (1) accident and not less than fifty thousand dollars (\$50,000) for damage to property in any one (1) accident;
 - (c) A deposit of cash in the amount of three hundred thousand dollars (\$300,000);
 - (d) The execution and filing of a bond in the amount of three hundred thousand dollars (\$300,000); or
 - (e) The filing of a surety in an amount of not less than three hundred thousand dollars (\$300,000) subject to the approval of the commissioner or designee.
- (4) No policy or bond shall be effective unless it bears an issuance and expiration date, is issued by an insurance company or surety company licensed to do business in this state and unless such policy or bond provides security not less than the amounts specified in 1340-02-03-09(3).
- (5) This requirement does not preclude insurance which, by its nature, provides coverage for this purpose as well as other general liability provisions.

Authority: T.C.A. §§39-17-1351(b)(2) and 39-17-1360, and Public Chapter 934 of 1994.

1340-02-03-.10 Suspension, Revocation, or Denial of Certification.

- (1) The Commissioner, or designee, may, upon receipt of satisfactory evidence from the Handgun Permit Unit, suspend, revoke, refuse to issue, or refuse to renew the certification of an Enhanced Handgun Safety School or handgun instructor if:
 - (a) The holder of any certificate fails to comply with the provisions of the rules and regulations of the Department or any associated state statute;
 - (b) The holder of any certificate fails to maintain eligibility requirements by:
 - i. Having been convicted of a felony offense, stalking offense, or domestic violence offense at any time
 - ii. Having been convicted of any drug related offense or alcohol related offense in the past ten (10) years;
 - iii. Currently being subject to an active order of protection; or
 - iv. Be disqualified from purchasing, possessing, or carrying a firearm at the time of application.
 - (c) The holder of any certification has made a false statement or has concealed a material fact in connection with their application;
 - (d) The holder of any certification has been guilty of a fraudulent practice in attempting to obtain for themselves or another certification;
 - (e) Written notice of the cancellation of insurance or bond required by the regulation is received by the Department and the certificate holder does not present satisfactory evidence of financial responsibility to the Department prior to the effective date of the cancellation;

- (f) The holder of any certification engages in illegal, unsafe, or other behavior that the Director deems as unprofessional; or
 - (g) The holder of any certification fails to maintain the minimum standards established herein.
- (2) Any suspension, revocation, or denial of certification issued for violation of these rules and regulations shall be governed by the provisions of the Uniform Administrative Procedures Act, T.C.A. Title 4, Chapter
- (a) A proposed suspension may be initiated if the Department finds any violation set forth in these rules and regulations.
 - (i) If any violations of these rules and regulations are found, the Department shall notify the certificate holder of the violation in writing and electronically. The certificate holder shall have thirty (30) days from the date of the notice to show satisfactory compliance to the Director or designated Department representative.
 - (ii) If, after thirty (30) days from the date of the violation notice, the certificate holder has failed to comply with the rules and regulations set forth, the Department shall issue a Notice of Proposed Suspension by mail and electronically to the certificate holder advising the holder of the reason for this action or intended action of the Department and of the opportunity for an administrative hearing before a hearing officer. The Administrative Hearing request must be submitted in writing to the Department within thirty (30) days from receipt of the Notice of Proposed Suspension.
 - (iii) The Department shall provide the certificate holder a hearing before a hearing officer on the date and time specified in the notice. The sole issue to be considered is whether the certificate holder violated any rules set forth in these rules and regulations. An Initial Order will be entered by the hearing officer within thirty (30) days of the completed hearing. If the certificate holder fails to request a hearing or fails to appear for the administrative hearing, the hearing officer will issue an Initial Order of Suspension.
 - (iv) If the hearing officer upholds the findings of the Department, an Initial Order of Suspension will be issued and a copy will be mailed to the certificate holder.
 - (b) A summary suspension shall be initiated against the certificate holder if the Department finds that public health, safety, or welfare to themselves or others requires immediate action.
 - (i) Prior to the institution of the Department proceedings, the Department shall give notice by mail and electronically to the certificate holder of the fact or conduct that warrants the intended action, and it will state that the certificate holder shall be given an opportunity to show compliance with all lawful requirements for retention of the license. If the Department finds that public health, safety, or welfare imperatively requires emergency action, a summary (emergency) suspension of a license may be ordered pending proceedings for revocation or other action. These proceedings shall be promptly instituted and determined. In issuing an Order of Summary Suspension, the Department shall use one (1) of the following procedures:
 - (A) The Department shall issue a notice to the certificate holder providing an opportunity for a prompt hearing, review, or conference before the Director prior to the issuance of an Order of Summary Suspension; or
 - (B) The Department shall proceed with the summary suspension and notify the certificate holder of the opportunity for a hearing before the Director within seven (7) business days of the issuance of the Order of Summary Suspension.
 - (c) The notice provided to the certificate holder may be provided by any reasonable means. It shall inform the certificate holder of the reason for the action or intended action of the agency and of the opportunity for an informal hearing, review, or conference before the Director. The informal hearing, review, or conference described by this section shall not be required to be held under the contested case provisions of the Uniform Administrative Procedures Act. The hearing, review, or conference is intended to provide a reasonable opportunity for the certificate holder to present the holder's version of the situation to the Director. Whether the hearing, review, or conference is held before or after an

Order of Summary Suspension, the sole issue to be considered is whether the public health, safety, or welfare imperatively required emergency action by the Department.

Authority: T.C.A. §§4-3-209, 39-17-1351, and 39-17-1360.

1340-02-03-.11 Certificate of Completion for Students.

- (1) Students who successfully complete an Enhanced Handgun Safety Course conducted by a-certified Enhanced Handgun Safety School shall be issued a Department certificate of completion.
 - (a) The certificate shall bear the following information:
 - (i) Student name and Drivers License number or Personal Identification License;
 - (ii) Safety School Name and ID number;
 - (iii) Instructor name and ID number; and,
 - (iv) Date of issuance.

Authority: T.C.A. §§4-3-2009 and 39-17-1351.

1340-02-03-.12 General Requirements.

- (1) The rules, regulations, and requirements established herein are minimums and may be exceeded.
- (2) No alcoholic beverages or illegal drugs shall be brought onto, consumed, or stored on the premises of any Enhanced Handgun Training School site during classroom/range instruction.
- (3) No prohibited weapons, as defined by T.C.A. §39-17-1302, of any type will be possessed by any person at or in the approved classroom of any site when an Enhanced Handgun Safety Course is being conducted.
- (4) Any authorized representative of the Department shall be permitted to inspect the Enhanced Handgun Safety School site at any time during normal State business hours, as defined in T.C.A. §4-4-105 or during the conducting of an Enhanced Handgun Safety Course.
- (5) No solicitation of students of the Enhanced Handgun Safety Course may take place while the Course is being conducted. No vendor may sponsor a course or advertise in person, video, or through printed material while the course is being conducted.
- (6) Upon request, schools must provide the Department an up-to-date schedule of Enhanced Handgun Safety training classes.
- (7) Instructors are required to report as soon as possible, but no longer than 12 hours, to the Department all serious bodily injuries which occur to participants or the public stemming from instructing the Enhanced Handgun Safety Course.

Authority: T.C.A. §§4-3-2009 and 39-17-1351.

I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.

Date: June 6, 2023

Signature: *Elizabeth R. Stroecker*

Name of Officer: Elizabeth Stroecker

Title of Officer: Director of Legislation

Department of State Use Only

Filed with the Department of State on: 6/6/2023



Tre Hargett
Secretary of State

RECEIVED

Jun 06 2023, 3:58 pm

Secretary of State
Division of Publications

**RULES
OF
DEPARTMENT OF
SAFETY**

**CHAPTER 1340-02-03
DEPARTMENT OF SAFETY APPROVED ENHANCED HANDGUN SAFETY PROGRAM**

**TABLE OF
CONTENTS**

1340-02-03-.01 Purpose and Scope	1340-02-03-.07 Firing Range Requirements
1340-02-03-.02 Definitions	1340-02-03-.08 Fees
1340-02-03-.03 <u>Enhanced</u> Handgun Safety School Requirements	1340-02-03-.09 Financial Responsibility Requirements
1340-02-03-.04 Application Procedures	1340-02-03-.10 Suspension, Revocation or Denial of Certification
1340-02-03-.05 <u>Enhanced</u> Handgun Safety Course Requirements	1340-02-03-.11 Certificate of Competition for Students
1340-02-03-.06 Instructor Requirements	1340-02-03-.12 General Regulations

1340-02-03-.01 ~~PURPOSE AND SCOPE~~ Purpose and Scope.

To establish uniform, statewide, minimum standards for the certification of Enhanced Handgun Safety Schools and instructors for non-police residents of Tennessee, and the approval of those programs under the provisions of T.C.A. §39-17-1351, ~~and Public Chapter 905.~~

Authority: T.C.A. §§4-3-2009 and 39-17-1351. ~~Administrative History: Original rule filed January 25, 1995; effective April 10, 1995. Amendment filed September 16, 1996; effective January 28, 1997~~

1340-02-03-.02 ~~DEFINITIONS~~ Definitions.

- (1) Commercially Manufactured Ammunition – Ammunition manufactured by a company and/or business properly licensed by the Bureau of Alcohol Tobacco, Firearms and Explosives.
- (2) Commissioner – The Commissioner of the Tennessee Department of Safety.
- (3) Department – The Tennessee Department of Safety.

~~(13)~~ ~~(4)~~ Program Director – A person designated by the ~~C~~ommissioner to plan, organize, and administer the Enhanced Handgun Safety Program.

~~(7)~~ ~~(5)~~ Enhanced Handgun Safety Course – A course of instruction outlined herein which provides education in the fundamentals of handgun safety and the use and operation of handguns for non-police residents of Tennessee.

~~(8)~~ ~~(6)~~ Enhanced Handgun Safety Program – A Department approved Handgun Safety Course as required by T.C.A. §39-17-1351 as amended.

~~(7)~~ Enhanced Handgun Safety School – A private organization, individual, corporation, governmental body, or other public entity approved by the Department to conduct Enhanced Handgun Safety Courses.

~~(4)~~ ~~(8)~~ Eye protection – Meets or Exceeds American National Standards Institute (ANSI) 87.1 Standard.

~~(5)~~ ~~(9)~~ Firing line – A line, from which, gunfire is directed toward targets.

~~(6)~~ ~~(10)~~ Firing range – A location, at which, firearms training is conducted with live ammunition

~~(9)~~ ~~(11)~~ Hearing protection – Meets or exceeds ANSI S3.19-1974 Standards.

~~(10)~~ ~~(12)~~ Instructor – An individual either approved by the Department to conduct an Enhanced Handgun Safety

Course for private entities, or a full-time, salaried, POST certified law enforcement officer approved as a firearm instructor by the chief administrative officer of ~~his or her~~ their agency and who conducts Enhanced Handgun Safety Courses for ~~his or her~~ their agency or another ~~public~~ Enhanced Handgun Safety School.

~~(11)-(13)~~ POST – Peace Officer Standards ~~of~~ and Training Commission.

~~(12)-(14) Public Handgun Safety School—A Tennessee Sheriff's Department or Police Department in a Tennessee county having a metropolitan form of government approved by the Department to conduct Handgun Safety Courses. Range Safety Officer – Any person who supervises range activities and range operations.~~

(15) Student – Any person enrolled in ~~a~~ an Enhanced Handgun Safety School.

~~(16) Unprofessional conduct – Conduct detrimental to the best interests of the public, including conduct contrary to recognized standards that endangers the health, safety or welfare of a participant in the program or the public.~~

~~(16)~~ (17) Workday – Any day when the Department offices are open to the public.

Authority: T.C.A. §§4-3-2009 and 39-17-1351. ~~Administrative History: Original rule filed January 25, 1995; effective April 10, 1995. Amendment filed September 16, 1996; effective January 28, 1997~~

1340-02-03-.03 HANDGUN TRAINING SCHOOL REQUIREMENTS Enhanced Handgun Training School Requirements.

(1) ~~There shall be two (2) separate classifications of Handgun Safety Schools; Public and Private.~~

~~(a) Any Tennessee Sheriff's Department or Police Department in a Tennessee County having a metropolitan form of government is hereby certified by the Department as a Public Handgun Safety School and is hereby authorized to conduct Handgun Safety Schools/Courses under the provisions herein.~~

~~(b) Any private agency, organization, corporation, individual or public entity other than those specified in 1340-2-3-.03(1)(a) that agrees to comply with the rules set forth herein may make application with the Department for Private Handgun Safety School certification.~~

Any organization that seeks to provide the Enhanced Handgun Safety Course and to issue training certificates for the purpose of allowing individuals to apply for an Enhanced Handgun Carry Permit under T.C.A. §39-17-1351, must qualify as an Enhanced Handgun Safety School.

(2) All Enhanced Handgun Safety Schools must agree to conduct a standardized Enhanced Handgun Safety Course which meet or exceed the minimum standards set forth herein. Enhanced handgun Safety Schools must submit alternate material to the Department for approval before use.

(3) Enhanced Handgun Safety Schools shall use only those instructors which meet the minimum qualifications set forth in 1340-2-3-.06 or, for the legal portion only, an attorney not certified as an instructor.

(4) Enhanced Handgun Safety Schools shall be responsible for all phases of the Enhanced Handgun Safety Program including, but not limited to:

(a) Assuring all Departmental rules and regulations are complied with;

(b) Maintaining accurate records of all program costs, student participation, accident and incident reports, and providing these records to the ~~Program~~ Director for inspection upon request;

(c) Advising the Department, immediately, of any change(s) in the information supplied on their application;

(d) Securing and maintaining the classroom and range sites, while in use as an approved Enhanced

Handgun Safety Course:

- (e) Ensuring that all students complete a release, waiver, and indemnification form supplied by the Department ~~or approved by the Program Director.~~
 - (f) Providing, to the ~~Program~~ Director, schedules of ~~Enhanced~~ Handgun Safety Courses upon request;
 - (g) Providing any additional records or reports as requested by the ~~Program~~ Director; ~~and;~~
 - (h) ~~A copy of all records shall be maintained by the Enhanced Handgun Safety School for a minimum of one (1) year and then released to the Department for retention for four (4) more years from the date of the examinations; and~~
 - (i) Being available for periodic inspection ~~and in-class monitoring~~ by the Department ~~and, with Private Handgun Safety Schools, the Sheriff of the county or the Police Chief of a municipality in which the Handgun Safety School is located.~~
- (5) ~~Private Enhanced~~ Handgun Safety Schools which meet the minimum qualifications and provisions herein, and upon the discretion of the Commissioner, will be approved to provide ~~Enhanced~~ Handgun Safety Courses and will be issued a certification by the Department.
- (a) ~~For Public Handgun Safety Schools the certification shall be valid indefinitely; Enhanced Handgun Safety School certification shall be valid for a period of one year.~~
 - (b) ~~For Private Handgun Safety Schools the certification shall be valid for a period to be determined by the Program Director based on their application and financial responsibility information. Schools must renew by submitting an application annually, no less than thirty (30) days prior to expiration of current certification.~~

Authority: T.C.A. §§4-3-2009 and 39-17-1351. ~~Administrative History: Original rule filed January 25, 1995; effective April 10, 1995. Amendment filed September 16, 1996; effective January 28, 1997~~

1340-02-03-.04 APPLICATION PROCEDURES Application Procedures.

~~(1) Public Handgun Safety Schools:~~

~~(a) No application is necessary.~~

~~(2) (1) Private Enhanced Handgun Safety Schools:~~

- (a) Any ~~private~~ agency, organization, corporation, individual, governmental body, or other public entity approved by the Director that agrees to comply with the rules set forth herein may apply for ~~a~~ an Enhanced Handgun Safety School certification;
- (b) They shall make application on forms supplied by the Department;
- (c) They shall pay the application fees specified in 1340-02-03-.08;
- (d) Upon receipt, the Department will process the application and conduct an on-site inspection of the facilities if the ~~Commissioner or Program~~ Director deems it necessary; and
- (e) The applicant will be contacted, via U.S. Mail or email, and advised of the approval or denial of the application. If the application is denied, the applicant will be informed of the reason and what steps may be taken, if any, to approve the application.

~~1. If the application is denied, the applicant will be informed of the reason.~~

~~(3)~~ (2) Instructors:

- (a) Any persons who meet the qualifications outlined in Section 1340-~~02-03~~-06 of these rules may make application on forms supplied by the Department;
- (b) Shall pay the application fees specified in 1340-~~02-03~~-08;
- (c) Upon receipt, the Department will process the application and request additional information if the ~~Commissioner or Program~~ Director deems it necessary; and,
- (d) The applicant will be contacted via U.S. Mail or email, and advised of the approval or denial of the application. If the application is denied, the applicant will be informed of the reason and what steps may be taken, if any, to approve the application.

1. If the application is denied, the applicant will be informed of the reason.

(e) Inspectors must renew by submitting an application every three years, no less than thirty (30) days prior to expiration of current certification.

Authority: T.C.A. §§4-3-2009 and 39-17-1351. ~~Administrative History: Original rule filed January 25, 1995; effective April 10, 1995. Amendment filed September 16, 1996; effective January 28, 1997~~

1340-~~02-03~~-05 ~~HANDGUN SAFETY COURSE REQUIREMENTS~~ Enhanced Handgun Safety Course Requirements.

- (1) Each Enhanced Handgun Safety Course shall consist of two (2) separate, but inter-related areas of instruction; ~~;~~ classroom and firing range.
- (2) ~~The Handgun Safety Course shall be a minimum of eight (8) hours in length, including a ten (10) minute break per hour. Each Handgun Safety Course shall be approximately eight (8) hours of instruction including a ten (10) minute break each hour. The course shall be divided into two areas of instruction;~~
 - a. ~~The classroom instruction shall be a minimum of four (4) hours; Four (4) hours of classroom instruction; and~~
 - b. ~~The firing range instruction shall be a minimum of four (4) hours. Two (2) hours on the range, depending on class size and instructor to student ratio. The range portion shall provide adequate time for students to display proper safety procedures.~~
- (3) Enhanced Handgun Safety Schools shall utilize the current standardized instructional outline ~~and video tapes~~, material, and other media provided by the Department. No other material may be presented or delivered to any student during the class.
- (4) Current standardized instructional outline ~~and video tapes~~, material, and other media will be provided to each approved Handgun Enhanced Safety School ~~upon approval by the Department.~~
- (5) Enhanced Handgun Safety Schools may utilize other instructional ~~outlines~~ material specifically regarding facility/range safety or firearm safety provided they:
 - (a) Submit a written request to the ~~Program~~ Director and receive written approval;
 - (b) Furnish the Department a copy of the proposed ~~instructional outline~~ material, ~~with~~ lesson plan on incorporating the material, and source documents, if ~~requested; any; and,~~
 - (c) The Director has discretion to approve or disapprove any requests for additional instructional material.

~~Identify in writing the topics in their outline which will replicate the information in the Department provided outline; and,~~

~~(d) Incorporate their instruction with the Department provided videotape.~~

(6) Only state certified instructors and attorneys delivering the legal portion of the class may present during the class.

(a) Outside vendors and sales presentations may not participate during any portion of the instruction.

(b) Nothing prohibits presentations before or after a class, so long as it is not mandated that students participate in order to receive credit for the Enhanced Handgun Safety class.

~~(6)~~ (7) A written examination and handgun firing qualification shall be administered to each student.

(a) The written exam shall consist of ~~as a minimum~~, a core of standardized questions provided by the Department; ~~and other questions selected by the Handgun Safety School;~~

~~1. up to a maximum of fifty (50) questions;~~

(b) The handgun firing qualification shall, as a minimum, include the course of fire specified by the Department.

(c) A minimum score of seventy percent (70%) must be achieved on the written examination and firing qualification separately to successfully pass the Enhanced Handgun safety Course; and

(d) A copy of all scores shall be maintained by the Enhanced Handgun Safety School for a minimum of five (5) years from the date of the examinations.

~~(7)~~ (8) Class size:

(a) The classroom shall be of sufficient size to adequately accommodate the total number of students;

(b) There shall be a minimum of one (1) instructor per fifty (50) students during the classroom ~~and legal~~ instruction;

(c) There shall be a minimum of one (1) instructor per five (5) students during the actual live fire portion of the range instruction. Nothing shall prohibit Range Safety Officers from providing safety for the range. Range Safety Officers may not count as instructors unless certified by the Department as an instructor; and

(d) In no case shall the number of students on the firing line exceed the number of established firing positions.

~~(8)~~ (9) No students under the age of sixteen (16) shall be allowed to enroll in any Handgun Safety Course. Students must meet the eligibility requirements outlined in TCA § 39-17-1351(b) in order to attend an Enhanced Handgun Safety Course;

(a) Students that will be eligible to apply for the Enhanced Handgun Carry Permit within one year of taking the Enhanced Handgun Safety Course will be eligible.

(b) Instructors will validate the students' age requirements prior to enrolling them into the Enhanced Handgun Safety Course.

~~(9)~~ (10) While on, or within ~~fifty (50) yards~~ close proximity of an active firing line, all students, instructors, and observers must wear Department approved hearing ~~protection~~ and ~~approved~~ eye protection.

~~(10) Qualification with more than one (1) handgun:~~

~~(a) If, while undergoing the handgun safety instruction, a student desires to qualify with a different make, model or caliber of handgun, they are required only to take the four (4) hour range instructional portion of the Handgun Safety Course; and,~~

~~(b) A certificate of completion will be completed under the provisions of 1340-2-3-11.~~

(11) Type of ammunition:

(a) All ammunition used by students during training shall be of quality, commercial manufacture.

(b) Reloaded ammunition is acceptable only if it is of commercial manufacture.

(c) Ammunition must comply with restrictions set forth by individual ranges.

(d) No black powder ammunition or multiple projectile ammunition is allowed.

(12) Type of handguns:

(a) Handguns used by students ~~in a Handgun Safety Course~~ shall be of quality manufacture and free from operational defects;

(b) All handguns must be inspected by an instructor prior to the firing range portion of the instruction; ~~and, if, the handgun is deemed unsafe by the instructor, the handgun may not be used.~~

~~1. If, in the opinion of the instructor, the handgun is unsafe it shall not be used.~~

(c) No black powder handguns and only handguns that fire a single projectile with each trigger pull may be used. The Department shall not otherwise establish restrictions on the make, model, or caliber of handguns used by students in an Enhanced Handgun Safety Course; however, each School or range may establish restrictions on the caliber or type of handgun used in their course.

~~1. Each Handgun Safety School may establish restrictions on the caliber or type of handgun used in their Handgun Safety Course(s). state CERTIFIED HANDGUN TRAINING CHAPTER 1340-2-3~~

~~(2) Each Handgun Training School may establish restrictions on the caliber or type of handgun used in their Handgun Training Course(s).~~

(13) Scores must be submitted by an instructor to the Department within 48 hours from the conclusion of the class or the instructor must request an extension. Score submission may be done electronically online, email, or fax. In emergency situations in which there is no internet access, submissions may be made by phone and U.S. Mail.

(14) It is not necessary for a student to take a Handgun Safety Course in their county of residence.

*Authority: T.C.A. §§4-3-2009, 39-17-1351. **Administrative History:** Original rule filed January 25, 1995; effective April 10, 1995. Amendment filed September 16, 1996; effective January 28, 1997*

1340-02-03-.06 INSTRUCTOR REQUIREMENTS Instructor Requirements.

~~(1) Public Handgun Safety Schools may use handgun instructors who are a full time, salaried, POST-certified law enforcement officer approved as a firearms instructor by the chief administrative officer of his or her agency and who conducts Handgun Safety Courses for his/her agency or another Public Handgun Safety School.~~

~~(2)~~ (1) Private Enhanced Handgun Safety Schools ~~shall~~ may use handgun instructors who meet the following minimum qualifications:

(a) Be at least twenty-one (21) years of age;

(b) ~~Shall not have been convicted of a felony or any drug or alcohol related offense in the past ten (10) years;~~
Be eligible for the Enhanced Handgun Carry Permit;

~~(c) Shall submit proof of the completion of a Department approved firearm/handgun instructors training course; and;~~

~~1. Approved instructor training courses include, but are not limited to, those instructed by the National Rifle Association (NRA), National Sheriff's Association (NSA), International Association of Chiefs of Police (IACP), Police Officers Standards of Training (POST), Federal Bureau of Investigation (FBI) International Practical Shooting Confederation (IPSC) and others approved by the Department.~~

~~2. The Commissioner shall make the final determination on approved courses.~~

~~(c) Shall not have been convicted of a felony, stalking, domestic violence, any drug related offense, alcohol related offense in the past ten (10) years, be subject to an active order of protection, or not be disqualified from purchasing, possessing, or carrying a firearm; Applicants shall not:~~

(i) Have been convicted of a felony offense, stalking offense, or domestic violence offense at any time;

(ii) Have been convicted of any drug related offense or alcohol related offense in the past ten (10) years;

(iii) Be subject to an active order of protection; or

(iv) Be disqualified from purchasing, possessing, or carrying a firearm at the time of application.

~~(b) Shall possess an instructors certificate issued by the Department.~~

~~1. Certificate is valid for three (3) years from date of issuance.~~

(d) Shall submit proof of the completion of a firearm/handgun instructor training course consisting of a minimum of twenty-four (24) hours and have a curriculum approved by the Department; and

(c) Shall possess an instructor certificate issued by the Department. Certificates are valid for three (3) years from the date of issuance. Instructors must renew by submitting an application every three (3) years, not less than thirty (30) days prior to expiration of current certification.

(2) Enhanced Handgun Safety Schools may utilize attorneys who are not Department Certified Instructors to instruct only that portion of classroom instruction directly related to the legal liabilities and other legal aspects of the instruction.

~~(3) Instructors for Public Handgun Safety Schools who instruct for Private Handgun Safety Schools and Instructors for Private Handgun Safety Schools who instruct for Public Handgun Safety Schools must meet the requirement of 1340-2-3-.06(2).~~

~~(4) Handgun Safety Schools may utilize personnel other than Department Certified Instructors to instruct only that portion of classroom instruction directly related to the legal liabilities and other legal aspects of the~~

~~instruction.~~

Authority: T.C.A. §§4-3-2009 and 39-17-1351. ~~Administrative History: Original rule filed January 25, 1995; effective April 10, 1995. Amendment filed September 16, 1996; effective January 28, 1997~~

1340-02-03-.07 ~~FIRING RANGE REQUIREMENTS~~ Firing Range Requirements.

- (1) Ranges shall be of adequate size to safely accommodate the number of students being trained.
- (2) Ranges are to be constructed in such a manner as to ensure the safety of the students, instructors, spectators, and all others in the immediate area.
- (3) Access to the ranges should be limited, with controlled points of ingress.
- (4) Warning signs, flags, lights, and/or audible devices shall be utilized to ensure safety to others.
- (5) All ranges shall have a first aid kit ~~on-site~~ consisting of a, at a minimum, tourniquet, bandages, gauze, nitrile gloves, surgical tape, and trauma shears while the class is in session.
- (6) All ranges shall have ready access to a telephone or other communication devices in the event of an emergency situation while class is in session.
- (7) All ranges must comply with all applicable state, local ~~local~~ county, and municipal ordinances/laws.
- (8) All firing shall be done on a standard silhouette type targets ~~or others~~ approved by the ~~Program~~ Director.
- (9) The overall safety of any firing range shall be determined by the ~~Program~~ Director. Any firing range determined to be unsafe may be suspended or denied until the range is made safe.

Authority: T.C.A. §§4-3-2009 and 39-17-1351. ~~Administrative History: Original rule filed January 25, 1995; effective April 10, 1995.~~

1340-02-03-.08 ~~FEES~~ Fees.

- (1) Fees charged by ~~Enhanced~~ Handgun Safety Schools for the instruction of students shall not be established by the Department and are considered individual contracts between the student and ~~Enhanced~~ Handgun Safety Schools.
- (2) Application Fees:
 - (a) ~~Private~~ Enhanced Handgun Safety Schools making application to the Department shall ~~remit pay~~ an application fee of fifty dollars (\$50.00) to the Department. There is no fee to apply for annual renewals.

~~1. This same fee shall apply upon application for renewal for previously approved Handgun Safety Schools.~~
 - (b) Schools operated by governmental bodies or other public entities approved by the Department to conduct Enhanced Handgun Safety Courses are exempt from paying a fee if they provide the course for free.
 - ~~(b)~~ (c) Instructors making application to the Department shall ~~remit~~ pay an application fee of twenty-five dollars (\$25.00) to the Department. There is no fee to apply for renewals.

~~1. This same fee shall apply upon application for renewal for previously approved instructors.~~

Authority: T.C.A. §§4-3-2009 and 39-17-1351. ~~Administrative History: Original rule filed January 25, 1995; effective April 10, 1995. Amendment filed September 16, 1996; effective January 28, 1997~~

1340-02-03-.09 ~~FINANCIAL RESPONSIBILITY REQUIREMENTS~~ Financial Responsibility Requirements.

- (1) Each Enhanced Handgun Safety School must obtain, maintain, and provide evidence of financial responsibility as a condition of approval for certification.
- (2) ~~Public Handgun Safety Schools shall meet these requirements under the provisions of the Governmental Tort Liability provisions of State law. (T.C.A. Title 29, Chapter 20) Schools operated by governmental bodies or other public entities approved by the Department to conduct Enhanced Handgun Safety Courses are exempt from the insurance requirement if they meet these requirements under the Governmental Tort Liability provisions of T.C.A. Title 29, Chapter 20.~~
- (3) ~~All-Private~~ Enhanced Handgun Safety Schools may comply with the financial responsibility requirement by providing the Department one (1) of the following:
 - (a) Written proof of liability insurance coverage provided by a single limit policy with a limit of not less than three hundred thousand (\$300,000) applicable to one (1) accident;
 - (b) Written proof of liability insurance provided by a split limit policy with a limit of not less than one hundred and fifty thousand dollars (\$150,000) for bodily injury to or death of one (1) person, not less than three hundred thousand dollars (\$300,000) for bodily injury or death of two (2) or more persons in any one (1) accident and not less than fifty thousand dollars (\$50,000) for damage to property in any one (1) accident;
 - (c) A deposit of cash in the amount of three hundred thousand dollars (\$300,000);
 - (d) The execution and filing of a bond in the amount of three hundred thousand dollars (\$300,000); or
 - (e) The filing of a surety in an amount of not less than three hundred thousand dollars (\$300,000) subject to the approval of the ~~Commissioner~~ Director.
- (4) No policy or bond shall be effective unless it bears an issuance and expiration date, is issued by an insurance company or surety company licensed to do business in this state and unless such policy or bond provides security not less than the amounts specified in 1340-02-03-09(3).
- (5) This requirement does not preclude insurance which, by its nature, provides coverage for this purpose as well as other general liability provisions.

Authority: T.C.A. §§39-17-1351(b)(2) and 39-17-1360, and Public Chapter 934 of 1994. ~~Administrative History: Original rule filed January 25, 1995; effective April 10, 1995. Amendment filed September 16, 1996; effective January 28, 1997~~

1340-02-03-.10 ~~SUSPENSION, REVOCATION, OR DENIAL OF CERTIFICATION~~ Suspension, Revocation, or Denial of Certification.

- (1) The Commissioner, or ~~his or her~~ designee, may, upon receipt of satisfactory evidence ~~from the Program Director~~, suspend, revoke, refuse to issue, or refuse to renew the certification of a Handgun Safety School or handgun instructor if:
 - (a) The holder of any certificate fails to comply with the provisions of the rules and regulations of the Department or any associated state statute;
 - (b) The holder of any certificate fails to maintain eligibility requirements by;

(i) Having been convicted of a felony offense, stalking offense, or domestic violence offense at any time

(ii) Having been convicted of any drug related offense or alcohol related offense in the past ten (10) years;

(iii) Currently being subject to an active order of protection, or

(iv) Be disqualified from purchasing, possessing, or carrying a firearm at the time of application.

~~(b)(c)~~ The holder of any certification has made a false statement or has concealed a material fact in connection with ~~his~~ their application;

~~(e)(d)~~ The holder of any certification has been guilty of a fraudulent practice in attempting to obtain for themselves or another certification;

~~(d)(e)~~ Written notice of the cancellation of insurance or bond required by the regulation is received by the Department and the certificate holder does not present satisfactory evidence of financial responsibility to the Department prior to the effective date of the cancellation; ~~and,~~

~~(e)(f)~~ The holder of any certification engages in illegal, unsafe, or other behavior that the Director deems as unprofessional; and,

~~(f)(g)~~ The holder of any certification fails to maintain the minimum standards established herein.

- (2) Any suspension, revocation, or denial of certification issued for violation of these rules and regulations shall be governed by the contested case provisions of T.C.A. Title 4, Chapter 5 ~~of the~~ Uniform Administrative Procedures Act.

(a) A proposed suspension may be initiated if the Department finds any violation set forth in these rules and regulations.

(i) If any violations of these rules and regulations are found, the Department shall notify the certificate holder of the violation in writing and electronically. The certificate holder shall have thirty (30) days from the date of the notice to show satisfactory compliance to the Director or designated Department representative.

(ii) If, after thirty (30) days from the date of the violation notice, the certificate holder has failed to comply with the rules and regulations set forth, the Department shall issue a Notice of Proposed Suspension by mail and electronically to the certificate holder advising the holder of the reason for this action or intended action of the Department and of the opportunity for an administrative hearing before a hearing officer. The Administrative Hearing request must be submitted in writing to the Department within fifteen (15) days from receipt of the Notice of Proposed Suspension.

(iii) The Department shall provide the certificate holder a hearing before a hearing officer on the date and time specified in the notice. The sole issue to be considered is whether the certificate holder violated any rules set forth in these rules and regulations. An Initial Order will be entered by the hearing officer within fifteen (15) days of the completed hearing. If the certificate holder fails to request a hearing or fails to appear for the administrative hearing, the hearing officer will issue an Initial Order of Suspension.

(iv) If the hearing officer upholds the findings of the Department, an Initial Order of Suspension will be issued and a copy will be mailed to the certificate holder.

(b) A summary (emergency) suspension shall be initiated against the certificate holder if the Department finds that public health, safety, or welfare imperatively requires emergency action.

(i) Prior to the institution of the Department proceedings, the Department shall give notice by mail and electronically to the certificate holder of the fact or conduct that warrants the intended action, and it will state that the certificate holder shall be given an opportunity to show compliance with all lawful requirements for retention of the license. If the Department finds that public health, safety, or welfare imperatively requires emergency action, a summary (emergency) suspension of a license may be ordered pending proceedings for revocation or other action. These proceedings shall be promptly instituted and determined. In issuing an Order of Summary Suspension, the Department shall use one (1) of the following procedures:

(A) The Department shall issue a notice to the certificate holder providing an opportunity for a prompt hearing, review, or conference before the Director prior to the issuance of an Order of Summary Suspension; or

(B) The Department shall proceed with the summary suspension and notify the certificate holder of the opportunity for a hearing before the Program Director within seven (7) business days of the issuance of the Order of Summary Suspension.

(c) The notice provided to the certificate holder may be provided by any reasonable means. It shall inform the certificate holder of the reason for the action or intended action of the agency and of the opportunity for an informal hearing, review, or conference before the Director. The informal hearing, review, or conference described by this section shall not be required to be held under the contested case provisions of the Uniform Administrative Procedures Act. The hearing, review, or conference is intended to provide a reasonable opportunity for the certificate holder to present the holder's version of the situation to the Director. Whether the hearing, review, or conference is held before or after an Order of Summary Suspension, the sole issue to be considered is whether the public health, safety, or welfare imperatively required emergency action by the Department.

Authority: T.C.A. §§4-3-209 and 39-17-1351. ~~Administrative History: Original rule filed January 25, 1995; effective April 10, 1995. Amendment filed September 16, 1996; effective January 28, 1997~~

1340-02-03-.11 ~~CERTIFICATE OF COMPLETION FOR STUDENTS~~ Certificate of Completion for Students.

(1) Students who successfully complete ~~a~~ an Enhanced Handgun Safety Course conducted by ~~an approved Department-certified~~ Enhanced Handgun Safety School shall be issued a Department certificate of completion.

(a) The certificate shall bear the following ~~minimal~~ information:

~~1. Student:~~

~~(i) Full name, social security number, and county of residence.~~

~~2. Handgun Safety School:~~

~~(i) Name of Safety School, and Department assigned identification number.~~

~~3. Instructor:~~

~~(i) Name, signature and social security number.~~

~~4. Handgun:~~

~~(i) Manufacturer's name, model, and caliber.~~

~~5. Issuance date.~~

~~(i) Student name and Drivers License number or Personal Identification License;~~

~~(ii) Name and ID number of Safety School;~~

~~(iii) Instructor name and ID number; and,~~

~~(iv) Date of issuance.~~

Authority: T.C.A. §§4-3-2009, and 39-17-1351. ~~*Administrative History:* Original rule filed January 25, 1995; effective April 10, 1995. Amendment filed September 16, 1996; effective January 28, 1997~~

1340-02-03-.12 GENERAL REQUIREMENTS General Requirements.

- (1) The rules, regulations, and requirements established herein are minimums and may be exceeded.
- (2) No alcoholic beverages or illegal drugs shall be brought onto, consumed, or stored on the premises of any Enhanced Handgun Training School site during classroom/range instruction.
- (3) No prohibited weapons, as defined by T.C.A. §39-17-1302, of any type will be possessed by any person at or on the premises of any site when an Enhanced Training School is being conducted.
- (4) Any authorized representative of the Department shall be permitted to inspect the Enhanced Handgun Safety School site at any time during normal State business hours, as defined in T.C.A. §4-4-105 or during the conducting of an Enhanced Handgun Safety Course.
- (5) No solicitation of students of the Enhanced Handgun Safety Course may take place while the Course is being conducted. No vendor may sponsor a course or advertise in person, video, or through printed material while the course is being conducted.
- (6) Upon request, schools must provide the Department an up-to-date schedule of Enhanced training classes.
- (7) Instructors are required to report as soon as possible, but no longer than 12 hours, to the Department all serious bodily injuries which occur to participants or the public stemming from instructing the Enhanced class.

Authority: T.C.A. §§4-3-2009 and ~~39-17-1351~~ 39-17-1360. ~~*Administrative History:* Original rule filed January 25, 1995; effective April 10, 1995. Amendment filed September 16, 1996; effective January 28, 1997~~