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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:	Department of Safety
Division:	Highway Patrol
Contact Person:	Elizabeth Stroecker
Address:	312 Rosa L Parks Ave., 25 th Floor, Nashville, TN
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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 Please make sure that **ALL** new rule and repealed rule numbers are listed in the chart below.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
1340-03-07	Driver Education Courses
Rule Number	Rule Title
1340-03-07-.01	Purpose
1340-03-07-.02	Definitions
1340-03-07-.03	Driver Education Course Provider Requirements
1340-03-07-.04	Driver Education Course Instructor Requirements
1340-03-07-.05	Denial, Revocation or Suspension
1340-03-07-.06	Hearings

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>.

These rules are being amended to update outdated TCA citations, website locations, grammar and department procedures. The majority of these changes are not substantive but reflect current state and federal standards as well as more complete descriptions of the requirements in the rules.

**RULES
OF
TENNESSEE DEPARTMENT OF SAFETY
HIGHWAY PATROL**

**CHAPTER 1340-03-07
DRIVER EDUCATION COURSES**

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1340-03-07-.01 Purpose.

- (1) To establish a system for the application, approval, regulation and standardization of Driver Education Courses by the Tennessee Department of Safety.

Authority: T.C.A. §§ 4-3-2009 and 55-10-301.

1340-03-07-.02 Definitions.

- (1) "Commissioner" shall mean the Commissioner of the Tennessee Department of Safety.
- (2) "Department" shall mean the Tennessee Department of Safety.
- (3) "Driver Education Course" shall mean a classroom or on-line curriculum of driver safety training consisting of not less than four (4) hours which has been approved by the Department.
- (4) "Driver Education Course Instructor" shall mean an individual who is approved by the Department for the purpose of conducting a Driver Education Course.
- (5) "Driver Education Course Provider" shall mean an entity approved by the Department to operate and conduct a Driver Education Course and shall include:
 - (a) County, municipality or other entity of local government;
 - (b) Nonprofit organization as defined by the Internal Revenue Code, 26 U.S.C. § 501(c)(3); or
 - (c) Private entity, provided the entity meets or exceeds all the requirements of T.C.A. § 55-10-301(b)(1)(C).
- (6) "Governmental employee" shall mean employees and officials of the state of Tennessee and its political subdivisions who are employed as law enforcement employees or officials; probation and

parole employees or officials; judicial employees or officials, or correctional employees or officials, including employees and officials of jails and workhouses.

- (7) "Immediate family" shall mean and include the employee's spouse/partner, mother, father, siblings, adult children or maternal and paternal grandparents.

Authority: T.C.A. §§ 55-10-301 and 40-35-302(g).

1340-03-07-.03 Driver Education Course Provider Requirements.

- (1) An entity which proposes to offer a Driver Education Course must submit an application and all required documentation to the Department. This application can be found at www.tn.gov/safety/driver-services/--driver-education-courses--traffic-schools-.html. Upon submitting application, a nonrefundable application fee in the amount of one hundred fifty dollars (\$150.00) must be mailed to the Department at the address provided at the time of application.
- (2) Upon initial approval, the applicant will be provided a Certificate by the Department. The Certificate shall be maintained on file and provided upon request.
- (3) A provider will be required to submit an annual renewal application, required documentation and application fee in the amount of fifty dollars (\$50.00) through the same process as an original applicant.
- (4) A provider must provide a minimum of four (4) hours of classroom or on-line driver safety training which has been determined by the Department to meet or exceed the standards of the American Automobile Association, National Safety Council or other recognized curriculum that has been submitted for review and approved by the Department and which is designed to educate persons committing minor traffic violations and to deter future violations. Such entities may seek the Department directly on any requests to be approved as a provider.
- (5) A provider may assess a reasonable fee between fifty dollars (\$50.00) or one hundred seventy-five dollars (\$175.00) for the Driver Education Course, provided that no person shall be refused admittance for inability to pay. This fee shall apply only to Driver Education Courses that may be required pursuant to T.C.A. § 55-10-301 and shall not apply to any program offered pursuant to the provisions of T.C.A. Title 49, Chapter 1, or to any other driving instruction school.
- (6) A provider will issue a certificate of completion to each student who has successfully completed the Driver Education Course. Such certificate shall have thereon the student's full name, driver license number, date of birth, course name, hours completed and the Driver Education Course Provider's name and address.
- (7) No governmental employee or the employee's immediate family shall have a direct or indirect personal interest in a private entity that provides a Driver Education Course and shall not receive anything of value in an individual capacity from the private entity.
- (8) A provider must comply with or exceed the minimum standards set forth herein.
- (9) A provider must only use Instructors who meet the qualifications set forth herein.
- (10) A provider must maintain the following records for a period of three (3) years and ensure that such records are available for inspection by the Department during business hours:
 - (a) A roster of each class, listing the course name, location, Instructor's full name, student names, driver license numbers and date of birth.
 - (b) A receipt for each student stating the student's full name, driver license number and amount paid.

- (c) A list of students who have successfully completed the Driver Education Course, with each student's full name, driver license number, date of birth, course name and class location.
 - (d) Course material, which shall include the most recent material to teach crash prevention, and safe and defensive driving.
 - (e) Any other records that may be required by the Department.
- (11) A provider must ensure compliance with all Department rules and regulations.
 - (12) A provider must update any change(s) in information on the application or any change in ownership or Instructors through the Department's online portal within seven (7) business days.
 - (13) A provider must be open for periodic on-site inspection by the Department, with or without Notice.
 - (14) A provider shall not hire any person as an Instructor or otherwise who is an employee of the Department.
 - (15) A provider shall comply with the requirements of the Americans with Disabilities Act.

Authority: T.C.A. §§ 55-10-301 and 40-35-302(g).

1340-03-07-.04 Driver Education Course Instructor Requirements.

- (1) Driver education Course Instructors must:
 - (a) Be at least twenty-one (21) years of age;
 - (b) Submit documentation verifying applicant possesses a high school diploma or a General Education Diploma;
 - (c) Have and maintain a valid driver license that has not been revoked, suspended or cancelled for any reason in the three (3) years preceding the date of hire;
 - (d) Submit a Tennessee Bureau of Investigations TORIS criminal history report verifying applicant has no conviction for a felony or any crime involving violence, dishonesty, deceit, fraud, or indecency. Active Law Enforcement Officers may submit documentation from employer that a criminal history check was conducted at the time of employment. Documentation must be on the agency's letterhead;
 - (e) Not be an employee of the Department;
 - (f) Submit documentation that applicant has successfully completed a Driver Education Instructor's Development Course operated by:
 - 1. The American Automobile Association;
 - 2. National Safety Council;
 - 3. Current law enforcement POST certification obtained within 12 months of application (for active law enforcement officers only); or
 - 4. Another certified Instructor Development Course submitted and determined by the Department to meet or exceed the standards of the American Automobile Association or National Safety Council. Such entities may seek the Department directly on any requests to be approved as a provider; and,
 - (g) The Instructor shall maintain current certification on file with the department through the online portal.

- (2) No governmental employee or the employee's immediate family shall have a direct or indirect personal interest in a private entity that provides a Driver Education Course and shall not receive anything of value in an individual capacity from the private entity.

Authority: T.C.A. §§ 55-10-301 and 40-35-302(g).

1340-03-07-.05 Denial, Revocation or Suspension.

- (1) The Department may deny, revoke or suspend a Driver Education Course Provider or Instructor for any violation of the law, rules or regulations relating to the operation of a Driver Education Course.
- (2) The Department may deny, revoke or suspend the Driver Education Course Provider or Instructor for actions including, but not limited to, the following:
 - (a) Conviction of a Provider or Instructor for a felony or any crime involving violence, dishonesty, deceit, fraud or indecency.
 - (b) Knowingly presenting false or misleading information to the Department.
 - (c) Failure or refusal to permit the Department to inspect, audit or investigate the Driver Education Course Provider's premises, the Driver Education Course instruction records, financial records, etc.
 - (d) Failure to submit the application with supporting documentation and/or the required fees within the prescribed time limit.
 - (e) Failure to maintain Department approved standards in instruction, equipment or facilities.
 - (f) The presence of alcoholic beverages or narcotic drugs on the premises.
 - (g) The presence of any type of weapon on the premises, except a weapon carried by a commissioned law enforcement officer or an individual with an authorized and valid carry permit.

Authority: T.C.A. §§ 55-10-301 and 40-35-302(g).

1340-03-07-.06 Hearings.

- (1) Any Provider or Instructor of a Driver Education Course who has been denied, revoked or suspended shall have the right to request a hearing in writing within thirty (30) days of the date of written notification of such action.
- (2) The hearing shall be before the Commissioner or the Commissioner's designee and held in accordance with the Uniform Administrative Procedures Act, T.C.A. § 4-5-101 et seq.

Authority: T.C.A. §§ 55-10-301 and 4-5-101 et seq.

* 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)

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Department of Safety (board/commission/other authority) on 02/06/2023 (mm/dd/yyyy), 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: (12/05/2022)

Rulemaking Hearing(s) Conducted on: (add more dates). (02/06/2023)

Date: May 16, 2023

Signature: Elizabeth R. Stroecker

Name of Officer: Elizabeth Stroecker

Title of Officer: Director of Legislation & Assistant General Counsel

Agency/Board/Commission: Department of Safety

Rule Chapter Number(s): 1340-03-07 Driver Education Courses

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
Jonathan Skrmetti

Attorney General and Reporter

6-8-23

Date

Department of State Use Only

Filed with the Department of State on: 6/9/2023

Effective on: 9/7/2023

RECEIVED

Jun 09 2023, 2:02 pm

Secretary of State
Division of Publications

Tre Hargett

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.
Please see attached hearing transcript that addresses all comments and questions.

1340-03-07 Public Comments and Agency Responses:

- Comment (multiple comments on the statutory fee): does not like the statute says the fee charged can be between \$50-\$175 and that companies can charge whatever they want for a course.
 - Response: no response required as this is in statute and not relative to a rule change.
- Comment: wants the statutory fee to be a set limit and not an option between \$50-\$175.
 - Response: no response required as this is in statute and not relative to the rule change.
- Comment: wants to know how the Department makes sure someone is paying taxes out of state and paying what is owed for in state taxes.
 - Response: no response required as this is not handled by the Department.
- Comment: would like the rules to include programs that have research behind it.
 - Response: The department declines to make this change has all programs included are nationally recognized and accredited with research behind them.
- Comment: comment that a specific organization can waive statutory fees with court approval.
 - Response: no response required as this is statutory and the Department cannot dictate what the court does.
- Comment: wants the rules to say when statutory fees can be waived and when someone can't afford them.
 - Response: the Department declines to make this change as this is outside the scope of the rules or the Department's authority.
- Comment: comments on whether or not an organization has to charge a fee the statute allows under an Attorney General Opinion.
 - Response: decline to make this change as this is outside the scope of the Department's authority and is describes in TCA.
- Comment: comment that the auditing and licensing program is working.
 - Response: no response is required.
- Comment: recommendations that the Department learn auditing from the member of the public.
 - Response: the Department declines to make this change as the Department prefers to follow the Department internal audit procedures.
- Comment: question on if out of state schools are audited.
 - Response: the Department does not have the authority to audit out of state schools and declines to make this change.

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.

This rule will not affect small businesses.

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 will not impact 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;

These rules are being amended to update outdated TCA citations, website locations, grammar and department procedures. The majority of these changes are not substantive but reflect current state and federal standards as well as more complete descriptions of the requirements in the rules.

- (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;

T.C.A. §§ 4-3-2009; 55-10-301; 40-35-302(g); 4-5-101 et seq.

- (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;

These rules are required to set the standards for driver education courses that are completed by the public. The department has not received any negative responses from the entities impacted by these rules.

- (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;

The department is not aware of any opinions or judicial ruling directly relating 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;

N/A.

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

Elizabeth Stroecker
Legislative Director
312 Rosa L. Parks Ave., Nashville, TN, 37243
615-251-5199
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- (G) Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

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- (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

Elizabeth Stroecker
Legislative Director
312 Rosa L. Parks Ave., Nashville, TN, 37243

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

N/A

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**CHAPTER 1340-03-07
DRIVER EDUCATION COURSES**

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1340-03-07-.01 ~~PURPOSE~~ Purpose.

- (1) To establish a system for the application, approval, regulation and standardization of Driver Education Courses by the Tennessee Department of Safety.

Authority: T.C.A. §§ 4-3-2009 and 55-10-301. ~~Administrative History: Original rule filed May 13, 2010; effective October 29, 2010.~~

1340-03-07-.02 ~~DEFINITIONS~~ Definitions.

- (1) "Commissioner" shall mean the Commissioner of the Tennessee Department of Safety.
- (2) "Department" shall mean the Tennessee Department of Safety.
- (3) "Driver Education Course" shall mean a classroom or on-line curriculum of driver safety training consisting of not less than four (4) hours which has been ~~determined~~ approved by the Department ~~to meet or exceed the standards of the AAA, National Safety Council or such other nationally recognized curriculum approved by the Department and which is designed to educate persons committing minor traffic violations and to deter future violations.~~
- (4) "Driver Education Course Instructor" shall mean an individual who is approved by the Department for the purpose of conducting a Driver Education Course.
- (5) "Driver Education Course Provider" shall mean an entity approved by the Department to operate and conduct a Driver Education Course and shall include:
 - (a) County, municipality or other entity of local government;
 - (b) Nonprofit organization as defined by the Internal Revenue Code, 26 U.S.C. § 501(c)(3); or
 - (c) Private entity, provided the entity meets or exceeds all the requirements of T.C.A. § ~~40-35-302(g)~~ 55-10-301(b)(1)(C).
- (6) "Governmental employee" shall mean employees and officials of the state of Tennessee and its political subdivisions who are employed as law enforcement employees or officials; probation and parole employees or officials; judicial employees or officials, or correctional employees or officials, including employees and officials of jails and workhouses.
- (7) "Immediate family" shall mean and include the employee's spouse/partner, mother, father, siblings, adult children or maternal and paternal grandparents.

Authority: T.C.A. §§ 55-10-301 and 40-35-302(g). ~~Administrative History: Original rule filed May 13, 2010; effective October 29, 2010.~~

- (1) An entity which proposes to offer a Driver Education Course must submit an application ~~supplied by the Department, along with and all required documentation to the Department. This application can be found at www.tn.gov/safety/driver-services/--driver-education-courses--traffic-schools-.html. Upon submitting application, a nonrefundable ~~certified check or money order~~ application fee in the amount of one hundred fifty dollars (\$150.00) ~~for the application fee must be mailed to the Department's Safety Education Unit of the Highway Patrol at the address provided at the time of application.~~~~
- (2) Upon initial approval, the applicant will be provided a Certificate by the Department. The Certificate shall be ~~conspicuously displayed in the primary place of business of the approved applicant maintained on file and provided upon request.~~
- (3) A provider will be required to S~~submit~~ an annual renewal application, required documentation and application fee in the amount of fifty dollars (\$50.00) through the same process as an original applicant.
- (4) A provider must P~~provide~~ a minimum of four (4) hours of classroom or on-line driver safety training which has been determined by the Department to meet or exceed the standards of the ~~AAA American Automobile Association~~, National Safety Council or ~~such~~ other ~~nationally~~ recognized curriculum that has been submitted for review and approved by the Department and which is designed to educate persons committing minor traffic violations and to deter future violations. Such entities may seek the Department directly on any requests to be approved as a provider.
- (5) A provider M~~ay~~ assess a reasonable fee between fifty dollars (\$50.00) or one hundred seventy-five dollars (\$175.00) for the Driver Education Course, provided that no person shall be refused admittance for inability to pay. This fee shall apply only to Driver Education Courses that may be required pursuant to T.C.A. § 55-10-301 and shall not apply to any program offered pursuant to the provisions of T.C.A. Title 49, Chapter 1, or to any other driving instruction school.
- (6) A provider will I~~ssue~~ a certificate of completion to each student who has successfully completed the Driver Education Course. Such certificate shall have thereon the student's full name, driver license number, date of birth, course name, hours completed and the Driver Education Course Provider's name and address.
- (7) No governmental employee or the employee's immediate family shall have a direct or indirect personal interest in a private entity that provides a Driver Education Course and shall not receive anything of value in an individual capacity from the private entity.
- (8) A provider must C~~omply~~ with or exceed the minimum standards set forth herein.
- (9) A provider must O~~only~~ use Instructors who meet the qualifications set forth herein.
- (10) A provider must M~~aintain~~ the following records for a period of three (3) years and ensure that such records are available for inspection by the Department during business hours:
 - (a) A roster of each class, listing the course name, location, Instructor's full name, student names, driver license numbers and date of birth.
 - (b) A receipt for each student stating the student's full name, driver license number and amount paid.
 - (c) A list of students who have successfully completed the Driver Education Course, with each student's full name, driver license number, date of birth, course name and class location.

(Rule 1340-03-07-.03, continued)

- (d) Course material, which shall include the most recent material to teach crash prevention, and safe and defensive driving.
- (e) Any other records that may be required by the Department.
- (11) A provider must ~~E~~nsure compliance with all Department rules and regulations.
- (12) A provider must ~~Immediately notify the Department by mail, facsimile or electronic transmission of update~~ any change(s) in information on the application or any change in ownership or Instructors through the Department's online portal within seven (7) business days.
- (13) A provider must ~~B~~be open for periodic ~~(with or without notice)~~ on-site inspection by the Department, with or without Notice.
- (14) A provider ~~S~~shall not hire any person as an Instructor or otherwise who is an employee of the Department.
- (15) A provider shall ~~C~~comply with the requirements of the Americans with Disabilities Act ~~of 1990.~~

Authority: T.C.A. §§ 55-10-301 and 40-35-302(g). ~~*Administrative History:* Original rule filed May 13, 2010; effective October 29, 2010.~~

1340-03-07-.04 ~~DRIVER EDUCATION COURSE INSTRUCTOR REQUIREMENTS~~ Driver Education Course Instructor Requirements.

- (1) Driver education Course Instructors must:
 - (a) ~~Must~~ be at least twenty-one (21) years of age;
 - (b) Submit documentation verifying applicant possesses a high school ~~graduate diploma or passed the GED a General Education Diploma;~~
 - (c) ~~h~~Have and maintain a valid driver license that has not been revoked, suspended or cancelled for any reason in the three (3) years preceding the date of hire;
 - (d) Submit a Tennessee Bureau of Investigations TORIS criminal history report verifying applicant ~~has~~ no conviction for a felony or any crime involving violence, dishonesty, deceit, fraud, or indecency. Active Law Enforcement Officers may submit documentation from employer that a criminal history check was conducted at the time of employment. Documentation must be on the agency's letterhead; and
 - (e) ~~n~~Not ~~be~~ an employee of the Department;
 - (f) Submit documentation that applicant has ~~(2) Shall have attended and~~ successfully completed a Driver Education ~~Course~~ Instructor's Development School Course operated by:
 - 1. ~~AAA The American Automobile Association;~~
 - 2. National Safety Council;
 - 3. Current law enforcement POST certification obtained within 12 months of application (for active law enforcement officers only); or
 - 4. ~~such~~ Another certified-school Instructor Development Course submitted and approved determined by the Department to meet or exceed the standards of the American Automobile Association or National Safety Council. Such entities may seek the Department directly on any requests to be approved as a provider. The Driver Education Course Provider shall send a copy of the Instructor's certificate of completion to the Department's Safety Education Unit. ; and,
 - (g) The Instructor shall maintain current certification on file with the department through the online portal.
- (2) ~~(3)~~ No governmental employee or the employee's immediate family shall have a direct or indirect

personal interest in a private entity that provides a Driver Education Course and shall not receive anything of value in an individual capacity from the private entity.

Authority: T.C.A. §§ 55-10-301 and 40-35-302(g). ~~**Administrative History:** Original rule filed May 13, 2010; effective October 29, 2010.~~

1340-03-07-.05 ~~DENIAL, REVOCATION OR SUSPENSION~~ Denial, Revocation or Suspension.

- (1) The Department may deny, revoke or suspend a Driver Education Course Provider or Instructor for any violation of the law, rules or regulations relating to the operation of a Driver Education Course.
- (2) The Department may deny, revoke or suspend the Driver Education Course Provider or Instructor for actions including, but not limited to, the following:
 - (a) Conviction of a Provider or Instructor for a felony or any crime involving violence, dishonesty, deceit, fraud or indecency.
 - (b) Knowingly presenting false or misleading information to the Department.
 - (c) Failure or refusal to permit the Department to inspect, audit or investigate the Driver Education Course Provider's premises, the Driver Education Course instruction records, financial records, etc.
 - (d) Failure to submit the application with supporting documentation and/or the required fees within the prescribed time limit.
 - (e) Failure to maintain Department approved standards in instruction, equipment or facilities.
 - (f) The presence of alcoholic beverages or narcotic drugs on the premises.
 - (g) The presence of any type of weapon on the premises, except a weapon carried by a commissioned law enforcement officer or an individual with an authorized and valid carry permit.

Authority: T.C.A. §§ 55-10-301 and 40-35-302(g). ~~**Administrative History:** Original rule filed May 13, 2010; effective October 29, 2010.~~

1340-03-07-.06 ~~HEARINGS~~ Hearings.

- (1) Any Provider or Instructor of a ~~Defensive Driving~~ Driver Education Course who has been denied, revoked or suspended shall have the right to request a hearing in writing within thirty (30) days of the date of written notification of such action.
- (2) The hearing shall be before the Commissioner or the Commissioner's designee and held in accordance with the Uniform Administrative Procedures Act, (T.C.A. § 4-5-101 et seq.).

Authority: T.C.A. §§ 55-10-301 and 4-5-101 et seq. ~~**Administrative History:** Original rule filed May 13, 2010; effective October 29, 2010.~~