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Sequence Number: 10-30-23
Rule ID(s): 9955
File Date: 10/30/2023
Effective Date: 1/28/2024

Rulemaking Hearing Rule(s) Filing Form

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

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

Agency/Board/Commission:	Department of Safety
Division:	Driver Control
Contact Person:	Elizabeth Stroecker
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Revision Type (check all that apply):

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

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 Please make sure that **ALL** new rule and repealed rule numbers are listed in the chart below.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
1340-02-01	Rules of Procedure for Hearing Contested Cases
Rule Number	Rule Title
1340-02-01-.01	Rules of Procedure for Hearing Contested Cases

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 need to be updated to be compliant with current model rules of contested cases from the Secretary of State. These changes update these rules to be compliant.

**RULES OF
TENNESSEE DEPARTMENT OF
SAFETY ADMINISTRATIVE
DIVISION**

**CHAPTER 1340-02-01
RULES OF PROCEDURE FOR HEARING**

CONTESTED CASES TABLE OF CONTENTS

1340-02-01-.01 Rules of Procedure for Hearing Contested Cases

1340-02-01-.01 Rules of Procedure for Hearing Contested Cases. The Uniform Rules of Procedures for Hearing Contested Cases Before State Administrative Agencies, Rule 1360-04-01, promulgated by the Tennessee Secretary of State are hereby adopted by the Tennessee Department of Safety to be used in the hearing of contested cases other than hearings under Rule 1340-02-02, Rules of Procedure for Asset Forfeiture Hearings.

Authority: T.C.A. § 4-3-2009, T.C.A. § 4-5-219.

* 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 on 09/11/23 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: 06/06/2023

Rulemaking Hearing(s) Conducted on: (add more dates). 08/07/2023

Date: 09/11/2023

Signature: Elizabeth R. Stroecker

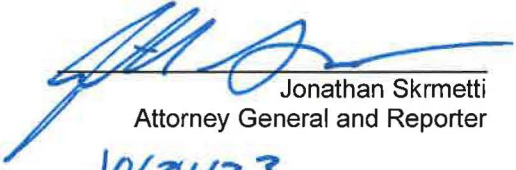
Name of Officer: Elizabeth Stroecker

Title of Officer: Director of Legislation & Assistant General Counsel

Agency/Board/Commission: Department of Safety

Rule Chapter Number(s): 1340-02-01

All rulemaking hearing rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.


Jonathan Skrmetti
Attorney General and Reporter
10/24/23
Date

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Filed with the Department of State on: 10/30/2023

Effective on: 1/28/2024

RECEIVED

Oct 30 2023, 10:09 am

Secretary of State
Division of Publications


Tre Hargett
Secretary of State

Public Hearing Comments

One copy of a document that satisfies T.C.A. § 4-5-222 must accompany the filing.
There was not anyone present at the public hearing, either virtually or in person.

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 amendment does not impact small business as it puts Department rules for contested cases in compliance with current law.

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 amendment does not impact local governments as it puts Department rules for contested cases in compliance with current law.

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 updated to be compliant with the current model rules of contested cases from the Secretary of State.

- (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;

These rules are being amended pursuant to T.C.A. §§ 4-3-2009 and 4-5-219.

- (C) Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

The Department is not aware of any persons or organizations this rule amendment will impact as it puts the rules in compliance with current state standards for contested cases.

- (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 attorney general opinions or judicial rulings that directly relate to the rule amendments.

- (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;

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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

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

The Department is not aware of any additional information the committee should be aware of.

RULES
OF
TENNESSEE DEPARTMENT OF SAFETY
ADMINISTRATIVE DIVISION

CHAPTER 1340-2-1
RULES OF PROCEDURE FOR HEARING CONTESTED CASES

TABLE OF CONTENTS

1340-2-1-.01 Rules of Procedure for Hearing Contested Cases

1340-2-1-.01 ~~RULES OF PROCEDURE FOR HEARING CONTESTED CASES.~~ Rules of Procedure for Hearing Contested Cases. ~~The Rules of Procedure For Hearing Contested Cases promulgated by the Tennessee Department of Safety, Driver Control Division, Chapter 1340-1-8 and inclusive of Sections 1340-1-8-.01 through 1340-1-8-.23, filed with the Secretary of State on December 17, 1976, are hereby adopted by the Tennessee Department of Safety, Administrative Division, as Chapter 1340-2-1 and inclusive of Sections 1340-2-1-.01 through 1340-2-1-.23, as Rules of Procedure For Hearing Contested Cases.~~ **The Uniform Rules of Procedures for Hearing Contested Cases Before State Administrative Agencies, Rule 1360-04-01, promulgated by the Tennessee Secretary of State are hereby adopted by the Tennessee Department of Safety to be used in the hearing of contested cases other than hearings under Rule 1340-02-02, Rules of Procedure for Asset Forfeiture Hearings.**

Authority: ~~T.C.A. §509 (a)(1) T.C.A. § 4-3-2009, T.C.A. § 4-5-219.~~ **Administrative History:** ~~Original rule filed March 20, 1977; effective April 19, 1977.~~