

Proposed Rules
of
The University of Tennessee - 1720
The University of Tennessee, Martin

Chapter 1720-05-06

Traffic and Parking Regulations

Presented herein are proposed amendments of The University of Tennessee submitted pursuant to T.C.A. §4-5-202 in lieu of a rulemaking hearing. It is the intent of The University of Tennessee to promulgate these amendments without a rulemaking hearing unless a petition requesting such hearing is filed within thirty (30) days of the publication date of the issue of the Tennessee Administrative Register in which the proposed amendments are published. Such petition to be effective must be filed in Room 719 of the Andy Holt Tower located at The University of Tennessee, 1331 Circle Park Drive, Knoxville, Tennessee 37996-0170, and in the Department of State, 8th Floor, Tennessee Tower, William R. Snodgrass Building, 312 8th Avenue North, Nashville, Tennessee 37243, and must be signed by twenty-five (25) persons who will be affected by the amendments, or submitted by a municipality which will be affected by the amendments, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly.

For a copy of these proposed amendments, contact: Matthew M. Scoggins, Assistant General Counsel, The University of Tennessee, Office of General Counsel, 719 Andy Holt Tower, 1331 Circle Park Drive, Knoxville, TN 37996-0170, telephone number (865) 974-2356.

The text of the proposed amendments is as follows:

Amendments

Paragraph (8) of Rule 1720-05-06-.01 Registration of Vehicles is amended by deleting the word 'handicap' and substituting the word "disability" so that, as amended, the Rule shall read:

- (8) The annual vehicle registration decal will be provided at no cost to anyone qualifying for a permanent disability sticker.

Authority: T.C.A. §49-9-209(e).

Subparagraph (f) of Paragraph (2) of Rule 1720-05-06-.04 Violations is amended by deleting the word "Handicap" and substituting the word "Disability parking" and by adding the language "as defined by state law (e.g., an unauthorized use of a disabled parking space, ramp, plate, or placard; parking a vehicle so that a portion of the vehicle encroaches into a disabled parking space in a manner which restricts, or reasonably could restrict, a person confined to a wheelchair from exiting or entering a vehicle properly parked within the disabled parking space)" after the word "violation" so that, as amended, the Rule shall read:

- (f) Disability parking violation, as defined by state law (e.g., an unauthorized use of a disabled parking space, ramp, plate, or placard; parking a vehicle so that a portion of the vehicle encroaches into a disabled parking space in a manner which restricts, or reasonably could restrict, a person confined to a wheelchair from exiting or entering a vehicle properly parked within the disabled parking space).

Authority: T.C.A. §49-9-209(e).

Paragraph (1) of Rule 1720-05-06-.05 Penalties is amended by deleting the phrase "Violation Fees" and substituting the phrase "Fines and Other Penalties" so that, as amended, the Rule shall read:

- (1) Fines and Other Penalties.

Authority: T.C.A. §49-9-209(e).

Subparagraph (a) of Paragraph (1) of Rule 1720-05-06-.05 Penalties is amended by adding the phrase "(other than disability parking violations)," by adding the phrase "fine for," by adding the word "violation," and by deleting the last two sentences so that, as amended, the Rule shall read:

- (a) Parking violations (other than disability parking violations)—\$20.00 fine for each violation.

Authority: T.C.A. §49-9-209(e).

Paragraph (1) of Rule 1720-05-06-.05 Penalties is amended by adding a new subparagraph (b) and redesignating the existing subparagraph (b) as subparagraph (c) so that, as amended, the Rule shall read:

- (b) The fine for a disability parking violation is set by State law, Tennessee Code Annotated section 55-21-108. As of July 1, 2008, the fine was set at \$200. The fine imposed under these regulations will increase or decrease automatically when increased or decreased by State law. The fine shall not be suspended or waived. In addition to the fine, not more than five (5) hours of community service work may be imposed. Any community service work requirements imposed shall be to assist the disabled community by monitoring disabled parking spaces, providing assistance to disability centers or to disabled veterans, or other such purposes.
- (c) Speeding or reckless driving violations – Offenders will be charged on City or State warrants.

Authority: T.C.A. §49-9-209(e).

Subparagraph (b) of Paragraph (2) of Rule 1720-05-06-.05 Penalties is amended by deleting the word "tickets" and substituting the word "citations;" by adding the phrase "to a student" in the first sentence after the word "issued;" by deleting the words "the privilege of operating a vehicle on campus will be lost for the remainder of that semester. A person who, after having been notified that he has lost this privilege, continues to operate a vehicle on campus will have his vehicle towed away" and substituting the phrase "the student will be notified that the vehicle is subject to being towed" in the first sentence; and by adding the words "If, after this notification, the student receives another citation during the same semester, the student's vehicle will be subject to towing for that citation and each subsequent citation for the remainder of that semester, even if the previous citations have been satisfied by paying fines or other penalties" as the second sentence of the paragraph so that, as amended, the Rule shall read:

- (b) If more than five citations are issued to a student in one semester, the student will be notified that the vehicle is subject to being towed. If, after this notification, the student receives another citation during the same semester, the student's

vehicle will be subject to towing for that citation and each subsequent citation for the remainder of that semester, even if the previous citations have been satisfied by paying fines or other penalties.

Authority: T.C.A. §49-9-209(e).

Subparagraph (c) of Paragraph (2) of Rule 1720-05-06-.05 Penalties is amended by deleting the word "tickets" where it occurs in the subparagraph and substituting the word "citations" so that, as amended, the Rule shall read:

- (c) Any student having outstanding citations (citations which have not been paid) will not be allowed to register for further work until all such charges have been paid.

No transcripts or other information will be made available for such students who are seeking entrance into other institutions.

Authority: T.C.A. §49-9-209(e).

Rule 1720-05-06-.05 Penalties is amended by adding a new paragraph (3) so that, as amended, the Rule shall read:

(3) Enforcement.

- (a) A citation for any type of parking violation must be paid or appealed within fourteen (14) calendar days after the issuance of the citation. If a fine is not paid or appealed within fourteen (14) calendar days after the issuance of the citation, a \$15.00 late charge will be added.
- (b) Windshield notices and/or other methods of notification will be used to provide the owner of the vehicle with: (1) advance notice of the University's intent to tow the owner's vehicle as a result of the owner receiving more than five citations in one semester and (2) the owner's right to a hearing. In the event the owner does not request a hearing or prevail at the hearing, his or her vehicle will be towed whenever it is next found upon the University property parked illegally.
- (c) Vehicles parked in a fire lane, designated disability parking space, reserved parking space, or in such manner as to impede the flow of traffic or disrupt the orderly affairs of the University may be towed/booted/impounded. Owners of vehicles towed/booted/impounded for the above reasons have a right to a hearing by a University official that will be provided on request prior to the payment of any tow charges, fines, and penalties. If tow charges, fines, or penalties are assessed after such hearing, impounded/towed/booted vehicles will be released upon proper identification and receipt of payment of all tow charges, fines, and penalties.

Authority: T.C.A. §49-9-209(e).

The proposed rules set out herein were properly filed in the Department of State on the 17th day of November, 2008, and pursuant to the instructions set out above, and in the absence of the filing of an appropriate petition calling for a rulemaking hearing, will become effective on the 30th day of March, 2009. (FS 11-31-08; DBID 3701)