

TENNESSEE DEPARTMENT OF TRANSPORTATION
Central Services Division, Permit Section

CHAPTER 1680-2-2
Overweight and Overdimensional
Movements on Tennessee Highways

STATEMENT OF NECESSITY REQUIRING PUBLIC NECESSITY RULES

Pursuant to Chapter 803 of the Public Acts of 2002, the Tennessee General Assembly amended and rewrote Tennessee Code Annotated, Title 55, Chapter 4, Part 4, relative to movements of manufactured homes on Tennessee highways (hereinafter referred to as "Part 4"). 2002 Tenn. Pub. Acts, Ch. 803, §§ 1-13, T.C.A. §§ 55-4-401 – 413 (as amended). The General Assembly has directed the Department of Transportation to administer the provisions of Part 4, and it has expressly authorized the Department to promulgate rules for this purpose. 2002 Tenn. Pub. Acts, Ch. 803, § 11, T.C.A. § 55-4-411 (as amended). The General Assembly has further provided that Chapter 803, including the amended provisions of Part 4 to be administered by the Department of Transportation, shall take effect on October 1, 2002. 2002 Tenn. Pub. Acts, Ch. 803, § 17. Therefore, in order to meet the General Assembly's directive to administer the amended provisions of Part 4 by the effective date of October 1, 2002, the Department of Transportation shall promulgate the following amendments to Chapter 1680-2-2 as public necessity rules to become effective as of October 1, 2002.

For a complete copy of the text of these public necessity rules, contact John H. Reinbold, Deputy General Counsel, Tennessee Department of Transportation, Suite 700, James K. Polk Building, 505 Deaderick Street, Nashville, Tennessee 37243-0332, telephone number (615) 741-2941.

PUBLIC NECESSITY RULES
OF THE
TENNESSEE DEPARTMENT OF TRANSPORTATION
Central Services Division, Permit Section

CHAPTER 1680-2-2
Overweight and Overdimensional
Movements on Tennessee Highways

AMENDMENTS

Rule 1680-2-2-.15, Conditions for Movement of Manufactured Houses or Portable Modular Units, is amended by deleting the title of Rule 1680-2-2-.15 in the Table of Contents and substituting the words "Conditions for Permitting Movement of Mobile Homes, Manufactured Homes, Portable Modular Units or House Trailers" as the title, and it is further amended by deleting the rule in its entirety and substituting the following language so that as amended the rule shall read:

1680-2-2-.15 Conditions for Permitting Movement of Mobile Homes, Manufactured Homes, Portable Modular Units or House Trailers.

- (1) Application and Scope of Rule.
 - (a) Notwithstanding any other provision of this Chapter to the contrary, no mobile home, manufactured home, portable modular unit or house trailer as herein defined shall be moved into or through the State of Tennessee or upon the public roads or highways of this State unless and until the owner, operator or transporter thereof has obtained a permit as required under Tennessee Code Annotated, Title 55, Chapter 4, Part 4, and in accordance with the provisions of this Rule.

- (b) A mobile home, manufactured home, portable modular unit or house trailer (hereinafter referred to collectively as a “mobile home”) within the scope of this Rule shall include:
 - 1. Any self-propelled or non-self-propelled vehicle, with a length exceeding thirty-five feet (35’), so designed, constructed, reconstructed or added to by means of accessories in such manner as will permit the use thereof for human habitation, and so constructed to permit its being used as a conveyance upon public streets or highways; or
 - 2. Manufactured houses or portable modular units in excess of eight feet six inches (8’6”) in width or when towing vehicle and manufactured home are in excess of sixty feet (60’) in length.
 - (c) The other provisions of this Chapter shall apply to the movement of a mobile home; provided, however, that in the event of any conflict between the specific provisions of this Rule and any other provisions of this Chapter, the specific provisions of this Rule shall govern.
- (2) General Permit Requirements.
- (a) Any permit required under this Rule shall be issued only in the name of the owner of the mobile home or in the name of the owner of the motor carrier used to transport the mobile home.
 - (b) The permit shall be displayed in the vehicle used to transport the mobile home so as to be visible from outside the vehicle, and it shall be produced for inspection upon request by a representative of any law enforcement agency.
 - (c) A permit shall be required for each category of size (height, width, length and/or weight) in which the mobile home exceeds the normal size limits as provided in Paragraphs (5) through (8) of this Rule.
- (3) Duration and Renewal of Permits.
- (a) Short-term permits shall be valid for a period of six (6) days from the date of issuance, unless suspended in accordance with this Rule. The date of issuance and the expiration date shall be indicated on the permit.
 - (b) Annual permits, where allowed, shall be valid for a period of three hundred and sixty-five (365) days from the date of issuance, unless suspended in accordance with this Rule. The date of issuance and the expiration date shall be indicated on the permit.
 - (c) Upon a sufficient showing that an otherwise valid permit has been lost or destroyed prior to its expiration date, the Department of Transportation shall issue a renewal permit in place of the original permit. The renewal permit shall be valid from the date of its issuance up to the expiration date of the original permit, unless suspended in accordance with this Rule. If a lost permit is subsequently found, it shall be deemed void and ineffective when a renewal permit has been issued in accordance with this subparagraph.
 - (d) It shall be unlawful, and a violation of the terms of a permit issued under this Rule, to display an expired, invalid or suspended permit or to display more than one permit bearing the same permit number.

- (4) Display of Placard.
 - (a) The Department of Transportation shall issue to all annual permit holders a placard bearing the same annual permit number and a telephone number to be used to report unsafe or erratic driving to the Department. There shall be only one placard issued for each annual permit.
 - (b) The transporter of any mobile home being moved under an annual permit shall prominently display the applicable placard on the rear of the mobile home. The annual permit number displayed on the placard must match the permit number on the annual permit displayed in the transporting vehicle as provided in Subparagraph (2)(b) of this Rule; provided, however, that if an annual permit has been replaced by a renewal permit, as provided in Subparagraph (3)(c) of this Rule, the placard may continue to bear the original annual permit number.
 - (c) Upon a sufficient showing that an otherwise valid placard has been lost or destroyed, and upon the receipt of a fifty dollar (\$50.00) replacement fee, the Department of Transportation shall issue a replacement placard bearing the same annual permit number as the original placard it replaces. If a lost placard is subsequently found, it shall be deemed void and ineffective when a replacement placard has been issued in accordance with this subparagraph. There shall be no reimbursement of the replacement fee.
 - (d) Upon the expiration of an annual permit, the placard bearing that annual permit number shall also expire.
 - (e) It shall be unlawful, and a violation of the terms of a permit issued under this Rule, to display an expired, invalid or suspended placard or to display more than one placard bearing the same annual permit number.
 - (f) Failure to properly display a placard as required in Tennessee Code Annotated § 54-4-411, and in accordance with the provisions of this Paragraph, is a Class C misdemeanor punishable by a fine of fifty dollars (\$50.00).
- (5) Special Permit Requirements for Overlength Movements.
 - (a) A special permit shall be required for the movement of any mobile home exceeding sixty feet (60') in length, including the towing vehicle; provided, however, that if the mobile home is being transported under a valid annual overwidth permit, as provided in Paragraph (6) of this Rule, an additional special overlength permit shall only be required if the mobile home exceeds ninety feet (90') in length, including the towing vehicle.
 - (b) A special overlength permit authorized under this Paragraph shall be issued only on a single trip basis under a short-term permit valid for a period not to exceed six (6) days.
 - (c) The fee for each special overlength permit issued under this Paragraph shall be twenty-five dollars (\$25.00).
 - (d) A special overlength permit issued under this Paragraph shall be subject to such additional conditions as are prescribed in applicable provisions of Rule 1680-2-2-.11 governing overlength movements in general.

(6) Special Permit Requirements for Overwidth Movements.

- (a) A special permit shall be required for the movement of any mobile home exceeding eight feet six inches (8'6") in width.
- (b) The movement of mobile homes exceeding 16 feet (16') in width shall not be permitted.
- (c) Special overwidth permits authorized under this Paragraph may be issued on either a short-term basis for a period not to exceed six (6) days from the date of issuance or on an annual basis for a period not to exceed three hundred and sixty-five (365) days from the date of issuance.
- (d) The fee schedule for each overwidth permit issued under this Paragraph shall be as follows:
 - 1. For mobile home widths from eight feet six inches (8'6") wide up to fourteen feet (14') wide:
 - (i) Short-term (6-day) permits: \$50.00
 - (ii) Annual (365-day) permits: \$1,000.00
 - 2. For mobile home widths from eight feet six inches (8'6") wide up to sixteen feet (16') wide:
 - (i) Short-term (6-day) permits: \$100.00
 - (ii) Annual (365-day) permits: \$2,000.00
- (e) A special overwidth permit issued under this Paragraph shall be subject to such additional conditions as are prescribed in applicable provisions of Rule 1680-2-2-.06 governing overwidth movements in general.

(7) Special Permit Requirements for Overheight Movements.

- (a) A special permit shall be required for the movement of any mobile home exceeding fourteen feet two inches (14'2") in height.
- (b) The movement of mobile homes exceeding 15 feet six inches (15' 6") in height shall not be permitted.
- (c) A special overheight permit authorized under this Paragraph shall be issued only on a short-term basis for a period not to exceed six (6) days, and it shall be subject to special routing instructions approved by the Department of Transportation.
- (d) Each permit authorized under this Paragraph shall also be subject to such additional conditions as are prescribed in applicable provisions of Rule 1680-2-2-.10 governing overheight movements in general.
- (e) The fee for each overheight permit issued under this Paragraph shall be fifty dollars (\$50.00).
- (f) The Department of Transportation shall make available, both in printed form and on the Department's official web site at www.tdot.state.tn.us, a list of overpasses on public roads within the State of Tennessee that have been identified as having a

minimum vertical clearance above the roadway of less than fourteen feet six inches (14'6").

1. This list shall be updated at least monthly on the Department's web site and at least annually in printed form. The Department shall charge a fee for the printed list sufficient to offset the administrative cost of compiling, updating, printing and shipping the list.
2. The Department of Transportation makes no representations, and expressly disclaims any warranty, that the information it provides in any list of overpasses on public roads is current or accurate. The information provided in these lists is generated from bridge inspections conducted on a biennial basis. Actual vertical clearances may be subject to change beyond the control or knowledge of the Department, and the posted vertical clearances may vary from the information provided in the Department's list.
3. At all times, the affirmative duty to determine that the route traveled will allow the safe passage of the mobile home shall remain with the transporter and/or seller of the mobile home, as provided in Paragraph (11) below, and nothing in this Paragraph or this Rule shall be construed as shifting this duty to the Department of Transportation.

(8) Special Permit Requirements for Overweight Movements.

The movement of mobile homes shall be subject to other provisions of this Chapter pertaining to excess weight, including without limitation Rule 1680-2-2-.09.

(9) Timing of Movements.

- (a) The movement of mobile homes subject to this Rule shall be permitted only from sunrise to sunset, Monday through Saturday; provided, however, that movements of mobile homes shall not be permitted on legal holidays as enumerated in Tennessee Code Annotated § 15-1-101, including New Year's Day, Martin Luther King, Jr. Day, Washington Day, Good Friday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving Day and Christmas Day.
- (b) Notwithstanding the provisions of Subparagraph (9)(a) of this Rule, the movement of mobile homes eighty-five feet (85') or greater in length, or fourteen feet (14') or greater in width, or fourteen feet two inches (14'2") or greater in height, is prohibited in heavily traveled urban areas between the hours of seven o'clock a.m. (7:00 a.m.) to nine o'clock a.m. (9:00 a.m.) and between the hours of four o'clock p.m. (4:00 p.m.) to six o'clock p.m. (6:00 p.m.).

(10) Safety Precautions and Equipment.

- (a) The transporter of any mobile home subject to this Rule shall at all times comply with applicable statutes, rules and ordinances governing the operation of motor vehicles on public roads and/or the maintenance of appropriate safety equipment on motor vehicles.
- (b) The transporter of a mobile home, and the seller of the mobile home if the seller is someone other than the transporter, shall have the affirmative duty to assure that the undercarriage for the mobile home is equipped with adequate brakes that are operated from the towing vehicle. This affirmative duty shall be primarily the transporter's duty; the seller shall be secondarily liable.

- (c) Any violation of the provisions of this Paragraph shall be deemed a violation of the terms of a permit, if any, issued under this Rule.

(11) Duty to Determine Safe Route for Movement.

- (a) Notwithstanding any other provision of this Rule, the transporter of a mobile home, and the seller of the mobile home if the seller is someone other than the transporter, shall have the affirmative duty to determine that the route over which the mobile home is to be transported allows for the safe passage of the mobile home, taking into account the size, including especially the height and width, of the mobile home. This affirmative duty shall be primarily the transporter's duty; the seller shall be secondarily liable.
- (b) The affirmative duty to determine that the route will allow safe passage of the mobile home, based on its height and width, may be met by the use of a front escort vehicle having protrusions equal to the height and width of the mobile home. It shall not be sufficient to meet this duty by relying on highway signs or other information regarding highway clearances that may be provided by the Department of Transportation or any local government.
- (c) At all times, the affirmative duty to determine that the route traveled will allow the safe passage of the mobile home shall remain with the transporter and/or seller of the mobile home, and nothing in this Rule shall be construed as shifting this duty to the Department of Transportation.

(12) Enforcement.

- (a) Section 55-4-412 of the Tennessee Code provides that any person who transports a mobile home, manufactured home, portable modular unit or house trailer, as defined in Tennessee Code Annotated § 55-4-402, over any public street, road or highway within the State of Tennessee in violation of the provisions of Title 55, Chapter 4, Part 4, of the Tennessee Code commits a Class B misdemeanor punishable as follows:
 - 1. By a fine of two hundred fifty dollars (\$250.00) for the first offense within a twelve (12) month period;
 - 2. By a fine of five hundred dollars (\$500.00) for the second offense within a twelve (12) month period; and
 - 3. By a fine of one thousand dollars (\$1,000.00) and a ninety (90) day revocation of any driver's license for the third or any subsequent offense within a twelve (12) month period.
- (b) Within thirty (30) days of conviction for a violation of the provisions of Title 55, Chapter 4, Part 4, as provided in Tennessee Code Annotated § 55-4-412, the clerk of the court of conviction shall give notice of such conviction to the Department of Transportation.
- (c) Upon receipt of notice of that a person has been convicted of a third violation within a twelve (12) month period, the Department of Transportation shall:
 - 1. Suspend the subject permit involved in the third violation; and
 - 2. Suspend the permit holder's privilege to obtain other permits under this Rule.

3. These suspensions shall be effective for a period of ninety (90) days from the date on which the Department receives notice of the third violation; provided, however, that nothing in this subparagraph shall be construed as:
 - (i) Prohibiting multiple permit holders from using other valid permits not subject to suspension;
 - (ii) Prohibiting multiple permit holders from obtaining a short-term overheight or overlength permit, as provided in Paragraphs (5) and (7) of this Rule, to supplement an otherwise valid annual overwidth permit not subject to suspension; or
 - (iii) Prohibiting multiple permit holders from renewing an otherwise valid permit not subject to suspension, as provided in Subparagraph (3)(c) of this Rule.

(13) Liability.

- (a) The transporter of any mobile home subject to the provisions of this Rule shall be liable for any and all damages resulting from the mobile home striking a guardrail, bridge, concrete barrier, overhead structure or other obstruction while traveling on the public roads or highways of this State.
- (b) If during transport a mobile home subject to the provisions of this Rule blocks traffic on a controlled-access facility, as defined in Tennessee Code Annotated § 54-16-101, because such mobile home cannot proceed due to height, width or length, the transporter thereof shall be subject to the following:
 1. The transporter shall pay to the Department of Transportation a road user fee in the amount of one thousand dollars (\$1,000.00); and
 2. The Department of Transportation shall suspend the subject permit involved in the incident and the permit holder's privilege to obtain other permits under this Rule for a period of ninety (90) days from the date the Department receives notice that the roadway was blocked; provided, however, that nothing in this part shall be construed as:
 - (i) Prohibiting multiple permit holders from using other valid permits not subject to suspension;
 - (ii) Prohibiting multiple permit holders from obtaining a short-term overheight or overlength permit, as provided in Paragraphs (5) and (7) of this Rule, to supplement an otherwise valid annual overwidth permit not subject to suspension; or
 - (iii) Prohibiting multiple permit holders from renewing an otherwise valid permit not subject to suspension, as provided in Subparagraph (3)(c) of this Rule.
- (c) If the same permit holder blocks traffic on a controlled-access facility a second time within eighteen (18) months after the date of the first such occurrence, the transporter shall be subject to the following:
 1. The transporter shall pay to the Department of Transportation a road user fee in an amount calculated by the Department using the same formula it uses to calculate incentive payments on road construction projects; and

2. The Department of Transportation shall suspend the subject permit involved in the incident and the permit holder's privilege to obtain other permits under this Rule for a period of ninety (90) days, as provided in Part (b)2 of this Paragraph.
 - (d) If the transporter fails to pay any road user fee required under this Paragraph within thirty (30) days of the date the road is blocked, the transporter's privilege to obtain permits under this Rule shall be suspended in all respects whatsoever until full payment is made. The Department is authorized to take legal action to collect the fee.
 - (e) Any person or entity transporting a mobile home subject to the provisions of this Rule shall secure and maintain public liability insurance in an amount not less than one million dollars (\$1,000,000) per occurrence. Such insurance shall cover the tractor, mobile home and any other attachments thereto. Proof of such insurance shall be carried in the vehicle used to transport the mobile home, and satisfactory proof of such insurance shall be provided to the Department of Transportation prior to the issuance of any permit under this Rule.
 - (f) Notwithstanding any other provision of law to the contrary, the State of Tennessee and any political subdivision thereof shall be absolutely immune from liability for all damages resulting from a mobile home striking a guardrail, bridge, concrete barrier, overhead structure or other obstruction while traveling on the public roads or highways of the State.

Authority: T.C.A. §§ 55-4-401 — 55-4-413; T.C.A. § 55-7-205.

Legal Contact and/or party who will approve final copy for publication:

John H. Reinbold
Deputy General Counsel
Tennessee Department of Transportation
Suite 700, James K. Polk Building
505 Deaderick Street
Nashville, Tennessee 37243-0332
(615) 741-2941

Contact for disk acquisition:

(Same as above)

Signature of the agency officer directly responsible for proposing and/or drafting these rules:

J. Bruce Saltsman, Sr.
Commissioner

I certify that this is an accurate and complete copy of public necessity rules lawfully promulgated and adopted by the State of Tennessee Department of Transportation on the _____ day of _____, 2002.

John H. Reinbold
Deputy General Counsel

Subscribed and sworn to before me this ____ day of _____, 2002.

Notary Public

My commission expires on the ____ day of _____, 200_.

All public necessity 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.

Paul G. Summers
Attorney General and Reporter

The public necessity rules set out herein were properly filed in the Department of State on the ____ day of _____, 2002, and will be effective from October 1, 2002, for a period of _____ days. These public necessity rules will remain in effect through the _____ day of _____, 200_.

Riley C. Darnell, Secretary of State

By: _____