

**Department of State  
Division of Publications**

312 Rosa L. Parks Avenue, 8th Floor Snodgrass/TN Tower  
Nashville, TN 37243  
Phone: 615-741-2650  
Email: [publications.information@tn.gov](mailto:publications.information@tn.gov)

**For Department of State Use Only**

Sequence Number: \_\_\_\_\_  
Rule ID(s): \_\_\_\_\_  
File Date: \_\_\_\_\_  
Effective Date: \_\_\_\_\_

# 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).*

<b>Agency/Board/Commission:</b>	Tennessee Wildlife Resources Agency
<b>Division:</b>	Boating and Law Enforcement Division
<b>Contact Person:</b>	Lisa Crawford
<b>Address:</b>	PO Box 40747, Nashville, TN
<b>Zip:</b>	37204
<b>Phone:</b>	615-781-6606
<b>Email:</b>	Lisa.Crawford@tn.gov

**Revision Type (check all that apply):**

- Amendment  
 New  
 Repeal

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

Chapter Number	Chapter Title
1660-02-01	Rules and Regulations for Boating Certificates
Rule Number	Rule Title
1660-02-01-.01	Application for Certificate of Number
1660-02-01-.02	Issuance of Certificate of Number

Amendment

1660-02-01-.01 Application for Certificate of Number is amended by replacing the rule in its entirety and replacing it with the following:

- (1) All applications for a Certificate of Number shall include the following information and shall be submitted on forms furnished by the Wildlife Resources Agency.
  - (a) Name and address of owner, including zip code;
  - (b) ~~Citizenship of owner;~~ Owner identifier, which must be the owner's social security number, or date of birth together with driver's license number, or date of birth together with TWRA Identification Number.
  - (c) Present TN number (if any) on vessel;

- (d) Hull materials (~~wood, steel, aluminum, plastic, other~~); Authorized terms are "aluminum," "fiberglass," "plastic," "rubber/vinyl/canvas," "steel," "wood," or "other";
  - (e) Type of propulsion (~~outboard, inboard, sail, other~~); Authorized terms are "air thrust," "manual," "propeller," "sail," "water jet," or "other."
  - (f) Type of fuel (~~gas, diesel, other~~); Fuel: Authorized terms are "electric," "diesel," "gas," or "other."
  - (g) Make and model and year built (if known); of vessel.
  - (h) Model year of vessel.
  - (i) Overall length of vessel (in feet and inches);
  - ~~(j) A certification of ownership;~~
  - ~~(+)(j)~~ Type of use (~~pleasure, livery, dealer, manufacturer, commercial, other~~); Primary operation. Authorized terms are, "charter fishing," "commercial fishing," "commercial passenger carrying," "dealer or manufacturer demonstration," "other commercial operation," "pleasure," or "rent or lease."
  - (k) Signature of owner.
  - ~~(l)~~ Date of birth of owner;
  - (l) Vessel type: Authorized terms are "air boat," "auxiliary sail," "cabin motorboat," "houseboat," "inflatable boat," "open motorboat," "paddlecraft," "personal watercraft," "pontoon boat," "rowboat," "sail only," or "other."
  - (m) Engine drive type: Authorized terms are "inboard," "outboard," "pod drive," "sterndrive," or "other."
  - ~~(m)~~(n) State in which vessel is, or will be, used of principal operation.
  - ~~(n)~~(o) Indicate whether the application is for a new number, renewal of a number, or transfer of ownership.
  - ~~(o)~~(p) Manufacturer's hull identification number (if any).
  - ~~(p)~~ Information certifying whether or not this vessel has an installed head and if so, that the marine sanitation device(s) on board is in compliance with the state marine sanitation law.
- (2) All requirements of paragraph (1) shall apply to livery (~~rentals~~) boats, except that a description of motor, if any, and type of fuel need not be completed on the application in every case where the engines is not rented as part of the boat.
- (3) Paragraph (1) shall apply for dealers' or manufacturers' vessels except a description of the vessel shall not be required since the number issued may be transferred from one vessel to another. In lieu of the description, the word "manufacturer" or "dealer" as appropriate will be plainly indicated on the application.
- (a) Application for a dealer or manufacturer certificate must be accompanied by a notarized copy (copies) of the dealer/manufacturer license to conduct such business and the sale tax number issued to said business.
  - (b) A dealer and manufacturer certificate is to be used **only** for demonstration and or testing purposes and may be transferred from boat to boat. However, no certificate may be used to operate more than one boat at the same time and each boat operated simultaneously requires a separate certificate.

1. ~~Persons who wish to conduct an on-the-water dealer or manufacturer show may, through an approved application for a Tennessee Wildlife Resources Agency marine permit, use a single dealer/ manufacturer certificate of number, followed by a numerical suffix for each boat used: Example: (TN 1234 AA — 1, TN 1234 AA — 2, etc.)~~
  2. ~~The number of boats to utilize this format must be listed on the marine event application and the appropriate fee for each vessel must be remitted to the Tennessee Wildlife Resources Agency.~~
- (c) ~~If a registration card or a decal(s) is lost or destroyed, a duplicate registration may be obtained. The following must be submitted for replacement.~~
1. ~~An application for boat certificate.~~
  2. ~~A notarized affidavit, signed by the dealer or manufacturer, stating the card or decal was lost or destroyed.~~
  3. ~~The appropriate fee.~~
- (d) ~~Duplicate registration cards cannot be ordered in multiples in conjunction with replacement or with the original application.~~
- (4) Application for a duplicate certificate of Number containing the information as required by paragraph (1) of these regulations shall be made if the Certificate of Number is lost or destroyed. Such an application shall be made within fifteen (15) days of loss or destruction.
  - (5) The application for number by a new owner of a vessel bearing a Tennessee number shall, for purpose of fee, be regarded as an original application for number and the number issued shall be identical to the previous one, except where a lien holder requires title or lawful possession by virtue of his lien, in which case a new number shall be issued.
  - (6) Applications for a consignment vessel, certificate of number, shall adhere to the following guidelines:
    - (a) A consignment vessel is one which is owned by a vessel manufacturer **or boat dealer**, and is consigned to an individual or other entity for a period of time for demonstration or advertising use, and for which no sale has occurred.
    - (b) A consignment vessel certificate of number may only be issued to a vessel manufacturer **or boat dealer**, whose manufacturing facility is located in Tennessee, and who has ~~obtained a Manufacturer Identification Code issued by the United States Coast Guard.~~
    - (c) Applications for consignment vessels shall be made using the Tennessee Wildlife Resources Agency "application for boat certificate of number" (WR0292), and include all applicable information outlined in 1660-02-01-.02 (Issuance of Certificate of Number).
    - (d) Applications must be accompanied by proof of manufacturer's **or dealer's** status which shall include at least the company name, Manufacturer Identification Code, location of the company office, and United States tax identification number or tax number issued by the Tennessee Department of Revenue.
    - (e) The application fee shall be the same as any other vessel of the same length.
    - (f) Applications for consignment vessels may be made only with the Nashville office of the Tennessee Wildlife Resources Agency.
    - (g) The certificate of number shall be issued in the name of the manufacturer's **or dealer's** business name.

- (h) If the vessel is sold at the end of the consignment period, it must be sold as a used vessel.
- (i) The vessel number will remain unchanged at the time of sale unless the state of principal use changes or as outlined in 1660-02-01-.01(5), 1660-02-01-.02(8) or 1660-02-01-.02(9).

*Authority: T.C.A. §§69-9-209 and 70-1-206. Administrative History: Original rule certified May 8, 1974. Amendment filed April 16, 1993; effective May 31, 1993. Amendment filed October 16, 1996; effective December 28, 1996. Amendment filed April 3, 2008; effective June 17, 2008. Amendment filed \_\_\_\_\_; effective \_\_\_\_\_.*

#### Amendment

1660-02-01-.02 Issuance of Certificate of Number is amended by replacing the rule in its entirety and by replacing it with the following:

- (1) All Certificates of number issued by the Wildlife Resources Agency shall be pocketsize, water resistant and available for examination on the vessel for which issued whenever the vessel is in use, and shall contain the following information:
  - (a) Name and address of owner, including zip code;
  - (b) Number issued to the vessel;
  - (c) Expiration date;
  - (d) Make and model or type of boat;
  - (e) Hull material: (~~wood, steel, aluminum, plastic, other~~); Authorized terms are "aluminum," "fiberglass," "plastic," "rubber/vinyl/canvas," "steel," "wood," or "other."
  - (f) Overall length of vessel (in feet and inches);
  - (g) Propulsion type: (~~inboard, outboard, sail, other~~); Authorized terms are "air thrust," "manual," "propeller," "sail," "water jet," or "other."
  - (h) Type of fuel: (~~gas, diesel, other~~); Authorized terms are "electric," "diesel," "gas," or "other."
  - (i) Statement as to use (~~pleasure, dealer, manufacturer, commercial, other~~); Primary operation: Authorized terms are "charter fishing," "commercial fishing," "commercial passenger carrying," "dealer or manufacturer demonstration," "other commercial operation," "pleasure," or "rent or lease."
  - (j) Engine drive type: Authorized terms are "inboard," "outboard," "pod drive," "sterndrive," or "other."
  - (k) Vessel type: Authorized terms are "air boat," "auxiliary sail," "cabin motorboat," "houseboat," "inflatable boat," "open motorboat," "paddlecraft," "personal watercraft," "pontoon boat," "rowboat," "sail only," or "other."
  - ~~(l)~~(l) State of principal use operation;
  - ~~(k)~~(m) Manufacturer's hull identification number (if any);
  - ~~(l)~~(n) ~~Year vessel was manufactured.~~ Model year of vessel.

- (2) Certificates of Number issued to ~~livery~~ rental motorboats need not include the type of fuel or method propulsion if the motor is not rented as part of the boat, but shall be plainly marked with the word "LIVERY" "Rental."
- (3) The Certificate of Number for vessels less than 26' in length and leased or rented to another for the latter's non-commercial use of less than twenty-four (24) hours may be retained on shore by the vessel's owner or his representative at the place from which the vessel departs or returns to the possession of the owner or his representative; provided, however, the operator shall have with him a copy of the lease or rental agreement signed by the owner or his authorized representative and by the person leasing or renting the vessel that contains the vessel's number than appears on the Certificate of Number and the period of time for which the vessel is leased or rented.
- (4) Certificates of Number issued for a dealers' or manufacturers' vessel shall, in lieu of the description of the vessel, be plainly marked with the words 'MANUFACTURER' or 'DEALER' as appropriate.
- (5) Certificates of Number issued are valid for a period of three (3) years from date of issuance unless sooner cancelled. Certain causes for cancellation of certificates and voiding of numbers are:
  - (a) Surrender of certificate for cancellation;
  - (b) Issuance of a new number for the same vessel;
  - (c) Issuance of a marine document by the U. S. Bureau of Customs for the same vessel;
  - (d) False or fraudulent certification in an application for number.
- (6) When an owner of a vessel numbered by Tennessee changes his address from that shown on the Certificate of Number, he shall notify in writing the Executive Director, Wildlife Resources Agency, Nashville, Tennessee, of his new address within fifteen (15) days from such change.
- (7) When a vessel numbered by Tennessee is lost, stolen and/or recovered, destroyed, abandoned or transferred to another person, the Certificate of Number issued for the vessel shall be surrendered together with written notification of the change in status of the vessel to the Executive Director, within fifteen (15) days from such event. ~~If the change in status is transfer of ownership, the name and address of the new owner shall be included in such notification.~~
- (8) The owner of a vessel must remove the number when the vessel is documented by the ~~bureau of customs of the United States,~~ United States Coast Guard, the Certificate of Number becomes invalid, or the vessel is no longer principally used in Tennessee.
- (9) The certificate of number is invalid if the person whose name appears on the certificate loses his interest by legal process.

*Authority: T.C.A. §§69-9-209 and 70-1-206. Administrative History: Original rule filed May 8, 1975. Amendment filed March 2, 1978; effective April 1, 1978. Amendment filed April 3, 2008; effective June 17, 2008. Amendment filed \_\_\_\_\_; effective \_\_\_\_\_.*

\* If a roll-call vote was necessary, the vote by the Commission on these rulemaking hearing rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Chad Baker					
<u>Jim Bledsoe</u>					
<u>Harold Cannon</u>					
Jeff Cook					
<u>Bill Cox</u>					
Kurt Holbert					
<u>Connie King</u>					
Jeff McMillan					
<u>Jim Ripley</u>					
Bill Swan					
<u>Trey Teague</u>					
<u>David Watson</u>					
<u>Jamie Woodson</u>					

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Tennessee Fish & Wildlife Commission on 10/28/2016 (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: 08/29/2016

Rulemaking Hearing(s) Conducted on: (add more dates). 10/28/2016

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Name of Officer: Ed Carter

Title of Officer: Executive Director

Subscribed and sworn to before me on: \_\_\_\_\_

Notary Public Signature: \_\_\_\_\_

My commission expires on: 03/10/2019

All rulemaking hearing rules provided for herein (Tennessee Wildlife Resources Agency Rule 1660-02-01) 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.

\_\_\_\_\_  
Herbert H. Slatery III  
Attorney General and Reporter

\_\_\_\_\_  
Date

**Department of State Use Only**

Filed with the Department of State on: \_\_\_\_\_

Effective on: \_\_\_\_\_

\_\_\_\_\_  
Tre Hargett  
Secretary of State

## Public Hearing Comments

One copy of a document containing responses to comments made at the public hearing must accompany the filing pursuant to T.C.A. § 4-5-222. Agencies shall include only their responses to public hearing comments, which can be summarized. No letters of inquiry from parties questioning the rule will be accepted. When no comments are received at the public hearing, the agency need only draft a memorandum stating such and include it with the Rulemaking Hearing Rule filing. Minutes of the meeting will not be accepted. Transcripts are not acceptable.

RULE: 1660-02-01

New	_____
Amendment	_____X_____
Repeal	_____

---

There were no public comments to the above-described rule.

Attached hereto are the responses to public comments.

### **Regulatory Flexibility Addendum**

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process as described in T.C.A. § 4-5-202(a)(3) and T.C.A. § 4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

(1) The type or types of small business and an identification and estimate of the number of small businesses subject to the proposed rule that would bear the cost of, and/or directly benefit from the proposed rule;

There are no businesses, small or otherwise, that would bear the cost of or directly benefit from the proposed rule.

(2) The projected reporting, recordkeeping and other administrative costs required for compliance with the proposed rule, including the type of professional skills necessary for preparation of the report or record;

All recordkeeping and administrative costs are estimated to be minimal and would be borne by the Agency through existing staff.

(3) A statement of the probable effect on impacted small businesses and consumers;

The rule as proposed would have no effect on businesses or consumers.

(4) A description of any less burdensome, less intrusive or less costly alternative methods of achieving the purpose and/or objectives of the proposed rule that may exist, and to what extent, such alternative means might be less burdensome to small business;

The rule provides a minimal burden to small business.

(5) A comparison of the proposed rule with any federal or state counterparts; and

The rule follows the Federal guidelines for vessel numbering

(6) Analysis of the effect of the possible exemption of small businesses from all or any part of the requirements contained in the proposed rule.

Businesses, small or otherwise, will be minimally impacted. Boat dealers and boat manufacturers are required to meet the requirements for vessel registration as prescribed in this rule. These businesses cannot be exempted according to federal regulations.

## **Impact on Local Governments**

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228 “any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments.” (See Public Chapter Number 1070 (<http://state.tn.us/sos/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

Will passage of this rule have a projected financial impact on local governments?

Agency does not believe that the rule will have any impact on local governments.

Please describe the increase in expenditures or decrease in revenues:

The rule will neither increase expenditures, nor decrease revenues.

## 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;

The rule prescribes the process to apply for and display vessel registration.

- (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;

33 CFR 173 Subparts B & D, 33 CFR 174 Subpart B relative to vessel numbering have a preemptive effect on state vessel numbering regulations. These regulations were amended effective January 1, 2017. T.C.A Sections 69-9-206 and 69-9-207 establish guidelines for the rule.

- (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;

Persons who operate recreational vessels principally in Tennessee.

- (D)** Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule;

No opinion of the attorney general or any judicial ruling that directly relates to the rule has been identified.

- (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;

The fiscal impact to state and local governments is minimal.

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

W. Glenn Moates, LT Colonel, Boating & Law Enforcement Division, 615-781-6684, Glenn.Moates@tn.gov

- (G)** Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Chris Richardson, TWRA Special Assistant to the Director/Policy and Legislation, will explain the rule at the scheduled meeting of the Government Operations Committee.

- (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

Chris Richardson, TWRA, P.O. Box 40747, Ellington Agricultural Center, Nashville, TN 37204; 615-308-0477; Chris.Richardson@tn.gov

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