

**Department of State
Division of Publications**

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Sequence Number: _____
Rule ID(s): _____
File Date: _____
Effective Date: _____

Proposed Rule(s) Filing Form

Proposed rules are submitted pursuant to Tenn. Code Ann. §§ 4-5-202, 4-5-207, and 4-5-229 in lieu of a rulemaking hearing. It is the intent of the Agency to promulgate these rules without a rulemaking hearing unless a petition requesting such hearing is filed within ninety (90) days of the filing of the proposed rule with the Secretary of State. To be effective, the petition must be filed with the Agency and be signed by ten (10) persons who will be affected by the amendments, or submitted by a municipality which will be affected by the amendments, or an association of ten (10) or more members, or any standing committee of the General Assembly. The agency shall forward such petition to the Secretary of State.

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: Tennessee Alcoholic Beverage Commission
Division:
Contact Person: Zack Blair; Joshua Stepp
Address: 500 James Robertson Parkway, 3rd Floor, Nashville, TN
Zip: 37243
Phone: Z. Blair (615-741-7628); J. Stepp (615-741-8916)
Email: Zack.Blair@tn.gov; Joshua.Stepp@tn.gov

Revision Type (check all that apply):

- Amendment
- New
- 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 Please make sure that **ALL** new rule and repealed rule numbers are listed in the chart below.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
0100-03	Local Option Liquor Rules
Rule Number	Rule Title
0100-03-.10	Transporting and Delivery of Alcoholic Beverages

Chapter Number	Chapter Title
Rule Number	Rule Title

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

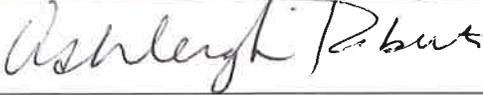
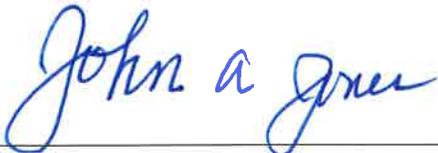
<https://sos.tn.gov/products/division-publications/rulemaking-guidelines>.

0100-03-.10(2)(b) is amended by deleting 0100-03-.10(2)(b) in its entirety and by substituting instead the following language as 0100-03-.10(2)(b)

All trucks and other motor vehicles owned or leased and operated by any Tennessee licensed wholesaler, and used to transport, haul, deliver, or carry alcoholic beverages, shall have the name and address of such licensee printed on each side and on the rear of said truck or motor vehicle in legible letters of a minimum height as hereinafter prescribed. The name of the licensee shall be in letters not less than four (4) inches in height, the address of such licensee shall appear in letters of not less than two and one half (2 ½) inches in height. The following words, but no others, may be abbreviated: Tennessee (Tenn.), Company (Co.), and Incorporated (Inc.).

Authority: T.C.A. §§ 57-3-104, 57-3-203, and 57-3-403.

* If a roll-call vote was necessary, the vote by the Agency on these rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Richard Skiles	X				
Ashleigh Roberts	X				
John A. Jones	X				

I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the (board/commission/other authority) on 12/18/2018 (date as mm/dd/yyyy), and is in compliance with the provisions of T.C.A. § 4-5-222. The Secretary of State is hereby instructed that, in the absence of a petition for proposed rules being filed under the conditions set out herein and in the locations described, he is to treat the proposed rules as being placed on file in his office as rules at the expiration of ninety (90) days of the filing of the proposed rule with the Secretary of State.

Date: 12/19/2018

Signature: 

Name of Officer: Zack Blair

Title of Officer: Interim Director



Subscribed and sworn to before me on: Dec 19, 2018

Notary Public Signature: 

My commission expires on: 8/20/2019

Agency/Board/Commission: _____

Rule Chapter Number(s): _____

All proposed 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.

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

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.

The proposed rule removes the requirement that wholesalers print or otherwise display their license #'s on their vehicles. The TABC has instituted a new licensing and permitting system which will require that all wholesalers receive new license #'s when the wholesalers renew their licenses at the end of 2018. If this requirement is not removed, then that will require all wholesalers to repaint or reprint their vehicles which will be overly burdensome for all wholesalers, including small business wholesalers. Therefore, this proposed rule is beneficial to all wholesalers, including small business wholesalers. There are approximately 50 licensed wholesalers in the state, but only a small percentage of those are small businesses. This proposed rule has the support of the wholesalers that have discussed this matter with the TABC. There are no state or federal counterparts for which this rule can be effectively compared to. The exemption of small businesses from this rule would be detrimental to small businesses and to all wholesalers.

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://publications.tnsosfiles.com/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

The proposed rule would have no impact on 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;

This proposal would eliminate the language requiring wholesalers to print their TABC license number on their vehicles.

- (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;

There are no such federal or state laws.

- (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;

TABC licensed wholesalers and the Wine and Spirits Wholesalers of Tennessee are affected by this rule. The Wine and Spirits Wholesalers of Tennessee has expressed support of the adoption of this rule.

- (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;

There are no such opinions.

- (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;

There would be no fiscal impact.

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

Zack Blair, Joshua Stepp, Keith Hollingshead-Cook

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

Zack Blair or Joshua Stepp

- (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

Zack Blair or Joshua Stepp: Zack.Blair@tn.gov (615-741-7628); Joshua Stepp (615-741-8916); Joshua.Stepp@tn.gov; 500 James Robertson Parkway, 3rd Floor, Davy Crockett Tower, Nashville, TN 37243

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

There has been no request of additional information made to the TABC at the time of this filing.

RED LINE

0100-03-.10(2)(b)

- (b) All trucks and other motor vehicles owned or leased and operated by any Tennessee licensee ~~ed wholesaler~~, and used to transport, haul, deliver, or carry alcoholic beverages, shall have the name and address of such licensee printed on each side and on the rear of said truck or motor vehicle in legible letters of a minimum height as hereinafter prescribed. The name of the licensee shall be in letters not less than four (4) inches in height, the address of such licensee shall appear in letters of not less than two and one half (2 ½) inches in height ~~and the license number shall appear in letters not less than one and one half (1 ½) inches in height~~. The following words, but no others, may be abbreviated: Tennessee (Tenn.), Company (Co.), and Incorporated (Inc.).

Authority: T.C.A. §§ 57-3-104, 57-3-203, and 57-3-403.