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Notice of Rulemaking Hearing

Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, T.C.A. § 4-5-204. For questions and copies of the notice, contact the person listed below.

Agency/Board/Commission:	University of Tennessee (Southern)
Division:	
Contact Person:	C. Ryan Stinnett, General Counsel
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Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:

ADA Contact:	Crissy Jordan
Address:	433 West Madison Street, Pulaski, TN 38478
Phone:	931-363-9882, ext. 3882
Email:	cjorda43@utsouthern.edu

Hearing Location(s) (for additional locations, copy and paste table)

Address 1:	UT Southern – Gault Fine Arts Center – Recital Hall		
Address 2:	423 W. Madison Street		
City:	Pulaski		
Zip:	38478		
Hearing Date:	04/19/2022		
Hearing Time:	1:00 p.m.	<input checked="" type="checkbox"/> CST/CDT	<input type="checkbox"/> EST/EDT

Additional Hearing Information:

Oral and written comments on the proposed rulemaking will be received at the public hearing on April 19, 2022 at 1:00 p.m. CDT. In addition, interested parties may submit written comments before April 19, 2022, by mail or email to the following person:

C. Ryan Stinnett, General Counsel
University of Tennessee
719 Andy Holt Tower
Knoxville, TN 37996
865-974-2540
ryanstinnett@tennessee.edu

Revision Type (check all that apply):

- Amendment
 New
 Repeal

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

Chapter Number	Chapter Title
1720-07-03	Parking Rules
Rule Number	Rule Title
1720-07-03-.01	General
1720-07-03-.02	Definitions
1720-07-03-.03	Registration of Vehicles and Parking Permits
1720-07-03-.04	Parking Requirements and Limitations
1720-07-03-.05	Parking Citations and Fines
1720-07-03-.06	Enforcement
1720-07-03-.07	Appeals and Hearings

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>.

**RULES
OF
THE UNIVERSITY OF TENNESSEE
(SOUTHERN)**

**CHAPTER 1720-07-03
PARKING RULES**

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1720-07-03-.01 GENERAL.

- (1) These rules are intended to promote the safe and orderly parking of vehicles on the property of The University of Tennessee Southern (UTS); facilitate the safe and convenient operation of UTS business and services; and regulate parking on campus, with priority given to UTS business and services.
- (2) The UTS Office of Safety and Security implements and enforces these rules.
- (3) All persons parking vehicles and all persons owning vehicles parked on UTS property are subject to and required to comply with these rules.

Authority: T.C.A. § 49-9-209(e).

1720-07-03-.02 DEFINITIONS.

- (1) The term "parking permit" means either a hangtag or decal issued by UTS, that has not expired and, when properly displayed on a vehicle, authorizes a vehicle to be parked in certain designated parking spaces on UTS property.

- (2) The term "vehicle" means any self-propelled vehicle that is capable of exceeding twenty-five (25) miles per hour.

Authority: T.C.A. § 49-9-209(e).

1720-07-03-.03 REGISTRATION OF VEHICLES AND PARKING PERMITS.

- (1) All vehicles parked on UTS property must be registered with the Office of Safety and Security and have a valid UTS parking permit properly displayed.
- (2) UTS students and employees may obtain a parking permit for a fee.
- (3) A specific expiration date is indicated on each parking permit. A UTS parking permit is not valid after its expiration date.
- (4) Parking permits are not transferrable to any person but may be transferred between vehicles.
- (5) Lost or stolen parking permits will be replaced without charge.
- (6) A registrant is responsible for his or her registered vehicle and all parking violation citations relating to the parking of the registered vehicle. If the person operating the registered vehicle is other than the registrant when a parking violation is committed, both the operator and the registrant may be cited for the parking violation. However, UTS will not collect multiple fines for a single violation.
- (7) A registrant is responsible for his or her UTS parking permit and all violation citations relating to the use of the registrant's parking permit, and is prohibited from sharing or otherwise permitting the parking permit to be used by other persons. If the person using a UTS parking permit when a violation is committed is other than the registrant to whom the parking was issued, both the person who committed the violation and the registrant may be cited. However, UTS will not collect multiple fines for a single violation.
- (8) The owner of an unregistered vehicle is responsible for the unregistered vehicle and all parking violation citations relating to the parking of the vehicle. If the person operating an unregistered vehicle is other than the owner of the vehicle when a parking violation is committed, both the operator and the owner may be cited for the parking violation. However, UTS will not collect multiple fines for a single violation.

Authority: T.C.A. § 49-9-209(e).

1720-07-03-.04 PARKING REQUIREMENTS AND LIMITATIONS.

- (1) Persons on UTS property are authorized to park a vehicle only in a designated parking space located in those areas or lots for which a UTS parking permit authorizes the vehicle to be parked. Lack of an available authorized designated parking space will not excuse a person from violating any of these rules.
- (2) A vehicle must not be parked in a manner that blocks or obstructs traffic, a street, sidewalk, fire hydrant, building entrance or exit, another vehicle, or in another manner that disrupts the orderly affairs of UTS.
- (3) A disability parking permit is valid for parking in all campus disability parking spaces and all campus unreserved parking spaces.
- (4) Certain parking spaces are designated for motorcycles only, and motorcycles must be parked in those designated parking spaces.
- (5) Motorcycles must not be parked in any area not authorized for the parking of vehicles that are not motorcycles, including within the confines of the exterior perimeter of any building. Motorcycles must not be parked in a manner that blocks stairways, sidewalks, or pedestrian access.

- (6) Traffic control signs and devices and the directions of officers must be obeyed when parking vehicles.
- (7) On special occasions (including but not limited to athletic events, concerts, and graduation exercises) or in emergency situations, the UTS Office of Safety and Security may impose parking limitations more restrictive or permissive than in these rules, as it determines to be appropriate under the circumstances.
- (8) The UTS Office of Safety and Security reserves the right to alter, block, reserve, or reallocate designated parking spaces on UTS property at any time.

Authority: T.C.A. § 49-9-209(e).

1720-07-03-.05 PARKING CITATIONS AND FINES.

- (1) The following examples constitute violations of these rules which may result in a citation with the corresponding fine:

(a)	No Valid Parking Permit Displayed/Properly Displayed	\$25
(b)	Expired Parking Permit Displayed	\$25
(c)	Displaying, Selling, or Purchasing a Stolen, Deactivated, Altered, Counterfeit, or Reproduced Parking Permit	\$100
(d)	Vehicle Not Parked in a Designated Parking Space	\$25
(e)	Vehicle Parked in Multiple Designated Parking Spaces	\$25
(f)	Violation of Rule 1720-07-03-.03(7)	\$25
(g)	Vehicle Parked in Unauthorized Lot or Space	\$25
(h)	Vehicle Parked Over Posted Time Restriction	\$25
(i)	Vehicle Parked in Violation of Rule 1720-07-03-.04(2)	\$25
(j)	Vehicle Parked in Fire Lane	\$40
(k)	Vehicle Parked in Reserved Parking Area	\$40
(l)	Unauthorized Vehicle in Disability Parking Space	\$200
(m)	Unauthorized Vehicle in Disability Loading Area	\$200
(n)	Unauthorized Use of Disability Parking Permit	\$200
- (2) The fine for a disability parking violation in Section .05(l), (m), or (n), or any other disability parking fine violation as defined by State law, is set by State law, T.C.A. § 55-21-108. The fine imposed under these rules will increase or decrease automatically when increased or decreased by State law. The fine for a disability parking violation shall not be suspended or waived where prohibited by T.C.A. § 55-21-108.
- (3) Towing and Immobilization of Vehicles.
 - (a) UTS may tow or immobilize a vehicle without advance notice to the registrant (if a registered vehicle) or the owner/operator (if an unregistered vehicle) if the vehicle is parked:

1. In a fire lane or in a manner which blocks a fire lane;
 2. In a manner that blocks an emergency exit;
 3. In a designated disability parking space or disability loading area;
 4. In a parking space reserved for designated vehicles;
 5. While displaying a stolen/deactivated/altered/counterfeit/reproduced UTS parking permit; or
 6. In any other manner that blocks or obstructs traffic, a street, sidewalk, fire hydrant, building entrance or exit, another vehicle, or that disrupts the orderly affairs of UTS.
- (b) Registrants/owners/operators of vehicles that are towed or immobilized pursuant to these rules will be required to pay a fee of forty dollars (\$40.00) as a condition of the vehicle being released or mobilized.

Authority: T.C.A. § 49-9-209(e).

1720-07-03-.06 ENFORCEMENT.

- (1) A citation for any type of parking violation must be paid or appealed within fourteen (14) calendar days after the issuance of the citation. Failure to pay or appeal a citation within fourteen (14) calendar days after issuance of the citation constitutes a separate violation of these rules. If a fine is not paid or appealed within fourteen (14) calendar days after the issuance of the citation, a ten dollar (\$10.00) late charge will be added.
- (2) Windshield notices and/or other methods of notification will be used to provide the owner/operator of the vehicle with advance notice of UTS' intent to tow/boot the vehicle as a result of the vehicle receiving more than five (5) citations in one (1) semester or academic term and the owner's/operator's right to a hearing. In the event the owner/operator does not request a hearing or prevail at the hearing, his/her vehicle will be towed/booted whenever it is next found upon UTS property in violation of Rule 1720-07-03-.05(1).
- (3) Vehicles that are towed/booted/immobilized under these traffic and parking regulations will be released only upon the owner or registrant of the vehicle providing identification and paying to UTS all previously unpaid parking fines, penalties, and towing/booting charges levied by UTS. The release of a vehicle impounded in an impound lot not owned or operated by UTS also may be subject to payment of additional fees or charges levied by the owner/operator of the impound lot.
- (4) Any student who receives \$100.00 or more in traffic and/or parking violations on UTS property during any semester or academic term may be subject to disciplinary action in accordance with applicable rules.
- (5) UTS students and employees with unpaid parking fines or charges will not be allowed to register a vehicle, renew their UTS parking permits, or purchase UTS parking permits until all fines and penalties are paid.

Authority: T.C.A. § 49-9-209(e).

1720-07-03-.07 APPEALS AND HEARINGS.

- (1) Citations may be appealed to the UTS Office of Safety and Security within fourteen (14) calendar days from the issuance of the citation, using the form provided by the Office of Safety and Security. Persons who fail to appeal a citation within fourteen (14) calendar days of issuance of the citation forfeit their right to appeal the citation.

- (2) If a vehicle is towed or immobilized, with or without advance notice, the registrant (if a registered vehicle) or the owner/operator (if an unregistered vehicle) shall have the right to a hearing upon request to the UTS Office of Safety and Security to contest the parking violation(s) for which the vehicle was towed or immobilized. A request for a hearing may be made within fourteen (14) calendar days of the date of the towing or immobilization. A registrant/owner/operator may pay any fines, penalties, immobilization fees and/or towing charges required for the mobilization or release of the vehicle prior to the hearing. Persons who fail to request a hearing within fourteen (14) calendar days of the towing or immobilization forfeit their right to a hearing. If the underlying parking citation for which the vehicle was immobilized or towed is successfully appealed, then UTS shall refund any fines, penalties, immobilization fees or towing charges paid by the registrant/owner/operator.
- (3) The Traffic Appeals Board, composed of faculty, staff, and students, will review appeals of citations and hear challenges involving the towing or immobilization of a vehicle. All decisions of the Traffic Appeals Board will be communicated to the appealing person in writing and are final.

Authority: T.C.A. § 49-9-209(e).

I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.

Date: February 16, 2022

Signature: 

Name of Officer: C. Ryan Stinnett

Title of Officer: General Counsel

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Filed with the Department of State on: _____

Tre Hargett
Secretary of State