

Proposed Rules
of
The Tennessee Department of Safety
Tennessee Highway Patrol

Chapter 1340-3-4
Municipal Enforcement of Rules of the Road

Presented herein are proposed rules of the Department of Safety submitted pursuant to Tennessee Code Annotated, Section 4-5-202 in lieu of a rulemaking hearing. It is the intent of the Department of Safety to promulgate these rules without a rulemaking hearing unless a petition requesting such hearing is filed within thirty (30) days of the publication date of the Tennessee Administrative Register in which these proposed rules are published. Such petition to be effective must be filed with the Department of Safety Legal Division, 1150 Foster Ave., Nashville, Tennessee 37249-1000, and in the Department of State, Publication Division, 312 Eighth Avenue North, 8th Floor, William R. Snodgrass Tower, Nashville, TN 37243, and must be signed by twenty-five (25) persons who will be affected by the rules, or submitted by a municipality which will be affected by the rules, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly.

For a copy of these proposed rules contact: Deborah Martin, Staff Attorney, Tennessee Department of Safety, Legal Division, 1150 Foster Avenue, Nashville, TN, 37249, 615-251-5296.

The text of the proposed rules is as follows:

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Authority: T.C.A. §§4-3-2009, 4-7-112, 55-10-308 and Public Chapter 914, 2004.

1340-3-4-.01 Purpose.

- (1) To provide the Department of Safety with information about the enforcement of rules of the road on interstate highways by law enforcement agencies of municipalities with a population of 10,000 persons or less and to establish terms for the manner and method of enforcement of rules of the road on interstate highways by law enforcement agencies of municipalities with a population of 10,000 persons or less.

Authority: T.C.A. §§4-3-2009, 4-7-112, 55-10-308 and Public Chapter 914, 2004.

1340-3-4-.02 Definitions.

- (1) Commissioner means the Commissioner of the Tennessee Department of Safety.
- (2) Department means the Tennessee Department of Safety.
- (3) Interstate highways mean the Dwight D. Eisenhower national system of interstate and defense highways.
- (4) Municipality means a city or town properly incorporated as a municipal corporation with a population of 10,000 or less according to the 2000 Decennial census or any subsequent census.
- (5) Municipal law enforcement agency means the police department of a municipality with a population of 10,000 or less according to the 2000 Decennial census or any subsequent census.
- (6) Chief law enforcement officer means the chief, director, or the highest ranking officer known by any other title of a municipal law enforcement agency in a municipality with a population of 10,000 or less according to the 2000 Decennial census or any subsequent census.

Authority: T.C.A. §§4-3-2009, 4-7-112, 55-10-308 and Public Chapter 914, 2004.

1340-3-4-.03 Local Authorization.

- (1) A municipal law enforcement agency shall not enforce rules of the road on interstate highways unless the legislative body of the municipality authorizes such enforcement. An ordinance or resolution authorizing enforcement of

rules of the road, if approved, shall be submitted to the Commissioner. Once an ordinance or resolution is received by the Commissioner, the ordinance or resolution shall be maintained on file by the Department and shall satisfy the requirement of this section unless and until a subsequent resolution or ordinance repealing such authorization is submitted to the Commissioner.

Authority: T.C.A. §§4-3-2009, 4-7-112, 55-10-308 and Public Chapter 914, 2004.

1340-3-4-.04 Listing of Highways.

- (1) The chief law enforcement officer of each municipality properly authorized by the local legislative body to enforce rules of the road on interstate highways shall file with the Commissioner a listing of interstate highways within the municipality's law enforcement jurisdiction.

Authority: T.C.A. §§4-3-2009, 4-7-112, 55-10-308 and Public Chapter 914, 2004.

1340-3-4-.05 Annual Enforcement Notice.

- (1) The chief law enforcement officer of each municipality properly authorized by the local legislative body to enforce rules of the road on interstate highways shall file with the Commissioner notification of a municipal law enforcement agency's intent to enforce rules of the road on interstate highways. Such notification shall be made on or before January 1 of each year and shall include, at a minimum:
 - (a) A statement indicating the anticipated frequency of enforcement activities expressed as the anticipated number of hours per week in which the municipal law enforcement agency will have one or more officers engaged in enforcement of the rules of the road on interstate highways.
 - (b) A statement indicating whether enforcement efforts will include active patrols or other methods of enforcement.
 - (c) A statement that all officers engaged in enforcement of the rules of the road have read, understands, and will follow the General Orders listed herein and addendums thereto issued by the Tennessee Highway Patrol to ensure their safety, the safety of the public, and to ensure uniform enforcement procedures and standards:

- G.O. # 405 – Traffic Direction and Control
- G.O. # 411 – Pursuit Driving; Routine and Emergency Operations of the Patrol Vehicle
- G.O. # 412 – The Use of Tire Deflation Devices
- G.O. # 415 – Motorcycle Operations
- G.O. # 430 – Traffic Crash Investigations
- G.O. # 501 – Enforcement Policy and Professional Conduct
- G.O. # 505 – Stop and Approach
- G.O. # 506 – Profiling
- G.O. # 513 – Vehicle Inventory and Searches
- G.O. # 520 – Uniform Citations
- G.O. # 521 – Use of a Warning Ticket
- G.O. # 547 – Audio/Video Recording Equipment
- G.O. # 555 – Speed Measurement
- G.O. # 710 – Use and Investigation of Deadly Force Incidents
- G.O. # 730 – Maintenance, Assignment and Inventory of Radar Equipment

Authority: T.C.A. §§4-3-2009, 4-7-112, 55-10-308 and Public Chapter 914, 2004.

1340-3-4-.06 Crash Investigation.

- (1) Each municipal law enforcement agency enforcing rules of the road on interstate highways shall have authority to assist motorists and investigate crashes on such highways to the fullest extent that resources permit.

Authority: T.C.A. §§4-3-2009, 4-7-112, 55-10-308 and Public Chapter 914, 2004.

1340-3-4-.07 Egress and Ingress.

- (1) Each municipal law enforcement agency enforcing rules of the road on interstate highways shall utilize established and clearly marked points of egress and ingress and may use restricted emergency vehicle turnarounds to change direction on divided highways. A municipal law enforcement agency enforcing the rules of the road on interstate highways shall not drive across a median to change direction on a divided highway unless responding to a crash or other incident in which injury or death of motorists, bystanders, or law enforcement personnel is suspected to have occurred, has occurred, or seems likely to occur.

Authority: T.C.A. §§4-3-2009, 4-7-112, 55-10-308 and Public Chapter 914, 2004.

1340-3-4-.08 Clearly Identified Vehicles.

- (1) Each municipal law enforcement agency enforcing rules of the road on interstate highways shall utilize only clearly marked law enforcement vehicles and shall not utilize unmarked law enforcement vehicles.

Authority: T.C.A. §§4-3-2009, 4-7-112, 55-10-308 and Public Chapter 914, 2004.

1340-3-4-.09 Certified Speed Detection Equipment.

- (1) Each municipal law enforcement agency enforcing rules of the road on interstate highways, to the extent that speed detection equipment is used, shall utilize speed detection equipment tested and certified by the International Association of Chiefs of Police (IACP). Refer to paragraph 2 below for radar speed-measuring device models meeting the minimum performance specifications as published by the National Highway Traffic Safety Administration (NHTSA) of the USDOT. The requirements of General Order numbers 555 and 730 must be adhered to in checking, maintaining and testing such devices. A certified radar technician must also recertify this equipment annually pursuant to the manufacturer's recommendations. The operator of such equipment must also be certified and recertified annually on the use and operation of the speed detection equipment pursuant to the certification requirements of General Order number 555.
- (2) Refer to the following web sites for speed detection equipment models:
<http://www.theiacp.org/profassist/RadarCPL/pdf> List (Authorized).
<http://www.theiacp.org/profassist/viewcpl.html> Lidar (Authorized Laser).
<http://www.theiacp.org/profassist/IACPATRRadarModule6104R1.pdf>
Across-the-road speed-measuring devices.
<http://www.theiacp.org/profassist/IACPDTRRadarModule6104R1.pdf>
Down-the-road speed-measuring devices.
<http://www.theiacp.org/profassist/IACPLidarModule6104R1.pdf> Lidar (laser)
speed-measuring devices.

Authority: T.C.A. §§4-3-2009, 4-7-112, 55-10-308 and Public Chapter 914, 2004.

1340-3-4-.10 Certified Peace Officers.

- (1) Each municipal law enforcement agency enforcing rules of the road on interstate highways shall permit only properly certified peace officers to

enforce rules of the road. No reserve officer, part-time officer, or other uncertified peace officer may enforce rules of the road on interstate highways.

Authority: T.C.A. §§4-3-2009, 4-7-112, 55-10-308 and Public Chapter 914, 2004.

1340-3-4-.11 General Pursuit Policy.

- (1) Each municipal law enforcement agency enforcing rules of the road on interstate highways shall be familiar with and abide by the Department's general pursuit policy or, in the alternative, a municipal law enforcement agency may abide by a local pursuit policy that is at least as restrictive as the Department's general pursuit policy. Any local law enforcement agency utilizing its own pursuit policy shall be responsible for determining if the local pursuit policy is at least as restrictive as the Department's general pursuit policy.

Authority: T.C.A. §§4-3-2009, 4-7-112, 55-10-308 and Public Chapter 914, 2004.

1340-3-4-.12 Assistance.

- (1) In the case of any response, incident, or enforcement activity involving the State Highway Patrol or any other state law enforcement personnel, a municipal law enforcement agency shall assist or support the State Highway Patrol or any other state law enforcement personnel only to the extent requested by the State Highway Patrol or any other state law enforcement agency. The municipal law enforcement agency shall assume a supporting role, unless otherwise requested, regardless of whether the initial response, incident, or enforcement activity was initiated by the municipal law enforcement agency, or by the State Highway Patrol or any other state law enforcement agency.

Authority: T.C.A. §§4-3-2009, 4-7-112, 55-10-308 and Public Chapter 914, 2004.

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

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

Major Lee Chaffin
Tennessee Highway Patrol

I certify that this is an accurate and complete copy of proposed rules lawfully promulgated and adopted by the Tennessee Department of Safety on the ____ day of _____, 2004.

The Secretary of State is hereby instructed that, in the absence of a petition for rulemaking hearing 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 thirty (30) days after the publication date of the issue of the Tennessee Administrative Register in which these proposed rules are published.

Fred Phillips
Commissioner
Tennessee Department of Safety

Subscribed and sworn to before me this ____ day of _____, 2004.

Notary Public

My Commission expires on the ____ day of _____, _____.

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 the 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 proposed rules set out herein were properly filed in the Department of State on the _____ day of _____, 2004, 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 _____ day of _____, 2004.

Riley Darnell
Secretary of State

By: _____