

**RULES
OF
TENNESSEE DEPARTMENT OF CONSERVATION**

**CHAPTER 0400-02-05
VEHICLES AND TRAFFIC SAFETY**

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0400-02-05-.01 STATE LAW APPLICABLE.

Unless specifically covered by the general and special regulations set forth in this chapter, the laws and regulations of the State shall govern traffic and the operation and use of vehicles in all State Parks. Such State laws and regulations which are now or may hereafter be in effect are hereby adopted and made a part of the regulations in this chapter.

Authority: T.C.A. § 11-1-108. **Administrative History:** Original rule certified May 24, 1974. Amendment filed June 14, 2010; effective September 12, 2010.

0400-02-05-.02 DEFINITIONS.

The following terms and phrases when used in this chapter have the meanings respectively ascribed:

- (1) "Vehicle". Every device in, upon, or by which any person or property is or may be transported or drawn on land, except devices moved by human power or used exclusively upon stationary rails or tracks.
- (2) "Motor Vehicle". Every vehicle which is self-propelled by internal combustion, electric or any other mechanical motor, but not operated upon rails, or upon water.
- (3) "Bicycle". Every device propelled by human power upon which a person or persons may ride on land, having one, two, three or four wheels.
- (4) "ATV". All Terrain Vehicle.
- (5) "Motorcycle". Every motor vehicle having a seat for the use of the rider and designed to travel on not more than four wheels in contact with the ground, but excluding a tractor.
- (6) "Authorized Emergency Vehicle". Any vehicle in official use for emergency purposes by local, state or federal agencies and other emergency vehicles such as ambulances and fire engines.

(Rule 0400-02-05-.02, continued)

- (7) "Operator". Any person who operates, drives, controls or otherwise has charge of a vehicle.

Authority: T.C.A. § 11-1-108. **Administrative History:** Original rule certified May 24, 1974. Amendment filed August 24, 1987; effective October 8, 1987. Amendment filed June 14, 2010; effective September 12, 2010.

0400-02-05-.03 BICYCLES.

- (1) Bicycle riders must comply with all applicable traffic regulations. Bicycle riders shall keep well to the right side of the road and shall keep the bicycle under complete control at all times. Bicycles shall not be ridden abreast of one another except on roads designed for bicycle use only.
- (2) Each bicycle must exhibit a white light on the front and a red light or red reflector on the rear during periods of low visibility or during the period between sundown and sunup.
- (3) Anyone under the age of 16 is required to wear a helmet while operating or riding bicycles on any state park property.

Authority: T.C.A. §§ 11-1-108, -1-101 et seq. and 4-5-201 et seq. **Administrative History:** Original rule certified May 24, 1974. Amendment filed June 14, 2010; effective September 12, 2010. Amendment filed December 21, 2011; effective March 20, 2012.

0400-02-05-.04 COMMERCIAL TOWING SERVICE.

An operator of a vehicle used to provide commercial towing service for another vehicle following an accident or for any other reasons must give immediate notice by the quickest available means of communication to the Park Manager before moving the vehicle, unless traffic is being obstructed, in which case notification shall be made before leaving the park area.

Authority: T.C.A. § 11-1-108. **Administrative History:** Original rule certified May 24, 1974. Amendment filed June 14, 2010; effective September 12, 2010.

0400-02-05-.05 DRIVER'S LICENSE.

Driving or permitting another person to drive a vehicle unless such operator has a valid license, when such is required by laws of the State in which the operator is resident or in which the vehicle is registered, is prohibited. A valid driver's or operator's license, registration and proof of insurance must be displayed upon the request of any authorized person.

Authority: T.C.A. § 11-1-108. **Administrative History:** Original rule certified May 24, 1974. Amendment filed June 14, 2010; effective September 12, 2010.

0400-02-05-.06 DRIVING UNDER INFLUENCE OF INTOXICATING LIQUOR OR DRUGS.

No operator of a vehicle shall be under the influence of intoxicating liquor or drugs.

Authority: T.C.A. § 11-1-108. **Administrative History:** Original rule certified May 24, 1974. Amendment filed June 14, 2010; effective September 12, 2010.

0400-02-05-.07 ENTRANCES AND EXITS.

No operator of a motor vehicle shall enter or leave the park with such vehicle at any place except established entrances and exits, and during such hours as may be designated by the Park Manager through the posting of appropriate signs.

(Rule 0400-02-05-.07, continued)

Authority: T.C.A. § 11-1-108. **Administrative History:** Original rule certified May 24, 1974. Amendment filed June 14, 2010; effective September 12, 2010.

0400-02-05-.08 EXCESSIVE ACCELERATION.

The excessive acceleration of the engine of a motor vehicle or motorcycle or ATV when such vehicle is not moving, or is approaching or leaving a stopping place, is prohibited.

Authority: T.C.A. § 11-1-108. **Administrative History:** Original rule certified May 24, 1974. Amendment filed June 14, 2010; effective September 12, 2010.

0400-02-05-.09 FALSE REPORT.

The giving of any false or fictitious report or information to any authorized person investigating an accident or other violation of law or regulations is prohibited.

Authority: T.C.A. § 11-1-108. **Administrative History:** Original rule certified May 24, 1974. Amendment filed June 14, 2010; effective September 12, 2010.

0400-02-05-.10 FOLLOWING VEHICLES.

The operator of a vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon and the condition of the roadway. The responsibility for conformance with this rule rests with the operator of the following vehicle.

Authority: T.C.A. § 11-1-108. **Administrative History:** Original rule certified May 24, 1974. Amendment filed June 14, 2010; effective September 12, 2010.

0400-02-05-.11 LOAD, WEIGHT, LENGTH, AND WIDTH LIMITATIONS.

- (1) Load, weight, length, and width limitations of vehicles except as provided herein shall be in accordance with applicable State law: provided, however, the Park Manager may by the posting of appropriate signs, establish lesser limits, when limits within the State are determined to be greater than sufficient and proper for preservation of the roadway and the safety and welfare of the public, any may also establish hours during which heavy equipment may be operated over government roads.
- (2) No vehicle, or load thereon, the total outside width of which exceeds eight (8) feet, shall be permitted on park roads without a permit from the Park Manager.
- (3) Trailers more than 35 feet long are prohibited without a permit from the Park Manager.
- (4) The transporting of explosives in any quantity or form without a permit from the Park Manager is prohibited.

Authority: T.C.A. § 11-1-108. **Administrative History:** Original rule certified May 24, 1974. Amendment filed June 14, 2010; effective September 12, 2010.

0400-02-05-.12 MUFFLERS.

Every motor vehicle shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke and no person shall use a muffler cut-out, bypass, or similar device upon a motor vehicle.

(Rule 0400-02-05-.12, continued)

Authority: T.C.A. § 11-1-108. **Administrative History:** Original rule certified May 24, 1974. Amendment filed June 14, 2010; effective September 12, 2010.

0400-02-05-.13 OBSTRUCTING TRAFFIC.

- (1) Stopping, parking, or leaving any vehicle, whether attended or unattended, upon the paved or maintained surface of a road so as to leave less than 10 feet of the width of the same traffic lane for the free or unobstructed movement of other vehicles or upon a designated fire lane is prohibited, except in the event of accident or other conditions beyond the immediate control of the operator, or as otherwise directed by an authorized person.
- (2) Causing or permitting a motor vehicle under one's control to obstruct traffic by making turns from the wrong traffic lane, or by weaving in and out of traffic, or by driving so slowly as to interfere with the normal flow of traffic, or in any other manner, is prohibited.

Authority: T.C.A. § 11-1-108. **Administrative History:** Original rule certified May 24, 1974. Amendment filed June 14, 2010; effective September 12, 2010

0400-02-05-.14 RECKLESS OR CARELESS DRIVING.

- (1) Driving or operating any vehicle carelessly or heedlessly, or in willful or wanton disregard for the rights or safety of other persons, or without due care or at a speed greater than is reasonable and prudent under prevailing conditions, having regard to traffic, weather, wildlife, road, and light conditions, and surface, width, and character of the road, is prohibited.
- (2) Texting while operating a vehicle or distracted operation of a vehicle is prohibited.
- (3) Every operator shall maintain such control of the vehicle as may be necessary to avoid danger to persons or property or wildlife.

Authority: T.C.A. § 11-1-108. **Administrative History:** Original rule certified May 24, 1974. Amendment filed June 14, 2010; effective September 12, 2010.

0400-02-05-.15 REPORT OF VEHICLE ACCIDENTS.

- (1) The operator of any vehicle involved in a collision or upset shall give notice of such accident forthwith by the quickest available means of communication to the Park Manager or his authorized representative and shall also provide a written report of the incident within twenty-four (24) hours when requested by the Park Manager or his authorized representative. This report does not relieve the operator from the responsibility of making any other motor vehicle accident report which may be required by State law.

Authority: T.C.A. § 11-1-108. **Administrative History:** Original rule certified May 24, 1974. Amendment filed August 24, 1987; effective October 8, 1987. Amendment filed June 14, 2010; effective September 12, 2010.

0400-02-05-.16 RIGHT OF WAY.

- (1) The operator of any vehicle, when being approached from any direction by any authorized emergency vehicle giving an audible or visual signal, shall yield the right of way to the emergency vehicle.
- (2) Pedestrians, saddle horses, pack trains, and horsedrawn vehicles have right of way over motor vehicles.

(Rule 0400-02-05-.16, continued)

Authority: T.C.A. § 11-1-108. **Administrative History:** Original rule certified May 24, 1974. Amendment filed June 14, 2010; effective September 12, 2010.

0400-02-05-.17 SPEED LIMITS.

- (1) The Park Manager may establish greater or lesser speed limits upon any road or other way when the maximum speed limits set forth are determined to be greater or less than is reasonable or safe. Such speed limits shall be established by the posting of appropriate signs and no person shall drive any vehicle at a speed in excess of the maximum limits so posted.
- (2) The provisions of this rule shall not apply to authorized emergency vehicles: provided, however, that such vehicles shall not be operated at speeds in excess of those which are prudent under the circumstances.

Authority: T.C.A. § 11-1-108. **Administrative History:** Original rule certified May 24, 1974. Amendment filed June 14, 2010; effective September 12, 2010.

0400-02-05-.18 TRAFFIC CONTROL AND SIGNS.

- (1) The Park Manager may erect signs which regulate traffic, prohibit or restrict stopping, standing or parking, the direction of travel, and the hours during which roads and parking areas are open to the public. All persons shall comply with the directions of any signal or posted traffic sign.
- (2) All persons shall obey the lawful order or signal of any authorized person directing, controlling, or regulating the movement of traffic.
- (3) The operator of a motor vehicle shall comply with and observe all visual or audible signals given by any authorized person directing the operator to bring his motor vehicle to a stop.

Authority: T.C.A. § 11-1-108. **Administrative History:** Original rule certified May 24, 1974. Amendment filed June 14, 2010; effective September 12, 2010.

0400-02-05-.19 TRAVEL ON ROADS.

- (1) Operating a vehicle outside of established public roads, parking areas, or routes designated by the Park Manager is prohibited. Such routes may be designated by the posting of appropriate signs, or by marking a map which shall be available for public inspection in the office of the Park Manager, or both.
- (2) Operating a vehicle, equipped with any fitting or device which damages or is likely to damage the road surface is prohibited: however, this rule shall not be construed to prohibit the use of ordinary detachable tire or skid chains or comparable safety devices under adverse road conditions.

Authority: T.C.A. § 11-1-108. **Administrative History:** Original rule certified May 24, 1974. Amendment filed June 14, 2010; effective September 12, 2010.

0400-02-05-.20 VEHICLE REGISTRATION.

The operation of a vehicle which does not bear valid license plates and is not properly certificated or registered in accordance with applicable State laws is prohibited. Valid proof of ownership of State registry of the vehicle must be displayed upon the request of any authorized person. Valid proof of

(Rule 0400-02-05-.20, continued)

liability insurance must be displayed upon the request of any authorized person.

Authority: T.C.A. § 11-1-108. **Administrative History:** Original rule certified May 24, 1974. Amendment filed June 14, 2010; effective September 12, 2010.

0400-02-05-.21 USE OF MOTORCYCLES.

- (1) Motorcycles (any two-, three- or four wheel vehicle of more than 5 horsepower) are only permitted on paved park roads, and must obey all traffic laws that any other motor vehicle operator must observe.
- (2) Motorcycles must be equipped with brakes, lights, approved crash bars, seat and foot rests for operator and passenger, windshield or safety goggles for operator and passenger, and rear view mirror.
- (3) Motorcycle operators must possess a valid Motorcycle Drivers License, Vehicle Registration Certificate, and vehicle must have proper license plates.

Authority: T.C.A. § 11-1-108. **Administrative History:** Original rule certified May 24, 1974. Amendment filed June 14, 2010; effective September 12, 2010.

0400-02-05-.22 TRAIL BIKES, MINIBIKES, AND OTHER OFF-ROAD VEHICLES.

Trail bikes, minibikes and other off-road vehicles having two, three or four wheels are restricted to use of designated trails only. These designated areas may be used only during daylight hours as posted. These vehicles will be equipped with properly functioning mufflers and spark arresters. Neither vehicle nor operator's license is required when vehicle is used within designated area. Safety is the responsibility of the user. All operators must operate within posted boundaries, or on trails as posted. Operator hours shall be from 9:00 a.m. to 30 minutes before sundown. Sanctioned competitive events are prohibited. One-way trails must be traveled in the direction indicated. No harassment or disturbance of people or wildlife is permitted. All riders of these vehicles shall follow the safety practices recommended by the American Motorcycle Association. Riders shall have a safety helmet and wear heavy shoes, protective clothing, and protective eyewear of shatterproof material. Safety of others must be a primary consideration at all times.

Authority: T.C.A. §11-1-108. **Administrative History:** Original rule certified May 24, 1974. Amendment filed June 14, 2010; effective September 12, 2010.