

**RULES
OF
THE TENNESSEE DEPARTMENT OF SAFETY AND HOMELAND SECURITY
ADMINISTRATIVE DIVISION**

**CHAPTER 1340-02-07
RULES OF PROCEDURE FOR DECLARATORY ORDER CASES**

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1340-02-07-.01 PURPOSE.

To establish uniform standards for Petitions for Declaratory Orders and the procedure for their submission, consideration, and disposition.

Authority: T.C.A. §§ 4-3-2009, 4-5-223, and 4-5-224. **Administrative History:** New rules filed February 20, 2026; effective May 21, 2026.

1340-02-07-.02 DEFINITIONS.

- (1) Affected Person: As these words are used in T.C.A. § 4-5-223, this means a person upon whom a statute, rule, or order produces a specific and direct effect or result.
- (2) Commissioner: The Commissioner of the Tennessee Department of Safety.
- (3) Department: The Tennessee Department of Safety.
- (4) Designee: An attorney employed by the Department and who is authorized by the Commissioner to hear contested cases.
- (5) Electronic Means: Telephone conference or video conference where participants may be in different locations.
- (6) Petitioner: The person, as defined in T.C.A. § 4-5-102(9), who has filed a petition for declaratory order, and who has the burden of pursuing the claims in the petition, and as to whom any declaratory order issued shall be binding.
- (7) The UAPA: The Uniform Administrative Procedures Act, T.C.A. §§ 4-5-101, et seq.

Authority: T.C.A. §§ 4-3-2009, 4-5-223, and 4-5-224. **Administrative History:** New rules filed February 20, 2026; effective May 21, 2026.

1340-02-07-.03 PETITIONS FOR DECLARATORY ORDER.

- (1) Any affected person may petition the Department for a declaratory order as to the validity or the applicability of a statute, rule, or order within the primary jurisdiction of the Department.
- (2) The petition seeking a declaratory order shall be filed in writing with the Department either:
 - (a) By U.S. Mail to:

Legal Division

(Rule 1340-02-07-.03, continued)

Tennessee Department of Safety
312 Rosa L. Parks Avenue, 25th Floor
Nashville, TN 32743

- (b) Or by Electronic Mail to:
Email.Safety@tn.gov, with the subject line "Petition for Declaratory Order."
- (3) A petition for declaratory order must contain the following:
- (a) A caption stating the filing is a "Petition for Declaratory Order Before the Commissioner of Safety";
 - (b) The name of Petitioner;
 - (c) The postal mailing address of Petitioner or Petitioner's attorney;
 - (d) The email (electronic mail) address of Petitioner or Petitioner's attorney, if the party wishes to receive documents by email (electronic mail);
 - (e) The Department rule or order, or statutory provision, on which declaratory order is sought;
 - (f) A statement of the facts of the controversy;
 - (g) A description of how the rule, order, or statute affects or could affect Petitioner;
 - (h) A description of the relief sought;
 - (i) The signature of Petitioner; and
 - (j) The date of petition.
- (4) A memorandum of law setting forth the legal basis why the declaratory order should be granted shall accompany the petition. Failure to submit a memorandum in support of a petition may result in the denial of the petition.
- (5) The Commissioner may ask for additional facts or law prior to taking an action pursuant to Rule 1340-02-07-.04(1).
- (6) Any challenge to the applicability of a statute, rule, or order must comply with the procedural requirements set forth in these rules, and a challenge to the applicability of a statute, rule, or order will not be entertained without compliance with these requirements.
- (7) A petition for declaratory order is viewed as primarily involving questions of law and statutory rules of interpretation. The parties should strive to limit the amount of evidence presented and to stipulate the facts to the extent possible.
- (8) No person may file a petition for declaratory order as to any action or issue which is the subject of a pending or completed contested case proceeding involving the same person.

Authority: T.C.A. §§ 4-3-2009, 4-5-223, and 4-5-224. **Administrative History:** New rules filed February 20, 2026; effective May 21, 2026.

1340-02-07-.04 PETITION REVIEW.

- (1) Within sixty (60) days of receipt of the petition, the Department shall either:
 - (a) Set the petition for a contested case hearing; or
 - (b) Refuse to issue a declaratory order.
- (2) If the Department has not set a petition for a declaratory order for a contested case hearing within sixty (60) days after receipt of the petition, the Department shall be deemed to have denied the petition and to have refused to issue a declaratory order.
- (3) If the Department refuses to issue a declaratory order, the Petitioner may apply for a declaratory judgment as provided in T.C.A. § 4-5-225.

Authority: T.C.A. §§ 4-3-2009, 4-5-223, and 4-5-224. **Administrative History:** New rules filed February 20, 2026; effective May 21, 2026.

1340-02-07-.05 CONTESTED CASE HEARINGS.

- (1) If the petition is set for a contested case hearing, the Commissioner may assign the matter to a Designee to hear the matter.
- (2) The Designee shall hold an initial pre-hearing conference, in person or by electronic means, with Petitioner and the Department to:
 - (a) Determine any pre-hearing matters, including any motions, objections, or other matters that may be relevant;
 - (b) Determine the date of the hearing;
 - (c) Determine the method of hearing, either in person or by electronic means;
 - (d) Determine the dates by which any pre-hearing motions must be filed or any discovery, if needed, must be completed; and
 - (e) Any other matters which the Designee determines is necessary to address.
- (3) The Designee may require the parties to file an agreed stipulation of facts or proposed findings of fact and conclusions of law.
- (4) The Designee shall issue a written order reflecting the outcome of the pre-hearing conference.
- (5) All pre-hearing conferences and the declaratory order hearing shall be recorded by a court reporter provided by the Department.
- (6) The Designee shall file the Notice of Hearing required by T.C.A. § 4-5-224.
- (7) When the petition is the subject of a contested case hearing, the Petitioner has the burden of proof in persuading the agency of the correctness of the Petitioner's position on all issues.
- (8) The Designee shall issue a final written declaratory order after the contested case hearing and after the submission of any proposed findings of fact and conclusions of law by the parties, if requested by the Designee. This order shall comply with the requirements of the UAPA.

(Rule 1340-02-07-.05, continued)

- (9) A party aggrieved by the declaratory order may seek judicial review of the order in the chancery court of Davidson County, unless otherwise specifically provided by statute, in the manner provided for the review of decisions in contested cases under T.C.A. §§ 4-5-223 and 4-5-225.

Authority: T.C.A. §§ 4-3-2009, 4-5-223, and 4-5-224. **Administrative History:** New rules filed February 20, 2026; effective May 21, 2026.

1340-02-07-.06 EFFECTS OF DECLARATORY ORDERS.

A declaratory order is binding between the Department and the parties on the state of facts alleged in the petition unless altered or set aside by the Department or a court in a proper proceeding.

Authority: T.C.A. §§ 4-3-2009, 4-5-223, and 4-5-224. **Administrative History:** New rules filed February 20, 2026; effective May 21, 2026.