

**RULES
OF
THE TENNESSEE DEPARTMENT OF SAFETY
HIGHWAY PATROL DIVISION**

**CHAPTER 1340-03-02
TENNESSEE DEPARTMENT OF SAFETY INSPECTION PROGRAM**

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1340-03-02-.01 PURPOSE.

To establish a uniform system for the conduction of safety inspections on trailers, semi-trailers, and pole trailers which are homemade or materially reconstructed, as defined herein where required to be titled or registered, under the provisions of T.C.A. Title 55, to operate over the roads and highways of the State of Tennessee.

Authority: T.C.A. §§ 55-4-101 and 65-15-111. **Administrative History:** Original rule filed December 11, 1986; effective March 31, 1987. Amendments filed June 9, 2023; effective September 7, 2023.

1340-03-02-.02 DEFINITIONS.

- (1) Applicant. A person who is requesting in writing that the Department inspect their property pursuant to T.C.A. § 55-4-101 and § 65-15-111.
- (2) Application for Inspection. That form furnished by the Department or any County Court Clerk's Office requesting that the Department perform a Safety Certification Inspection.
- (3) Commissioner. The appointed commissioner of the Department.
- (4) Department. The Tennessee Department of Safety and Homeland Security.
- (5) Homemade. The construction or assembly of a trailer from new or used parts, or both, using a body or frame not originating from any previously manufactured trailer.
- (6) Inspection. That process performed by a safety inspector of the Department on the property as requested by the applicant to see if the property meets the requirements of the Department.
- (7) Inspection Fee Receipt. That form issued by the Department confirming that the applicant has paid the required twenty-five dollar (\$25.00) inspection fee.
- (8) Inspection Report. A report and checklist maintained by the Department which is completed at every safety inspection designation whether or not such property meets or does not meet the requirements of the Department.
- (9) Pole Trailer. Every vehicle designed to be driven by another vehicle and attached to the towing vehicle by means of a reach or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly shaped loads such as

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

poles, piper or structural members capable, generally of sustaining themselves as beams between the supporting connections, pursuant to definitions set out in 49 CFR 390.5.

- (10) **Materially Reconstructed.** Substantial alteration or modifications made to an original manufacturer's specifications. Substantial alterations or modifications shall be deemed to have occurred if the trailer has undergone a major manufacturing alteration which has materially changed the original configuration, structure or specifications of basic components of a previously assembled or manufactured trailer.
- (11) **Property.** Any trailer, semi-trailer and pole trailer which is homemade or materially reconstructed as defined herein which is required under the provisions of T.C.A. § 55-4-101 and § 65-15-111 to be titled or registered to operate over the roads and highways of Tennessee.
- (12) **Safety Inspection Certification Certificate.** A form furnished by the Department designating whether or not such property meets the requirements of the Department.
- (13) **Safety Inspector.** A person employed by the Department to inspect property pursuant to T.C.A. § 55-4-101 and § 65-15-111.
- (14) **Semi-Trailer.** Every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.
- (15) **Trailer.** Every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

Authority: T.C.A. §§ 55-4-101 and 65-15-111. **Administrative History:** Original rule filed December 11, 1986; effective March 31, 1987. Amendments filed June 9, 2023; effective September 7, 2023.

1340-03-02-.03 APPLICATION FOR SAFETY INSPECTION.

- (1) Any person wanting the Department to perform a safety inspection on a trailer, semi-trailer, or pole trailer which is homemade or materially reconstructed and is required to be titled or registered in Tennessee shall complete an application for Safety Inspection form.
- (2) Each inspection shall be at the site of the property to be inspected. The property shall not be operated on any Tennessee highway until receiving a Safety Inspection Certification Certificate.
- (3) The Department shall inspect said property at the earliest possible time without any unreasonable delays and during normal business hours.

Authority: T.C.A. §§ 55-4-101 and 65-15-111. **Administrative History:** Original rule filed December 11, 1986; effective March 31, 1987. Amendments filed June 9, 2023; effective September 7, 2023.

1340-03-02-.04 LOCATION AND TIME OF INSPECTION.

- (1) After receiving a written Application for Inspection, the Department shall confirm with the applicant by telephone or in writing the time and location that the Department will inspect said property.
- (2) Each inspection shall be at the site of the property to be inspected. The property shall not be operated on any Tennessee highway until receiving a Safety Inspection Certification Certificate.

(Rule 1340-03-02-.04, continued)

- (3) The Department shall inspect said property at the earliest possible time without any unreasonable delays and during normal business hours.

Authority: T.C.A. §§ 55-4-101 and 65-15-111. **Administrative History:** Original rule filed December 11, 1986; effective March 31, 1987. Amendments filed June 9, 2023; effective September 7, 2023.

1340-03-02-.05 INSPECTION FEE.

- (1) The fee for each inspection shall be twenty-five dollars (\$25.00). Said fee shall be assessed and collected by the Department whether or not the property meets the requirements of the Department.
- (2) If the applicant makes a later request for a second or subsequent inspection for the same property after having already completed an Application for Safety Inspection, the applicant shall pay the twenty-five dollar (\$25.00) Inspection Fee for the second or any subsequent inspection.

Authority: T.C.A. §§ 55-4-101 and 65-15-111. **Administrative History:** Original rule filed December 11, 1986; effective March 31, 1987. Amendments filed June 9, 2023; effective September 7, 2023.

1340-03-02-.06 INSPECTION COMPLIANCE.

- (1) Any trailers, semi-trailers, which are homemade or materially reconstructed as defined herein and are required to be titled or registered, under the provisions of T.C.A. Title 55, to operate over the roads and highways of the State of Tennessee are subject to inspection.
- (2) Those subject to subsection (1) shall be inspected by the Department pursuant to all applicable state and federal rules and regulations. This includes, but is not limited to, T.C.A. Title 55, Chapter 9, Lighting and Equipment Regulations, T.C.A. § 55-4-101, § 65-15-11, as well as the compliance with Interstate Motor Carrier Noise Emission Standards of 49 CFR 325.1.

Authority: T.C.A. §§ 55-4-101 and 65-15-111. **Administrative History:** Original rule filed December 11, 1986; effective March 31, 1987. Amendments filed June 9, 2023; effective September 7, 2023.

1340-03-02-.07 INSPECTION REPORT.

- (1) The applicant shall be issued the original of the inspection report after the property has been inspected by the Department. A copy of the Inspection Report shall be kept by the safety inspector and one copy to be kept in a central location along with the Application, Inspection Fee Receipt, and Safety Inspection Certification Certificate.
- (2) The Inspection Report shall designate whether or not the items inspected meet the requirements of the Department. If such items do not meet the said requirements, then the Department shall briefly identify the nature of the safety violations on the Inspection Report.
- (3) The Inspection Report shall be signed by the safety inspector and the applicant requesting the inspection. The Identification Certification Number shall be placed on the corresponding Inspection Report.

Authority: T.C.A. §§ 55-4-101 and 65-15-111. **Administrative History:** Original rule filed December 11, 1986; effective March 31, 1987. Amendments filed June 9, 2023; effective September 7, 2023.

1340-03-02-.08 CERTIFICATION OF PROPERTY.

- (1) When such property is found to be in compliance with the requirements of the Department, the safety inspector shall permanently affix to such property an Identification Certification Number. The safety inspector shall issue a Safety Inspection Certification Certificate to certify compliance with the Department.

Authority: T.C.A. §§ 55-4-101 and 65-15-111. **Administrative History:** Original rule filed December 11, 1986; effective March 31, 1987. Amendments filed June 9, 2023; effective September 7, 2023.

1340-03-02-.09 VIOLATORS APPREHENDED WHILE PULLING PROPERTY WITHOUT A SAFETY CERTIFICATION CERTIFICATE.

- (1) While pulling such property on any street, road, highway or interstate system, a person who violates T.C.A. § 55-4-101 and § 65-15-111 shall be issued a citation.
- (2) When it is determined that such person is pulling such property on any street, road, highway, or interstate system in violation of T.C.A. § 55-4-101 and § 65-15-111, any enforcement officer shall allow such person to make their own arrangements for having the property towed to their residence or a facility of their choice at the violator's expense.
- (3) When a person is found to be in violation of T.C.A. § 55-4-101 and § 65-15-111 while pulling such property on any street, road, or interstate system, and that person does not make any arrangements for having the property towed to their residence or a facility of their choice, the enforcement officer shall then make the necessary arrangements to have the property towed to the closest facility available for storage. Any storage charges shall be charged to the owner/operator of the property being stored and not charged to the Tennessee Department of Safety.
- (4) Any person found to be in violation of T.C.A. § 55-4-101 and § 65-15-111 shall be allowed an opportunity to complete an Application for Inspection Form and file it with the Department. The Department shall then confirm an inspection date to inspect said property.

Authority: T.C.A. §§ 55-4-101 and 65-15-111. **Administrative History:** Original rule filed December 11, 1986; effective March 31, 1987. Amendments filed June 9, 2023; effective September 7, 2023.