

TENNESSEE STATUTES

TITLE 55

(a) Every motor vehicle or motorized bicycle, as defined in chapter 8 of this title, and every trailer, semi-trailer, and pole trailer as defined by § 55-1-105, when driven or moved upon a highway, and every mobile home or house trailer when occupied shall be subject to the registration and certificate of title provisions of chapters 1-6 of this title, except:

(1) Any such vehicle driven or moved upon a highway in conformance with the provisions of chapters 1-6 of this title relating to manufacturers, transporters, dealers, lienholders, or nonresidents;

(2) Any such vehicle which is driven or moved upon a highway only for the purpose of crossing such highway from one (1) property to another;

(3) Any implement of husbandry;

(4) Any special mobile equipment as defined in § 55-1-109;

(5) No certificate of title need be obtained for any vehicle of a type subject to registration owned by the government of the United States;

(6) No certificate of title need be obtained for a foreign vehicle which is subject to the registration provisions of this state, if the nonresident owner has a valid foreign certificate of title and certificate of registration and if the vehicle is to remain registered in the foreign state as well as in this state;

(7) Motorized bicycles, except when voluntarily registered under the provisions of § 55-1-101; and

(8) No certificate of title need be obtained or maintained where the manufactured home is affixed to real property in accordance with § 55-3-138.

(b) The owner of a vehicle excepted in subsection (a) from the requirement for titling and registering may, subject to the approval of the commissioner, apply for a certificate of title without applying for its registration. The commissioner shall by regulation provide for the manner in which such single applications are to be made and the conditions under which they may be allowed; however, this provision shall not be construed as granting authority to issue certificates of ownership on any basis other than upon such documentation or summary of ownership as is required in this chapter.

(c) (1) Notwithstanding any other provision of the law to the contrary, off-highway motor vehicles purchased after June 1, 1983, shall be subject to the certificate of title and special identification device provisions of this chapter and § 55-6-101, when such off-highway motor vehicles are operated on lands, other than a highway, in this state.

(2) For the purposes of this title, an off-highway motor vehicle is a vehicle which is not driven or moved on the public highway and is limited to:

(A) Any motorcycle commonly referred to as a "dirt bike";

(B) Any snowmobile or other vehicle designed to travel exclusively over snow or ice;

(C) Any motor vehicle commonly referred to as a "sand buggy," "dune buggy," or "all terrain vehicle"; or

(D) Similar types of motor vehicles designed primarily for off-highway use.

(3) The department shall issue to the owner of an off-highway motor vehicle purchased

after June 1, 1983, if not registered under chapter 4 of this title, a special identification device to be affixed to the vehicle as evidence that a certificate of title has been issued for the vehicle. Such device may be either a plate or a sticker, whichever is determined by the department to be the most appropriate. Such device shall be nonrenewable and nontransferable and shall become invalid when the vehicle for which it was issued is sold, or the ownership thereof transferred or the vehicle is dismantled.

(4) Such off-highway motor vehicles purchased prior to July 1, 1982, may also be issued a certificate of title and special identification device upon application of the owner, if evidence of ownership is properly provided to the department. Such off-highway motor vehicles purchased after June 30, 1982, and prior to June 1, 1983, may be issued a special identification device upon application of the owner and presentation of the certificate of title previously issued for the vehicle.

Comment [r1]: State Law As of May 31, 2006

(a) It is a Class C misdemeanor for any person to:

(1) Drive or move or for any owner knowingly to permit to be driven or moved upon any highway any vehicle of a type required to be registered under chapters 1-6 of this title, which is not registered or for which the appropriate fee has not been paid when and as required under chapters 1-6 of this title; or

(2) Operate or for any owner knowingly to permit to be operated on lands, other than a highway, an off-highway motor vehicle as defined in § 55-3-101(c)(2), for which certificate of title has not been issued or for which the appropriate fee has not been paid when and as required under chapters 1-6 of this title; except that when application accompanied by proper fee has been made for a certificate of title for a vehicle, it may be operated temporarily pending issuance of a certificate of title upon displaying a duplicate application therefor, duly verified by the county clerk of the county in which the vehicle has been registered, which shall be prepared by the county clerk, upon request, without the payment of additional fee.

(b) It is a Class C misdemeanor for any person to occupy or for any owner knowingly to permit to be occupied any mobile home or house trailer required to be registered under chapters 1-6 of this title, which mobile home or house trailer is not registered or for which certificate of title has not been issued or for which the appropriate fee has not been paid when and as required under chapters 1-6 of this title. Except that when an

application accompanied by proper fee has been made for a certificate of title for a mobile home or house trailer, it may be occupied temporarily pending issuance of a certificate of title upon the displaying of a duplicate application therefor, duly verified by the county clerk of the county in which the house trailer has been registered, which shall be prepared by the county clerk, upon request, without the payment of additional fee.

(c) The duly authorized agent, employee, or representative of any town, city, incorporated municipality, county, and the department are hereby authorized and empowered to enforce the provisions of chapters 1-6 of this title, and the agent, employee or representative shall be expressly authorized without the necessity of a search warrant to go upon the premises, land or real property of any person for the purpose of inspection or examination of any mobile home or house trailer, located thereon, for the purpose of carrying out the provisions of chapters 1-6 of this title.

(a) The following fees are due to the division of motor vehicles:

(1) For issuing a certificate of title there shall be collected, in addition to the registration

fee, a sum of five dollars (\$5.00). The revenue generated from one dollar and fifty cents (\$1.50) of such fee shall be earmarked for the purpose of paying the principal and interest on bonds issued pursuant to the provisions of Acts 1992, ch. 1028. Any funds in excess of the amount necessary to pay such principal and interest shall be earmarked for the purposes of capital projects at state parks. It is the legislative intent that the department of environment and conservation in the planning and development of its capital renovation and improvement programs for state parks give priority to the camp sites, marinas and cabins;

(2) For noting new liens or encumbrances and transferring liens or encumbrances from one (1) lienor to the lienor's assignee upon a certificate of title when the transaction does not involve a change of ownership and where the certificate of title is forwarded to the division together with the application, the sum of five dollars (\$5.00);

(3) For noting on a certificate of title the extension of any mortgage therein described and noted thereon, the sum of five dollars (\$5.00);

(4) For issuing a duplicate certificate of ownership to replace a lost or destroyed certificate, the sum of five dollars (\$5.00);

(5) For issuing a plate with a new and distinguishing number for a vehicle where the serial or manufacturer's identification number has been removed, destroyed or obliterated, or for replacing a plate and number issued by a manufacturer, the sum of ten dollars (\$10.00); and

(6) For issuing or duplicating any other certificate or document not specifically enumerated herein, but not including the initial issuance of a registration certificate, then at such charge as the commissioner deems necessary to cover the actual cost of preparation and distribution thereof, but not to exceed the sum of two dollars (\$2.00) each.

(b) The increase of fifty cents (50¢) in the state fees for certificates of title authorized by Acts 1989, ch. 276, subject to an annual appropriation in the general appropriations act, shall be used for the purpose of funding action against odometer fraud, including the expenses of odometer fraud related activities of the department of safety and the division of motor vehicles.

(c) (1) Revenue to the state from the fee increases in subdivisions (2)-(4), as provided by Acts 1993, ch. 529, §§ 3-5, are earmarked to the department of safety for equipment, staff, and other costs incurred by the department or a county clerk's office under contract with the department pursuant to § 55-3-114(e).

(2) No state funds collected pursuant to the fee increases provided by Acts 1993, ch. 529 shall be expended in any county where the additional funds provided in the fee increases provided by that act are not collected. [Acts 1951, ch. 70, § 90 (Williams, § 5538.190); 1953, ch. 167, § 18; 1959, ch. 250, § 2; 1967, ch. 131, § 1; 1972, ch. 540, § 14; 1976, ch. 589, § 1; 1979, ch. 268, §§ 1, 2; modified; T.C.A. (orig. ed.), § 59-601; Acts 1986, ch. 791, § 2; 1989, ch. 276, §§ 3, 4; 1992, ch. 1029, §§ 1-3; 1993, ch. 529, §§ 3-5, 8, 12.]

(a) Off-highway motor vehicles defined in § 55-3-101(c)(2) may be operated or driven upon a highway but only as follows:

(1) On a two-lane highway, only to cross such highway at an angle of approximately ninety degrees (90°) to the direction of the roadway and at a place where a quick and safe crossing may be made;

(2) With respect to the crossing of a highway having more than two (2) lanes, or a highway having limited access, such off-highway motor vehicles may cross such highways, but only at a place designated by the department of transportation or local government authorities with respect to highways under their respective jurisdictions as a place where such motor

vehicles, or specified types of such motor vehicles, may cross the highways, and such vehicles shall cross such highways only at such designated places and only in a quick and safe manner; and

(3) The department and local government authorities with respect to highways under their respective jurisdictions may designate, by the erection of appropriate signs of a type approved by the department, places where such motor vehicles, or specified types of such motor vehicles, may cross any highway having more than two (2) lanes or having limited access.

(b) Off-highway motor-driven cycles defined in § 55-3-101(c)(2) may be moved, by non mechanical means only, adjacent to a roadway, in such a manner so as to not interfere with traffic upon the highway, only for the purpose of gaining access to, or returning from, areas designed for the operation of off-highway vehicles, when no other route is available. The department or local government authority may designate access routes leading to off-highway parks as suitable for the operation of off-highway vehicles, if such access routes are available to the general public only for pedestrian and off-highway motor vehicle travel.

(c) Notwithstanding any provision of law to the contrary, three- or four-wheel all-terrain vehicles may be operated on State Route 116 between Railroad Street and Beech Grove Lane within the jurisdiction of Lake City in Anderson County. Drivers operating vehicles in such manner shall obey the rules of the road and operate with due care. While on the authorized portion of State Route 116, such vehicles shall display tail lamps and headlights. Headlights on such vehicles shall, under normal atmospheric conditions and on a level road, produce a driving light sufficient to render clearly discernible a person two hundred feet (200') ahead. A violation of this

section is a Class C misdemeanor punishable by a fine only of not more than fifty dollars (\$50.00). [Acts 1982, ch. 749, § 2; 2005, ch. 60, § 1.]

TITLE 70

This chapter shall be known and may be cited as the "Tennessee Off-Highway Vehicle Act".

The number of off-highway vehicle users in the state is increasing and is growing as a recognized recreational activity while the number of recreational sites is rapidly declining. In the absence of a program to manage off-highway vehicle (OHV) use, a number of consequences are accruing to the state, including environmental damage and loss of economic prospects. Therefore, the general assembly finds the need to manage OHVs to maximize economic and recreational opportunities, to protect the environment of this state, and to ensure that adequate revenue is generated for such purpose.

For the purpose of this chapter, unless the context otherwise requires:

- (1) "Agency" means the Tennessee wildlife resources agency;
- (2) "Commission" means the Tennessee wildlife resources commission;
- (3) "Director" means the executive director of the Tennessee wildlife resources agency, the director's duly authorized representative, and, in the event of the director's absence or a vacancy in the office of director, the assistant director of the Tennessee wildlife resources agency;
- (4) "Off-highway vehicle" or "OHV" means any off-road motorcycles, three or four-wheel all-terrain vehicles or dune buggies; and
- (5) "Owner" means the person in whose name the OHV is owned.
- (6) "Seller" means a person permitted to engage in the business of selling, offering to sell, soliciting or advertising the sale of either off-road motorcycles, three or four-wheel all-terrain vehicles or dune buggies, or any of these vehicles;

The director is authorized to:

- (1) Establish and implement an off-highway vehicle program;
- (2) In cooperation with sellers and governmental agencies, develop a voluntary off-highway vehicle education program for existing and potential owners and users;
- (3) Develop guidelines on the proper land selection criteria, trail design and maintenance, and best management practices for all lands used for off-highway user

purposes. In this connection, the director is authorized to develop public lands and manage for specific uses those public lands;

- (4) Study, analyze, and document the impacts of off-highway motor vehicles on surrounding habitat, including habitat loss, resource damage, noise, and vehicle emissions;
- (5) Acquire lands, through purchase or lease, for off-highway motor vehicle use. The director is encouraged to use property which is currently owned or leased by the state and which is appropriate for off-highway vehicle use before acquiring lands from private landowners. OHV use shall be expressly prohibited in Tennessee wildlife resources agency (TWRA) wildlife management areas or refuges used solely for hunting, fishing or other

TWRA-related activities, state forests, state parks and state natural areas unless such area has been expressly approved for such use on or before May 10, 2004, except that OHV users may be allowed to access such areas if specified by rule and regulation;

(6) Develop and maintain a list of areas within the state that allow the use of off-highway motor vehicles;

(7) Enter into partnerships, contracts, and other management agreements with state, federal, and local governments and with private landowners to effectuate the purposes of this chapter;

(8) Make inspections and investigations, conduct studies and research, or take such other action as may be necessary to carry out the provisions of this chapter, and rules and regulations promulgated pursuant to § 70-9-105; and

(9) Exercise general supervision over the administration and enforcement of this chapter

and all rules and regulations promulgated under § 70-9-105.

[Acts 2004, ch. 622, § 5.]

The commission is authorized to promulgate rules and regulations for the following purposes:

(1) To set, through rules and regulations, rider fees as established in this chapter;

(2) To establish safety requirements for riders on publicly owned or leased lands. Riders under eighteen (18) years of age shall, at a minimum, wear a helmet; and

(3) To promulgate any other rules and regulations deemed reasonable and necessary to effectuate the purposes of this chapter. Such rules and regulations shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter

5.

(a) The funds received by the Tennessee wildlife resources agency under this chapter shall be used exclusively for the purpose of funding the operation and management of the off-highway motor vehicle program authorized under this chapter. The director may use funds collected under this chapter to acquire by purchase, gift, grant, bequest, devise, or lease, the fee or any lesser interest in land, development right, easement, covenant, or other contractual right necessary to achieve the purposes of this chapter.

(b) It is the intent of the general assembly that the off-highway vehicle program be self-funded. Use of any existing or future agency resources, revenues, or funding not derived by or through the OHV program, to administer or enforce this program shall constitute a

diversion of funds under § 70-1-401. Any future federal funds received for OHV or motorized trails shall be credited to the agency for use to administer and enforce the provisions of this chapter.

[Acts 2004, ch. 622, § 7.]

(a) Except as provided in subsection (d), a violation of any provision of this chapter is a Class B misdemeanor. A parent or guardian who knowingly permits a minor to operate an off-

highway vehicle in violation of this chapter commits a Class B misdemeanor. A person who commits a second or subsequent offense commits a Class B misdemeanor with a mandatory fine of two hundred fifty dollars (\$250).

(b) For any conviction of violation of a provision of this chapter, the court may order restitution for damages caused by the violator, or the court may order the violator to restore the property to a state comparable to its original undamaged state. Any restitution ordered shall be paid to the landowner or to the agency if the land on which the offense occurred was owned, leased, licensed to, or in some manner under agency control. Agency control includes, but is not limited to, control through any type of agreement or understanding with any private or governmental entity permitting land to be used in connection with the OHV program.

(c) In connection with an arrest for a violation of this chapter, the OHV may be seized and impounded in compliance with § 40-33-101 et seq.

(d) It is unlawful for any person to ride an off-highway motor vehicle upon the land of another without having first obtained the permission or approval of the owners of the land or of the person or persons in charge of the land who have authority from the owner to give such permission. A violation of this subsection (d) is a Class C misdemeanor, subject to a fine only of fifty dollars (\$50.00). Each day's violation of this subsection (d) shall be considered a separate offense; provided, that, in lieu of a fine pursuant to this subsection (d), if land is damaged, a court may order the violator to pay restitution to the landowner or to restore the property to a state comparable to its original undamaged state.

(e) The provisions of this chapter are enforceable and may be prosecuted by all law enforcement officers, including police officers, sheriffs, agency officers, and other peace officers charged with the enforcement of the laws of this state. The primary responsibility for the enforcement and prosecution of this chapter on private lands and on lands under local governmental ownership or control is with local law enforcement officers. The primary responsibility for the enforcement and prosecution of this chapter on public lands not under local governmental ownership or control is with state law enforcement officers, including wildlife resources officers. It is not the legislative intent that the agency enforce trespass laws on private property unless the property is under state control. [Acts 2004, ch. 622, § 8; 2005, ch. 175, §§ 1, 2.]

**RULES
OF
TENNESSEE DEPARTMENT OF CONSERVATION
DIVISION OF STATE PARKS**

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 part. Authority: T.C.A. §11—1—108. Administrative History: Original rule certified May 24, 1974.

The following terms and phrases when used in this part 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 and every vehicle which is propelled by electric power, 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, or three wheels.

(4) Motorcycle. Every motor vehicle having a seat for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor.

(5) 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.

(6) 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.

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. Authority: T.C.A. §11—1—108. Administrative History: Original rule certified May 24, 1974.

(1) Operating a vehicle outside of established public roads, parking areas, or routes designated by the Superintendent 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 Superintendent, 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 section 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.

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.

VEHICLES AND TRAFFIC SAFETY CHAPTER 0400—2—5

(Rule 0400-2-5-.20, continued)

Authority: T.C.A. §11—1—108. Administrative History: Original rule certified May 24, 1974.

Trail bikes, minibikes and other off-road vehicles having two or three 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.

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Vehicles

Tennessee State Forests belong to the people of the State of Tennessee and are for the use

of the public. All visitors are welcome. To prevent the abuse and misuse of the privileges, natural resources and facilities provided, the following rules and regulations governing public use are adopted.

Authority: T.C.A. §§4-3-201 et seq., 11-1-101 et seq., 11-4-101 et seq., and Executive Order No. 41 (February 4, 1991). Administrative History: Original rule filed December 6, 2000; effective April 30, 2001.

- (1) "Commissioner" means the commissioner of agriculture;
- (2) "Department" means the department of agriculture;

(3) "District Forester" means the official in charge of a Forestry District or their representative;

(4) "Division" means the division of forestry within the department;

(5) "Multiple use" means the management and use of forests such that a variety or mix of natural resource benefits are derived from that land. "Multiple use" includes, but is not limited to, a combination of timber production, demonstration, watershed protection, wildlife management, recreation, and aesthetics;

(6) "Natural Resource" includes but is not limited to: fruit, timber, grass, rocks, roots, flowers, leaves, minerals, water, artifacts, and soil;

(7) "State Forester" means the director of the division of forestry or his representative;

(8) "State forests," means those lands owned by the state and/or administered under the jurisdiction of the division.

Authority: T.C.A. §§4-3-201 et seq., 11-1-101 et seq., 11-4-101 et seq., and Executive Order No. 41 (February 4, 1991). Administrative History: Original rule filed December 6, 2000; effective April 30, 2001. tennessee.gov/sos/rules/0080/0080-07/0080-07-01.pdf PROTECTION OF STATE FORESTS CHAPTER 0080-7-1 April, 2001 (Revised) 2

(1) Cutting, removal, gathering, planting, destruction or damaging of any natural resource is prohibited on any State Forest; provided, however, such actions may be carried out with the written authorization of the District Forester or under the District Forester's supervision.

(2) The collection of plants, rocks, minerals, animal life, botanical specimens or other natural objects is prohibited. Provided however, persons officially representing reputable scientific or educational institutes may obtain authorization for such collecting from the District Forester where the objects collected will become part of a permanent collection open to the public and the scientific community. Authority: T.C.A. §§4-3-201 et seq., 11-1-101 et seq., 11-4-101 et seq., and Executive Order No. 41 (February 4, 1991). Administrative History: Original rule filed December 6, 2000; effective April 30, 2001.

(1) The District Forester may restrict camping in any State Forest, including locations and the times camping is allowed. This includes emergency restrictions when, in the opinion of

the District Forester, conditions in an area normally open to the public are such as to endanger natural resources or the public.

(2) Camping and the use of trailers or other camper units are permitted only at designated locations. The District Forester may issue written permits to persons desiring to camp in backcountry, or other isolated sections of a forest area. The District Forester may designate portions of a forest area in which such permits will not be required by marking on a map which shall be available for public inspection in the District Office.

(3) Quiet shall be maintained in all campgrounds between the hours of 10:00 p.m. and 6:00 a.m.

(4) The gathering of wood for use as fuel in campgrounds or picnic areas is limited to dead material on the ground, except where such gathering is prohibited by the District Forester by the posting of appropriate signs.

(5) Camping equipment must be completely removed and camping sites cleaned and returned to their natural condition by campers before leaving.

Authority: T.C.A. §§4-3-201 et seq., 11-1-101 et seq., 11-4-101 et seq., and Executive Order No. 41 (February 4, 1991). Administrative History: Original rule filed December 6, 2000; effective April 30, 2001.

(1) The District Forester may establish a reasonable schedule of visiting hours for all portions of a Forest area.

(2) The District Forester may temporarily close or restrict the public use of roads, trails and any or all portion of a State Forest when necessary for the protection of the area or the safety and welfare of visitors or property. Temporary closures extending beyond one hundred twenty (120) days must have the approval of the State Forester.

(3) All persons shall abide by the officially posted signs designating closed areas and visiting hours. PROTECTION OF STATE FORESTS CHAPTER 0080-7-1 (Rule 0080-7-1-.05, continued) April, 2001 (Revised) 3

(4) Tampering with posted signs or barricades, traveling on closed or restricted use roads, driving around or through signs or barricades marking closed or restricted areas, is a Class A misdemeanor, punishable as provided by general law. Authority: T.C.A. §§4-3-201 et seq., 11-1-101 et seq., 11-4-101 et seq., 39-17-108, and Executive Order No. 41 (February 4, 1991). Administrative History: Original rule filed December 6, 2000; effective April 30, 2001.

(1) The District Forester may designate areas for use by certain types of transportation. Unauthorized off road travel by any means of transportation is prohibited.

(2) Riders of saddle and pack animals are;

(a) Permitted only on those trails or routes designated for their use, unless the District Forester has issued a permit authorizing cross-county travel;

(b) Not permitted on paved or main-traveled roadways except where necessary for ingress to and egress from trails or privately owned property;

(c) Required to have, in their possession, evidence of a negative test for Equine

Infectious Anemia.

(3) Riders of motorcycles, trail bikes, all-terrain vehicles, bicycles and other off-road vehicles:

(a) May use only the unpaved roadways maintained by the Forestry Division and not the public roadways unless they and their vehicle are licensed for the public roadways;

(b) Must have all equipment in good working order with properly functioning mufflers and spark arresters;

(4) The District Forester may designate certain areas for the use of off-road vehicles. These areas will be posted for such use and may be used only during daylight hours. Use of off-road vehicles in any area of a State Forest except on unpaved roadway maintained by the Forestry Division or in areas posted for use by off-road vehicles is strictly prohibited.

Authority: T.C.A. §§11-1-101 et seq., 11-4-101 et seq., 44-2-1302, 55-9-302, 4-3-201 et seq., and Executive Order No. 41 (February 4, 1991). Administrative History: Original rule filed December 6, 2000; effective April 30, 2001.

(1) Engaging in a business or commercial solicitation of any kind within a State Forest is prohibited without a written permit from the District Forester or a fully executed contract with the Department of Agriculture, Forestry Division.

Authority: T.C.A. §§4-3-201 et seq., 11-1-101 et seq., 11-4-101 et seq., and Executive Order No. 41 (February 4, 1991). Administrative History: Original rule filed December 6, 2000; effective April 30, 2001.

PROTECTION OF STATE FORESTS CHAPTER 0080-7-1 (Rule 0080-7-1-.08, continued) April, 2001 (Revised) 4

(1) Public meetings, assemblies, gatherings, demonstrations, and other events are permitted within state forests on lands that are open to the general public provided a permit has been issued by the District Forester.

(2) Any application for such a permit shall set forth the name of the applicant, the date, time, duration, nature and place of the proposed event, and estimate of the number of persons expected to attend, and a statement of equipment and facilities to be used.

Authority: T.C.A. §§4-3-201 et seq., 11-1-101 et seq., 11-4-101 et seq., and Executive Order No. 41 (February 4, 1991). Administrative History: Original rule filed December 6, 2000; effective April 30, 2001.

(1) Abandoning vehicles or other personal property is prohibited in a State Forest. Leaving any vehicle or other personal property unattended for longer than 24 hours, without prior permission from the District Forester, constitutes abandonment. The District Forester may impound abandoned property.

(2) In the event unattended property interferes with a safe and orderly management of the State Forest, the District Forester may impound it at any time.

Authority: T.C.A. §§4-3-201 et seq., 11-1-101 et seq., 11-4-101 et seq., and Executive Order No. 41

(February 4,

1991). Administrative History: Original rule filed December 6, 2000; effective April 30, 2001.

(1) Disorderly conduct, as defined in T.C.A. §39-17-305 and vandalism as defined in T.C.A. §39-14-408 are prohibited in a State Forest.

Authority: T.C.A. §§4-3-201 et seq., 11-1-101 et seq., 11-4-101 et seq., and Executive Order No. 41 (February 4, 1991). Administrative History: Original rule filed December 6, 2000; effective April 30, 2001.

(1) Violation of these rules may be a misdemeanor and punishable under the general law relating to misdemeanors.

(2) The District Forester may call upon any law enforcement officer or agencies and state departments and agencies for assistance in enforcing these rules and regulations.

(3) Division of Forestry personnel will likewise provide assistance, when requested, to any law enforcement officer or agency or state department or agencies in enforcing state law or in the enforcement of the rules and regulations of other departments. Authority: T.C.A. §§4-3-201 et seq., 11-1-101 et seq., 11-4-101 et seq., and Executive Order No. 41 (February 4, 1991). Administrative History: Original rule filed December 6, 2000; effective April 30, 2001.