

**RULES  
OF  
DEPARTMENT OF SAFETY**

**CHAPTER 1340-2-3  
DEPARTMENT OF SAFETY APPROVED HANDGUN SAFETY PROGRAM**

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**1340-2-3-.01 PURPOSE AND SCOPE.**

To establish uniform, statewide, minimum standards for the certification of Handgun Safety Schools and instructors for non-police individuals and the approval of those programs under the provisions of *T.C.A. §39-17-1351*, and Public Chapter Number 905.

**Authority:** *T.C.A. §§4-3-2009 and 39-17-1351. Administrative History: Original rule filed January 25, 1995; effective April 10, 1995. Amendment filed September 16, 1996; effective January 28, 1997.*

**1340-2-3-.02 DEFINITIONS.**

- (1) Commercially Manufactured Ammunition - Ammunition manufactured by a company and/or business properly licensed by the Federal Bureau of Alcohol Tobacco and Firearms
- (2) Commissioner - The Commissioner of the Tennessee Department of Safety
- (3) Department - The Tennessee Department of Safety
- (4) Eye protection - Meets or Exceeds ANSI Z-87.1 Standard
- (5) Firing Line - A line, from which, gunfire is directed toward targets
- (6) Firing Range - A location, at which, firearms training is conducted with live ammunition
- (7) Handgun Safety Course - A course of instruction outlined herein which provides education in the fundamentals of handgun safety and the use and operation of handguns for non-police residents of Tennessee.
- (8) Handgun Safety Program - A Department approved Handgun Safety Course as required by *T.C.A. §39-17-1351* as amended.
- (9) Hearing protection - Meets or Exceeds ANSI S3.19-1974 Standards
- (10) Instructor - An individual either approved by the Department to conduct a Handgun Safety Course for private entities or, a full-time, salaried, POST certified law enforcement officer approved as a firearm instructor by the chief administrative officer of his or her agency and who conducts Handgun Safety Courses for his or her agency or another public Handgun Safety School.
- (11) POST - Police Officers Standards of Training

(Rule 1340-2-3-.02, continued)

- (12) Private Handgun Safety School - A private organization, individual, corporation, or other public entity approved by the Department to conduct Handgun Safety Courses.
- (13) Program Director - A person designated by the commissioner to plan, organize and administer the Handgun Safety Program.
- (14) Public Handgun Safety School - A Tennessee Sheriff's Department or Police Department in a Tennessee county having a metropolitan form of government approved by the Department to conduct Handgun Safety Courses.
- (15) Student - Any person enrolled in a Handgun Safety School.
- (16) Workday - Any day when the Department offices are open to the public.

**Authority:** T.C.A. §§4-3-2009 and 39-17-1351. **Administrative History:** Original rule filed January 25, 1995; effective April 10, 1995. Amendment filed September 16, 1996; effective January 28, 1997.

### **1340-2-3-.03 HANDGUN TRAINING SCHOOL REQUIREMENTS.**

- (1) There shall be two (2) separate classifications of Handgun Safety Schools; Public and Private.
  - (a) Any Tennessee Sheriff's Department or Police Department in a Tennessee County having a metropolitan form of government is hereby certified by the Department as a Public Handgun Safety School and is hereby authorized to conduct Handgun Safety Schools/Courses under the provisions herein.
  - (b) Any private agency, organization, corporation, individual or public entity other than those specified in 1340-2-3-.03(1)(a) that agrees to comply with the rules set forth herein may make application with the Department for Private Handgun Safety School certification.
- (2) All Handgun Safety Schools agree to conduct Handgun Safety Courses which meet or exceed the minimum standards set forth herein.
- (3) Handgun Safety Schools shall use only those instructors which meet the qualifications set forth in 1340-2-3-.06.
- (4) Handgun Safety Schools shall be responsible for all phases of the Handgun Safety Program including, but not limited to:
  - (a) Assuring all Departmental rules and regulations are complied with;
  - (b) Maintaining accurate records of all program costs, student participation, accident and incident reports and providing these records to the Program Director for inspection upon request;
  - (c) Advising the Department, immediately, of any change(s) in the information supplied on their application;
  - (d) Securing and maintaining the classroom and range sites;
  - (e) Ensuring that all students complete a release, waiver and indemnification form supplied by the Department or approved by the Program Director;

(Rule 1340-2-3-.03, continued)

- (f) Providing, to the Program Director, schedules of Handgun Safety Courses upon request;
  - (g) Providing any additional records or reports as requested by the Program Director; and,
  - (h) Being available for periodic inspection by the Department and, with Private Handgun Safety Schools, the Sheriff of the county or the Police Chief of a municipality in which the Handgun Safety School is located.
- (5) Private Handgun Safety Schools which meet the minimum qualifications and provisions herein, and upon the discretion of the Commissioner, will be approved to provide Handgun Safety Courses and will be issued a certification by the Department.
- (a) For Public Handgun Safety Schools the certification shall be valid indefinitely;
  - (b) For Private Handgun Safety Schools the certification shall be valid for a period to be determined by the Program Director based on their application and financial responsibility information.

**Authority:** T.C.A. §§4-3-2009 and 39-17-1351. **Administrative History:** Original rule filed January 25, 1995; effective April 10, 1995. Amendment filed September 16, 1996; effective January 28, 1997.

#### **1340-2-3-.04 APPLICATION PROCEDURES.**

- (1) Public Handgun Safety Schools:
  - (a) No application is necessary.
- (2) Private Handgun Safety Schools:
  - (a) Any private agency, organization, corporation, individual or public entity that agrees to comply with the rules set forth herein may apply for a Handgun Safety School certification;
  - (b) They shall make application on forms supplied by the Department;
  - (c) They shall pay the application fees specified in 1340-2-3-.08
  - (d) Upon receipt, the Department will process the application and conduct an on site inspection of the facilities if the Commissioner or Program Director deem it necessary; and,
  - (e) The applicant will be contacted, via U. S. mail, and advised of the approval or denial of the application.
    - 1. If the application is denied, the applicant will be informed of the reason.
- (3) Instructors:
  - (a) Any persons who meet the qualifications outlined in Section 1340-2-3-.06 of these rules may make application on forms supplied by the Department;
  - (b) They shall pay the application fees specified in 1340-2-3-.08
  - (c) Upon receipt, the Department will process the application and request additional information if the Commissioner or Program Director deems it necessary; and,

(Rule 1340-2-3-.04, continued)

- (d) The applicant will be contacted, via U. S. mail, and advised of the approval or denial of the application.
  1. If the application is denied, the applicant will be informed of the reason.

**Authority:** T.C.A. §§4-3-2009 and 39-17-1351. **Administrative History:** Original rule filed January 25, 1995; effective April 10, 1995. Amendment filed September 16, 1996; effective January 28, 1997.

#### **1340-2-3-.05 HANDGUN SAFETY COURSE REQUIREMENTS.**

- (1) Each Handgun Safety Course shall consist of two (2) separate but inter-related areas of instruction; classroom instruction and firing range instruction.
- (2) The Handgun Safety Course shall be a minimum of eight (8) hours in length, including a ten (10) minute break per hour.
  - (a) The classroom instruction shall be a minimum of four (4) hours; and,
  - (b) The firing range instruction shall be a minimum of four (4) hours.
- (3) Handgun Safety Schools shall utilize the instructional outline and video tapes provided by the Department.
- (4) Instructional outlines and video tapes will be provided to each Handgun Safety School upon their approval by the Department.
- (5) Handgun Safety Schools may utilize other instructional outlines provided they:
  - (a) Submit a written request to the Program Director and receive written approval;
  - (b) Furnish the Department a copy of the proposed instructional outline, with lesson plan and source documents if requested;
  - (c) Identify in writing the topics in their outline which will replicate the information in the Department provided outline; and,
  - (d) Incorporate their instruction with the Department provided videotape.
- (6) A written examination and handgun firing qualification shall be administered to each student.
  - (a) The written examination shall consists of, as a minimum, a core of questions provided by the Department and other questions selected by the Handgun Safety School:
    1. up to a maximum of fifty (50) questions;
  - (b) The handgun firing qualification shall, as a minimum, include the course of fire specified by the Department;
  - (c) A minimum score of seventy percent (70%) must be achieved on the written examination and firing qualification separately to successfully pass the Handgun Safety Course; and,

(Rule 1340-2-3-.05, continued)

- (d) A copy of all scores shall be maintained by the Handgun Safety School for a minimum of five (5) years from the date of the examinations.
- (7) Class size:
- (a) The classroom shall be of sufficient size to adequately accommodate the total number of students;
  - (b) There shall be a minimum of one (1) instructor per fifty (50) students during classroom and legal instruction;
  - (c) There shall be a minimum of one (1) instructor per five (5) students during the actual live firing portion of the range instruction; and,
  - (d) In no case shall the number of students on the firing line exceed the number of established firing positions.
- (8) No students under the age of sixteen (16) shall be allowed to enroll in any Handgun Safety Course.
- (9) While on, or within fifty (50) yards of an active firing line, all students, instructors and observers must wear approved hearing protection and approved eye protection .
- (10) Qualification with more than one (1) handgun:
- (a) If, while undergoing the handgun safety instruction, a student desires to qualify with a different make, model or caliber of handgun, they are required only to take the four (4) hour range instructional portion of the Handgun Safety Course; and,
  - (b) A certificate of completion will be completed under the provisions of 1340-2-3-.11.
- (11) Type of ammunition:
- (a) All ammunition used by students during training shall be of quality, commercial manufacture.
  - (b) Reloaded ammunition is acceptable only if it is of commercial manufacture.
- (12) Type of handguns:
- (a) Handguns used by students in a Handgun Safety Course shall be of quality manufacture and free from operational defects;
  - (b) All handguns shall be inspected by an instructor prior to the firing range portion of the instruction; and,
    - 1. If, in the opinion of the instructor, the handgun is unsafe it shall not be used.
  - (c) The Department shall not establish restrictions on the type, make, model or caliber of handguns used by students in a Handgun Safety Course; however,
    - 1. Each Handgun Safety School may establish restrictions on the caliber or type of handgun used in their Handgun Safety Course(s). state CERTIFIED HANDGUN TRAINING CHAPTER 1340-2-3

(Rule 1340-2-3-.05, continued)

2. Each Handgun Training School may establish restrictions on the caliber or type of handgun used in their Handgun Training Course(s).

**Authority:** T.C.A. §§4-3-2009 and 39-17-1351. **Administrative History:** Original rule filed January 25, 1995; effective April 10, 1995. Amendment September 16, 1996; effective January 28, 1997.

**1340-2-3-.06 INSTRUCTOR REQUIREMENTS.**

- (1) Public Handgun Safety Schools may use handgun instructors who are a full time, salaried, POST certified law enforcement officer approved as a firearms instructor by the chief administrative officer of his or her agency and who conducts Handgun Safety Courses for his/her agency or another Public Handgun Safety School.
- (2) Private Handgun Safety Schools shall use instructors which must meet the following minimum qualifications:
  - (a) Be at least twenty-one (21) years of age;
  - (b) Shall not have been convicted of a felony or any drug or alcohol related offense in the past ten (10) years;
  - (c) Shall submit proof of the completion of a Department approved firearm/handgun instructors training course; and,
    1. Approved instructor training courses include, but are not limited to, those instructed by the National Rifle Association (NRA), National Sheriff's Association (NSA), International Association of Chiefs of Police (IACP), Police Officers Standards of Training (POST), Federal Bureau of Investigation (FBI) International Practical Shooting Confederation (IPSC) and others approved by the Department.
    2. The Commissioner shall make the final determination on approved courses.
  - (d) Shall possess an instructors certificate issued by the Department.
    1. Certificate is valid for three (3) years from date of issuance.
- (3) Instructors for Public Handgun Safety Schools who instruct for Private Handgun Safety Schools and Instructors for Private Handgun Safety Schools who instruct for Public Handgun Safety Schools must meet the requirement of 1340-2-3-.06(2).
- (4) Handgun Safety Schools may utilize personnel other than Department Certified Instructors to instruct only that portion of classroom instruction directly related to the legal liabilities and other legal aspects of the instruction.

**Authority:** T.C.A. §§4-3-2009 and 39-17-1351. **Administrative History:** Original rule filed January 25, 1995; effective April 10, 1995. Amendment filed September 16, 1996; effective January 28, 1997.

**1340-2-3-.07 FIRING RANGE REQUIREMENTS.**

- (1) Ranges shall be of adequate size to safely accommodate the number of students being trained.
- (2) Ranges are to be constructed in such a manner as to ensure the safety of the students, instructors, spectators and all others in the immediate area.
- (3) Access to the ranges should be limited, with controlled points of ingress.
- (4) Warning signs, flags, lights and/or audible devices shall be utilized to ensure safety to others.
- (5) All ranges shall have a first aid kit on site.

(Rule 1340-2-3-.07, continued)

- (6) All ranges shall have ready access to a telephone or other communication devices in the event of an emergency situation.
- (7) All ranges must comply with all applicable local county and municipal ordinances.
- (8) All firing shall be done on standard silhouette type targets or others approved by the Program Director.
- (9) The overall safety of any firing range shall be determined by the Program Director.

**Authority:** T.C.A. §39-17-1315(b)(2) and Public Chapter 943 of 1994. **Administrative History:** Original rule filed January 25, 1995; effective April 10, 1995.

#### **1340-2-3-.08 FEES.**

- (1) Fees charged by Handgun Safety Schools for the instruction of students shall not be established by the Department and are considered individual contracts between the student and Handgun Safety Schools.
- (2) Application Fees:
  - (a) Private Handgun Safety Schools making application to the Department shall remit an application fee of fifty dollars (\$50.00) to the Department.
    1. This same fee shall apply upon application for renewal for previously approved Handgun Safety Schools.
  - (b) Instructor making application to the Department shall remit an application fee of twenty five dollars (\$25.00) to the Department,
    1. This same fee shall apply upon application for renewal for previously approved Instructors.

**Authority:** T.C.A. §§4-3-2009 and 39-17-1351. **Administrative History:** Original rule filed January 25, 1995; effective April 10, 1995. Amendment filed September 16, 1996; effective January 28, 1997.

#### **1340-2-3-.09 FINANCIAL RESPONSIBILITY REQUIREMENTS.**

- (1) Each Handgun Safety School must obtain, maintain and provide evidence of financial responsibility as a condition of approval for certification.
- (2) Public Handgun Safety Schools shall meet these requirements under the provisions of the Governmental Tort Liability provisions of State law. (T.C.A. Title 29, Chapter 20)
- (3) Private Handgun Safety Schools may comply with the financial responsibility requirement by providing the Department one (1) of the following:
  - (a) Written proof of liability insurance coverage provided by a single limit policy with a limit of not less than three hundred thousand dollars (\$300,000) applicable to one (1) accident;
  - (b) Written proof of liability insurance provided by a split limit policy with a limit of not less than one hundred and fifty thousand dollars (\$150,000) for bodily injury to or death of one (1) person, not less than three hundred thousand dollars (\$300,000) for bodily injury or death of



(Rule 1340-2-3-.09, continued)

- two (2) or more persons in any one (1) accident and not less than fifty thousand dollars (\$50,000) for damage to property in any one (1) accident;
- (c) A deposit of cash in the amount of three hundred thousand dollars (\$300,000);
  - (d) The execution and filing of a bond in the amount of three hundred thousand dollars (\$300,000); or,
  - (e) The filing of a surety in an amount of not less than three hundred thousand dollars (\$300,000) subject to approval by the Commissioner.
- (4) No policy or bond shall be effective unless it bears an issuance and expiration date, is issued by an insurance company or surety company licensed to do business in this state and unless such policy or bond provides security not less than the amounts specified in 1340-2-3-.09(3).
- (5) This requirement does not preclude insurance which by its nature provides coverage for this purpose as well as other general liability provisions.

**Authority:** T.C.A. §39-17-1315(b)(2) and Public Chapter 943 of 1994. **Administrative History:** Original rule filed January 25, 1995; effective April 10, 1995. Amendment filed September 16, 1996; effective January 28, 1997.

#### **1340-2-3-.10 SUSPENSION, REVOCATION OR DENIAL OF CERTIFICATION.**

- (1) The Commissioner, or his or her designee, may, upon receipt of satisfactory evidence from the Program Director, suspend, revoke, refuse to issue or refuse to renew the certification of a Handgun Safety School or handgun instructor if:
- (a) The holder of any certificate fails to comply with the provisions of the rules and regulations of the Department or any associated state statute;
  - (b) The holder of any certification has made a false statement or has concealed a material fact in connection with his application;
  - (c) The holder of any certification has been guilty of a fraudulent practice in attempting to obtain for himself or another certification;
  - (d) Written notice of the cancellation of insurance or bond required by the regulation is received by the Department and the certificate holder does not present satisfactory evidence of financial responsibility to the Department prior to the effective date of the cancellation; and,
  - (e) The holder of any certification fails to maintain the minimum standards established herein.
- (2) Any suspension, revocation or denial of certification issued for violation of these rules and regulations shall be governed by the contested case provisions of T.C.A., Title 4, Chapter 5 (Uniform Administrative Procedures Act).

**Authority:** T.C.A. §§4-3-2009 and 39-17-1351. **Administrative History:** Original rule filed January 25, 1995; effective April 10, 1995. Amendment filed September 16, 1996; effective January 28, 1997.

#### **1340-2-3-.11 CERTIFICATE OF COMPLETION FOR STUDENTS.**

(Rule 1340-2-3-.11, continued)

- (1) Students who successfully complete a Handgun Safety Course conducted by an approved Department certified Handgun Safety School shall be issued a certificate of completion.
  - (a) The certificate shall bear the following minimal information:
    1. Student:
      - (i) Full name, social security number, and county of residence.
    2. Handgun Safety School:
      - (i) Name of Safety School, and Department assigned identification number.
    3. Instructor:
      - (i) Name, signature and social security number.
    4. Handgun:
      - (i) Manufacturer's name, model, and caliber.
    5. Issuance date.
- (2) Certificates issued by Department approved Handgun Safety Schools will be accepted by the Department of Safety for consideration in the application for a handgun carry permit under the provisions of *T.C.A. §39-17-1351*.
  - (a) It is not necessary for a student to take a Handgun Safety Course in their county of residence.

**Authority:** *T.C.A. §§4-3-2009 and 39-17-1351. Administrative History: Original rule filed January 25, 1995; effective April 10, 1995. Amendment September 16, 1996; effective January 28, 1997.*

#### **1340-2-3-.12 GENERAL REQUIREMENTS.**

- (1) The rules, regulations and requirements established herein are minimums and may be exceeded.
- (2) No alcoholic beverages of any type or narcotic drugs shall be brought onto, consumed or stored on the premises of any Handgun Training School site.
- (3) No prohibited weapons, as defined by *T.C.A. §39-17-1302*, of any type will be possessed by any person at or on the premises of any site a Handgun Training School is being conducted.
- (4) Any authorized representative of the Department shall be permitted to inspect the Handgun Safety School site at any time during normal State business hours, as defined in *T.C.A. §4-4-105* or during the conducting of a Handgun Safety Course.

**Authority:** *T.C.A. §§4-3-2009 and 39-17-1351. Administrative History: Original rule filed January 25, 1995; effective April 10, 1995. Amendment filed September 16, 1996; effective January 28, 1997.*