

**RULES
OF
DEPARTMENT OF COMMERCE AND INSURANCE
DIVISION OF REGULATORY BOARDS
TENNESSEE BEAUTY PAGEANT REGISTRATION PROGRAM**

**CHAPTER 0780-05-15
BEAUTY PAGEANTS**

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0780-05-15-.01 PURPOSE.

The purpose of this chapter is to provide for administration and implementation of the beauty pageant registration program, Tenn. Code. Ann., Title 47, Chapter 18, Part 2 (as amended by Public Acts of 2015, Chapter 339), herein referred to as the "Act".

Authority: T.C.A. §§ 47-18-204 and 47-18-208. **Administrative History:** Original rule filed August 12, 2016; effective November 10, 2016.

0780-05-15-.02 DEFINITIONS

- (1) As used in these rules, unless the context otherwise requires, words shall have the same meaning as provided in Tenn. Code Ann. § 47-18-201. In addition:
 - (a) "Controlling Member" means:
 1. Any sole proprietor owning a beauty pageant operator;
 2. Any general partner owning any part of a beauty pageant operator; or
 3. Any person having a share of ten percent (10%) or more of any corporation, Limited Liability Company or other entity applying for registration.
 - (b) "Department" means the department of commerce and insurance.
 - (c) "Responsible Individual" means the individual or officer of the organization having full responsibility for the conducting of any pageant.

Authority: T.C.A. § 47-18-204. **Administrative History:** Original rule filed August 12, 2016; effective November 10, 2016.

0780-05-15-.03 REGISTRATION AND APPLICATION.

- (1) All companies or persons who seek to be registered as a beauty pageant operator must complete an application on forms prescribed by the Commissioner containing:
 - (a) Name, address, and telephone number of the operator;
 - (b) Name, address, and telephone number of the Responsible Individual;

(Rule 0780-05-15-.03, continued)

- (c) Names of pageants customarily promoted by the operator;
 - (d) Name, address, and telephone number of the financial institution in which the entrants' fee is held;
 - (e) The operator's exemption certificate number from the tax imposed by title 67, chapter 6, or the operator's sales tax registration number;
 - (f) If the company applying is a corporation, Limited Liability Company or other entity, proof that the company is duly registered with the Tennessee Secretary of State;
 - (g) A list of each Controlling Member of the company seeking registration and the Controlling Member's percentage of ownership of the beauty pageant operator;
 - (h) A bond, payable to the state of Tennessee, purchased from a surety company authorized to do business in this state for the use of the Department and any person who may have a cause of action against the obligor of the bond for any losses caused by a failure to conduct a beauty pageant in an amount not less than ten thousand dollars (\$10,000.00);
 - (i) A nonrefundable fifty dollar (\$50.00) fee for each application.
- (2) All applicants claiming an exemption from the application fee and bond requirement shall submit proof along with the application to the satisfaction of the Commissioner.

Authority: T.C.A. §§ 47-18-202 and 47-18-204. **Administrative History:** Original rule filed August 12, 2016; effective November 10, 2016.

0780-05-15-.04 EXPIRATION.

Each registration shall expire on December 31 of each year.

Authority: T.C.A. § 47-18-202. **Administrative History:** Original rule filed August 12, 2016; effective November 10, 2016.

0780-05-15-.05 CHANGE OF OWNERSHIP.

A registration is nontransferable. The change of an ownership interest of any sole proprietor, general partner, corporation, Limited Liability Company or other entity as originally registered shall constitute a change of ownership and a new application for initial registration shall be filed.

Authority: T.C.A. § 47-18-204. **Administrative History:** Original rule filed August 12, 2016; effective November 10, 2016.

0780-05-15-.06 CHANGE OF INFORMATION.

An operator shall notify the Commissioner with ten (10) business days of the change in pageant location or registration information.

Authority: T.C.A. § 47-18-204. **Administrative History:** Original rule filed August 12, 2016; effective November 10, 2016.

0780-05-15-.07 VIOLATIONS.

- (1) The Commissioner may deny, suspend, revoke or refuse to issue a registration for:

(Rule 0780-05-15-.07, continued)

- (a) A violation of Tenn. Code Ann. Title 47, chapter 18, part 2 or any rules promulgated thereunder;
 - (b) Failure to refund all entrants' fees pursuant to Tenn. Code Ann. § 47-18-203 within thirty (30) calendar days;
 - (c) Failure to maintain a bond as required by Tenn. Code Ann. § 47-18-202 at all times while registered as a beauty pageant operator;
 - (d) Conducting any beauty pageant without being properly bonded or registered; or
 - (e) The making of a false statement on the registration application form.
- (2) A violation of Tenn. Code Ann. Title 47, Chapter 18, Part 2, or any rules promulgated thereunder, constitutes a violation of the Tennessee Consumer Protection Act of 1977 and shall constitute an unfair or deceptive act or practice affecting the conduct of any trade or commerce and subject to the penalties and remedies as provided by that act.
- (3) Whenever it appears to the Commissioner that an operator is acting in violation of Tenn. Code Ann. Title 47, Chapter 18, Part 2, and the Commissioner determines that the health, safety, or welfare is endangered, the Commissioner may issue an order to that operator to cease and desist in the violations without prior notice.

Authority: T.C.A. § 47-18-204, 47-18-209, and 47-18-210. **Administrative History:** Original rule filed August 12, 2016; effective November 10, 2016.

0780-05-15-.08 CIVIL PENALTIES.

- (1) The Commissioner may, in addition to or in lieu of any other disciplinary action, assess civil penalties for each separate violation of statutes, rules or orders enforceable by the Commissioner in accordance with the following schedule:

Violation	Penalty
Tenn. Code Ann. § 47-18-202	\$500 - \$5,000
Tenn. Code Ann. § 47-18-203	\$500 - \$5,000
Tenn. Code Ann. § 47-18-204	\$500 - \$5,000
Tenn. Code Ann. § 47-18-209	\$500 - \$5,000
Tenn. Comp. R. & Regs. 0780-05-15	\$500 - \$5,000

- (2) Each day of a continuing violation may constitute a separate violation.
- (3) In assessing civil penalties, the following factors may be considered:
- (a) Whether the amount imposed will be a substantial economic deterrent to the violator;
 - (b) The circumstances leading to the violation;
 - (c) The severity of the violation and the risk of harm to the public;
 - (d) The economic benefits gained by the violator as a result of noncompliance; and
 - (e) The interest of the public.

(Rule 0780-05-15-.08, continued)

Authority: T.C.A. §§ 56-1-308, 47-18-204, and 47-18-206. **Administrative History:** Original rule filed August 12, 2016; effective November 10, 2016.