

# **INDEX OF ACTS RELATED TO COUNTY GOVERNMENT**

## **Laws Effective January 1, 2016**



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This publication contains summaries of acts passed by the General Assembly in 2015 that become effective on January 1, 2016, that may be of interest to county governments. These summaries are intended for information only and should not be relied upon for implementation purposes. The full text of all acts summarized in this publication can be viewed on the Secretary of State's website:  
<http://www.tennessee.gov/sos/acts/index.htm>.

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## **PART I - PUBLIC ACTS OF GENERAL APPLICATION**

### **COUNTY CLERKS**

#### **Public Chapter 348**

SB 209 – HB 198

#### **Driver Licenses**

Amends 55-50-337 to increase the term of driver licenses from 5 to 8 years, with transition terms of 3 to 8 years allowed. Amends 55-50-323 to change driver license issuance and renewal fees as follows: Class A = \$64.00, Classes B & C = \$56.00, Class D = \$26.00 and Class M = \$26.00. Photo ID cards and renewals are \$10.00. Fees for less than 8 years may be prorated, but Class D, Class M, and photo ID licenses shall have \$2 deducted from the gross prorated fee. Amends 55-50-332(b) to provide that duplicate licenses issued during the normal 8-year cycle will expire one year from date of issuance.

Effective January 1, 2016.

#### **Public Chapter 511**

SB 648 – HB 606

#### **Financial Responsibility Law**

Enacts the James Lee Atwood, Jr. Law in Title 55, Chapter 12, to create an online, on-demand vehicle insurance verification program to be developed and administered by the commissioner of revenue to verify whether financial responsibility requirements have been met.

If a motor vehicle owner fails to provide satisfactory proof of insurance or a statement that the vehicle is not in use, the department is to impose a \$25 coverage failure fee, of which \$5 will be distributed to the county clerk where the vehicle is registered. If the owner fails to comply after the initial notice and coverage failure fee, the department is to suspend or revoke the registration and assess a continued coverage failure fee of \$100, of which \$10 goes to the county clerk where the vehicle is registered.

Authorizes the county legislative body to vote to impose a separate county reinstatement fee not to exceed \$25. Authorizes the county clerk to waive this fee if the applicant provides proof that the applicant had an owner or operator's financial security in effect for the vehicle on the date the suspension or revocation went into effect.

The program is to be fully operational no later than January 1, 2017. The act is effective May 20, 2015 for contracting, consulting developing and implementing the program, and promulgating rules.

Raises the fine for failure to provide evidence of financial responsibility from \$100 to \$300, effective July 1, 2015.

Effective January 1, 2016, except as noted above.

## **COURTS & COURT CLERKS**

### **Public Chapter 296**

SB 177 – HB 179

#### **Seat Belt Fines**

Amends 55-9-603 to increase the “in lieu of appearance in court” fines for failure to wear a seat belt.

Effective January 1, 2016 (applicable to offenses occurring on or after that date).

### **Public Chapter 413**

SB 1204 - HB 147

#### **Animal Abuser Registration Act**

Enacts 40-39-401 through 40-39-404 to establish the Tennessee Animal Abuser Registration Act. Requires court clerk to forward a copy of the judgment and date of birth of all persons convicted of an “animal abuse offense” to the TBI within sixty calendar days of the date of judgment. Defines “animal abuse offense” as aggravated cruelty to animals under 39-14-212, felony animal fighting under 39-14-203, and a criminal offense against animals under 39-14-214. Provides that conviction includes diversion under either 40-15-105 or 40-35-313.

Effective January 1, 2016.

### **Public Chapter 524**

SB 770 - HB 1290

#### **Delinquent Tax Sales**

Amends 67-5-2501. Requires the clerk of the court to file in the case a report of sale or other notice reflecting the results of the tax sale. This report must be filed within five business days after the conclusion of the sale and prior to confirmation of the sale by the court. The clerk of the court shall, concurrently with the filing, file the report or notice with the office of the register of deeds of the county in which the property is located. The report or notice shall set forth all results from the sale, or a separate report or notice may be created for each property sold. The report or notice shall include, at a minimum, the identification of the property and defendants contained in the notice of sale as required by 67-5-2502, the name of the successful bidder, and the total successful price bid for each parcel together with the instrument number of the last conveyance of record. The report or notice shall be for notice purposes only and shall not be evidence of transfer of title. Failure to timely record the report or notice shall not provide grounds to set the sale aside. The document shall be exempt from recording fees and shall be indexed by the register under the name of the last owner of record.

Effective January 1, 2016.

## EDUCATION

### Public Chapter 325

SB 985 – HB 32

#### Sudden Cardiac Arrest Prevention

Enacts the Sudden Cardiac Arrest Prevention Act, 68-54-101 *et seq.*, to require the governing bodies of all public and private elementary, middle, junior high, and high schools, with guidance provided by the state departments of health and education, to adopt guidelines and other information and forms to educate coaches, administrators, athletes and parents of the nature, risk, and symptoms of sudden cardiac arrest, and require training for coaches. Provides some immunity from liability for actions taken in good faith compliance with the requirements of the act.

Effective January 1, 2016.

### Public Chapter 431

SB 27 – HB 138

#### Individualized Education Act

Enacts the Individualized Education Act, Title 49, Chapter 10. Creates individualized education accounts (IEA) for eligible disabled students to provide funds for the student to be educated at a nonpublic school if the requirements of the act are met. The first award of IEAs will be during the 2016-17 school year.

Effective May 18, 2015 for rulemaking, and January 1, 2016 for all other purposes.

## ELECTIONS

### Public Chapter 315

SB 597 - HB 988

#### Smart Phone Use While Voting

Enacts a new section in Title 2, Chapter 7, Part 1, to provide that no county election commission shall prohibit a voter from using a mobile electronic or communication device at a polling place for informational purposes to assist the voter in making election decisions. Provides that a county election commission may require that any mobile electronic or communication device be silenced while in use at the polling place.

Provides that any voter using a mobile electronic or communication device shall be prohibited from using the device for telephone conversations, recording, or taking photographs or videos while inside the polling place.

Effective January 1, 2016.

## **LAW ENFORCEMENT**

### **Public Chapter 82**

SB 45 - HB 39

#### **Dextromethorphan**

Enacts 39-17-4\_\_. Prohibits the retail sale of products containing dextromethorphan to persons who are less than 18 years of age; prohibits the purchase of products containing dextromethorphan by persons who are less than 18 years of age. Preempts any local ordinance regulating the retail sale of products containing dextromethorphan enacted by a local governmental entity of this state.

Effective January 1, 2016.

### **Public Chapter 511**

SB 648 - HB 606

#### **Insurance Verification Program**

Amends Title 55, Chapter 12. Enacts the "James Lee Atwood Jr. Law." Establishes an online electronic insurance verification program to verify compliance with the Tennessee Financial Responsibility Law of 1977. Authorizes the Commissioner of Revenue to contract with a designated agent to develop, implement, and administer the program. Specifies that if an owner of a motor vehicle fails to provide satisfactory proof of financial security, the Department of Revenue shall impose on the owner of the motor vehicle a twenty-five-dollar coverage failure fee. Of this fee, \$5.00 shall be distributed to the county clerk of the county in which the motor vehicle is registered, \$5.00 shall be distributed to the Department of Safety, and the remainder shall be deposited into the uninsured motorist identification restricted fund. If the owner of the motor vehicle fails to comply with the above requirements, the owner of the motor vehicle shall be subject to a one hundred-dollar continued coverage failure fee and suspension or revocation of the owner's motor vehicle registration. The one hundred-dollar continued coverage failure fee shall be in addition to the twenty-five-dollar coverage failure fee. Of this continued coverage failure fee, \$10.00 shall be distributed to the county clerk of the county in which the motor vehicle is registered, \$5.00 shall be distributed to the Department of Safety, and the remainder shall be deposited into the uninsured motorist identification restricted fund. If the owner of the motor vehicle fails to comply, the Department of Revenue shall suspend or revoke the motor vehicle owner's registration. Any action by the Department of Revenue to suspend or revoke the registration of a motor vehicle under this law may be in addition to an action by a law enforcement agency. The Department of Revenue shall not process an application for reinstatement or renewal of registration of a motor vehicle after a suspension or revocation of the registration until: (1) The applicant pays all fees owed pursuant to this law; and (2) The applicant pays any applicable county reinstatement fee. A county legislative body may vote to impose a county reinstatement fee for reinstatement or

renewal of registration of a motor vehicle after a suspension or revocation of the registration under this law. This reinstatement fee shall be in addition to any other fee imposed under this chapter and shall not exceed \$25.00. The Commissioner of Revenue may waive the fees and the county clerk of the county in which the vehicle is to be registered may waive the county reinstatement fee, if applicable, if: (1) The registration was suspended or revoked pursuant to this law; and (2) The applicant provides proof acceptable to the Department of Revenue that the applicant had an owner or operator's financial security in effect for the vehicle on the date the suspension or revocation went into effect.

Effective May 20, 2015, for the purposes of developing and implementing the program and promulgating rules.

Effective January 1, 2016, for all other purposes.

## **TAXATION - PROPERTY**

### **Public Chapter 524**

SB 770 – HB 1290

#### **Delinquent Tax Sales**

Amends 67-5-2501. Requires the clerk of the court to file in the case a report of sale or other notice reflecting the results of the tax sale. This report must be filed within five business days after the conclusion of the sale and prior to confirmation of the sale by the court. The clerk of the court shall, concurrently with the filing, file the report or notice with the office of the register of deeds of the county in which the property is located. The report or notice shall set forth all results from the sale, or a separate report or notice may be created for each property sold. The report or notice shall include, at a minimum, the identification of the property and defendants contained in the notice of sale as required by 67-5-2502, the name of the successful bidder, and the total successful price bid for each parcel together with the instrument number of the last conveyance of record. The report or notice shall be for notice purposes only and shall not be evidence of transfer of title. Failure to timely record the report or notice shall not provide grounds to set the sale aside. The document shall be exempt from recording fees and shall be indexed by the register under the name of the last owner of record.

Effective January 1, 2016.

## **TAXATION - SALES**

### **Public Chapter 48**

SB 847 – HB 1311

#### **Helicopters and Airplanes**

Amends 67-6-313 to extend to thirty days the time period in which airplanes and helicopters must be removed from the state to avoid taxation for certain in-state purchases or repairs.

Effective January 1, 2016.