

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



**Prepared by  
CTAS Legal Staff**

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This publication contains summaries of acts passed by the General Assembly 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:

<https://tnsos.org/acts/PublicActs.111.php?showall>

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## PART I - PUBLIC ACTS OF GENERAL APPLICATION

### ALCOHOLIC BEVERAGES

**Public Chapter 94**

SB 1078 - HB 345

**Manufacturers – On Premises Sale at Retail**

Amends 57-3-202(i)(1). Changes the hours of sale for products at retail by a manufacturer on its licensed premises on Sunday to between the hours of 10:00 a.m. and 11:00 p.m.

Effective March 28, 2019.

**Public Chapter 99**

SB 598 - HB 850

**Sports Authority Facilities**

Amends 57-4-102(34). Defines “sports authority facility,” for purposes of consumption of alcoholic beverages on the premises, as any facility on the campus of a public institution of higher education that is designed and used for sporting events sanctioned by the institution.

Effective April 8, 2019.

**Public Chapter 136**

SB 1088 - HB 683

**Certificate of Compliance – Alcohol and Beer**

Amends 57-3-208(b)(1), 57-3-213(d), and 57-3-806(a). Removes the requirement that a certificate of compliance accompany applications for license renewals. Specifies that a certificate of compliance for the retail sale of alcoholic spirituous beverages, including beer and malt beverages, or for sale of wine in retail food stores, issued by a local government remains valid unless there is a change in ownership or location, in either of which case a new certificate must be obtained.

Effective August 1, 2019.

**Public Chapter 300**

SB 181 - HB 71

**Alcoholic Beverages - On Premises Consumption**

Amends 57-4-101(a)(9). Authorizes the sale of alcoholic beverages and beer for consumption on the premises of Zoo Knoxville and Nashville Zoo during the zoos' regular operating hours.

Effective May 8, 2019.

**Public Chapter 301**

SB 206 - HB 1066

**Privilege Taxes on Manufacturer**

Repeals 57-2-102. Abolishes the \$1,000.00 privilege taxes paid by the manufacturer to the state, counties and cities.

Effective May 8, 2019.

**Public Chapter 377**  
SB 498 – HB 1327

**Beer Permits**

Amends 57-5-103. Provides that, notwithstanding any law to the contrary, no city or county shall deny the issuance or renewal of a permit upon the basis that the lease between the business and its municipal landlord includes a provision whereby gross sales, which may include or exclude liquor sales, are considered in the determination of a percentage rent or other rent calculation provision.

Effective May 10, 2019.

**Public Chapter 435**  
SB 1082 – HB 794

**Authority to Sell High Alcohol Content Beer**

Amends 57-4-106. Specifies that a premises authorized to serve or sell wine only shall also be authorized to serve or sell high alcohol content beer.

Effective May 22, 2019.

**Public Chapter 435**  
SB 1082 – HB 794

**Alcoholic Beverages - On Premises Consumption**

Amends 57-4-101(p) and 57-4-102(28)(C)(i). Authorizes manufacturers to include in their designation of its premises any contiguous area owned or controlled by the manufacturer for purposes of on-premises consumption of alcoholic beverages and beer.

Effective May 22, 2019.

**Public Chapter 444**  
SB 302 – HB 1075

**Tennessee Wine and Grape Board**

Amends Title 57, Chapter 3. Creates the Tennessee Wine and Grape Board; establishes the powers and duties of the board; abolishes the viticulture advisory board; establishes certain requirements regarding use of funds received by the board.

Effective July 1, 2019.

COUNTY CLERKS

**Public Chapter 64**  
SB 435 - HB 96

**Special License Plates AMVETS**

Amends Title 55, Chapter 4, to authorize the issuance of AMVETS new specialty earmarked license plates, with the funds to be used to provide donations to veterans' homes through the AMVETS Department of Tennessee Service Foundation, Inc.

Effective July 1, 2019.

**Public Chapter 70**  
SB 785 – HB 929

**Motor Carriers**

Enacts 55-4-1\_\_ to authorize the department of revenue or its agent to refuse to issue or transfer a registration, license plate, permit, or certificate of title on a vehicle that has been assigned to a motor carrier that has been prohibited from operating by the federal motor carrier safety administration, except that a title may be transferred if the motor carrier does not retain an interest, either directly or indirectly, in the vehicle. The department must deny registration if the carrier has been prohibited from operating for safety reasons or the carrier is owned, managed, controlled by, or affiliated with, a person ineligible for registration.

Effective October 1, 2019.

**Public Chapter 75**  
SB 1494 – HB 542

**Bosnia Veteran License Plates**

Amends 55-4-253 to change the design of the Bosnia Veteran plate to show only the American flag, when the existing inventory of plates has been utilized.

Effective March 28, 2019.

**Public Chapter 93**  
SB 1376 – HB 189

**Marriage**

Amends 36-3-106 to correct the parental consent language to reflect that the applicant is at least 17 years of age, and to define “parent” or “parents” to mean the person or persons listed on the applicant’s birth certificate or who have been adjudicated by a court of competent jurisdiction to be the legal parent of the applicant.

Effective July 1, 2019.

**Public Chapter 103**  
SB 493 – HB 149

**License Plates on Historic Military Vehicles**

Amends 55-4-110 to exempt historic military vehicles from the requirement that license plates be displayed on the vehicle and provide instead that the plate is to be maintained in the vehicle.

Effective July 1, 2019.

**Public Chapter 112**  
SB 46 – HB 62

**Dynamic Accessibility Symbol**

Enacts 12-2-1\_\_ to create a new symbol of access, which is a logo with a dynamic character leaning forward with a sense of movement, for use on all state buildings and property to designate points of access for persons with disabilities. The symbol is equivalent to the international symbol of access.

Amends Title 55, Chapter 21 to provide that the new symbol must be used for all new registrations, placards, decals, and license plates issued on or after July 1, 2020. Existing registrations, placards, decals, and license plates must use the new symbol upon replacement, including a request for replacement by a driver or passenger with a disability (which requires payment of the appropriate fee), upon exhaustion of the existing supply of registrations, placards, decals, and license plates.

Effective April 9, 2019, for rulemaking, and effective July 1, 2020, for all other purposes.

**Public Chapter 145**  
SB 44 – HB 181

**Photo Identification Licenses**

Amends Title 55-50-323 and 55-50-336 to delete the provision that a photo identification license issued to a person 65 years of age or older does not expire, and provide instead that a person 65 years of age or older who applies for a photo identification license has the option to receive a license that does not expire, instead of automatically receiving a license that does not expire.

Effective July 1, 2019.

**Public Chapter 155**  
SB 1387 – HB 426

**Off-highway Vehicles**

Amends 55-8-101(12) to change the definition of “Class I off-highway vehicle” to delete the requirement that the vehicle be capable of holding at least two passengers, so that it now includes vehicles with nonstraddle seating capable of holding no more than four passengers.

Effective April 18, 2019.

**Public Chapter 171**  
SB 639 – HB 1154

**Silver Star License Plates**

Amends 55-4-259 to change the legend on the Silver Star license plates to read “Silver Star – Valor” instead of “Silver Star.” The change shall be made upon exhaustion of the current inventory of plates.

Effective April 18, 2019.

**Public Chapter 253**  
SB 42 – HB 179

**Special License Plates**

Amends 55-4-377 to change the design and reallocates the proceeds of the Mountain Tough plate from “Mountain Tough Recovery Team” to “Sevier County Partners in Progress Education Foundation” with proceeds to be used for

scholarships for high school students in Sevier County to attend dual enrollment classes at Walters State and for students pursuing a four-year degree at ETSU in Sevierville.

Amends 55-4-203 to create new specialty earmarked plates for Friends of Shelby Park and Bottoms, Greene County School System, Knights of Columbus, Jackson State University, Tennessee Voices for Victims, Germantown Charity Horse Show, Whitehaven High School, Tennis Memphis, Service Dogs, UT Health Science Center, Juvenile Diabetes Research Foundation, Linemen Power Tennessee, Order of the Eastern Star, Fighting for At-Risk Youth, Blood Donor, The Center for Living and Learning, Inc.

Amends 55-4-253 to add veterans plates for Somalia Era Veteran, Korean Defense Service, and Operation Inherent Resolve Era.

Amends 55-4-203 to add plates for Women Veterans of Color, Antique Auto (unrestricted use), and Legion of Merit.

Amends 55-4-363 to allow an additional year to meet minimum issuance requirements for Martin Luther King, Jr. plates.

Amends 55-4-345 to allow an additional year to meet minimum issuance requirements for Niswonger Children's Hospital.

Effective July 1, 2019.

**Public Chapter 254**  
SB 45 – HB 182

**Antique Motor Vehicle Special License Plates**

Amends 55-4-204(a)(1) to change the fee for antique motor vehicle special license plates from \$25 to \$30.

Effective April 30, 2019.

**Public Chapter 415**  
SB 1377 – HB 213

**Marriage**

Amends 36-3-301 to authorize the following to perform marriages: (1) members of the general assembly who have filed notice to do so with the office of vital records, (2) law enforcement chaplains duly appointed by the heads of authorized state and local law enforcement agencies, and (3) members of municipal legislative bodies. Prohibits persons receiving online ordinations from performing marriages, and

validates all marriages performed by such persons prior to July 1, 2019.

Effective May 21, 2019 for adding authorized officiants, and July 1, 2019, for the prohibition on persons receiving online ordinations.

**Public Chapter 449**  
SB 1335 – HB 1169

**Fee for Mailing Plates**

Amends 55-4-105(c) to raise the fee for handling mail orders of plates to \$4.00 beginning July 1, 2019.

Effective May 22, 2019.

**Public Chapter 461**  
SB 1489 – HB 76

**Personalization of Military and Memorial Plates**

Amends 55-4-214 to provide that memorial plates (55-4-203(c)(4) and 55-4-250) and military plates (55-4-203(c)(5)(E)) are eligible for personalization. The applicant must pay a fee equal to the cost of actually designing and manufacturing the personalized plates. The distinctive identification legend or letters required to be included on military or memorial plates cannot be removed or altered.

Effective July 1, 2019.

**Public Chapter 462**  
SB 1486 – HB 82

**Notation of Liens on Titles**

Amends 55-3-103(d) to authorize the county clerk to decline to note a lien on a title for good cause. Amends 55-3-114(a) to require county clerks to perform duties in connection with the notation of liens and encumbrances and the extension of mortgages on certificates of title. Amends 55-3-123 to provide that new liens not involving a change of ownership are to be sent to the county clerk together with the fee for noting the lien and proof of the lien, and when the county clerk is satisfied of the lienor's right to have the lien noted on the certificate, the county clerk will note the lien and return a new certificate of title with the lien noted thereon to the lienor. If the certificate of title is in possession of a prior lienor, county clerk will forward the application and proof of lien to the department, and the department will procure the certificate of title from the lienor and note the new lien on the certificate and return it to the lienor from whom it was obtained and notify the new lienor of the notation of the lien. Amends 55-3-124 to make the county clerk responsible for noting assignments of liens and issuing new certificates of title. Amends 55-3-126(c) relative to perfection of security interests to make the language consistent with the above changes.

Effective July 1, 2019.

## COUNTY GOVERNMENT

### **Public Chapter 6**

SB 201 – HB 166

#### **Disclosures of Financial Obligations and Defaults**

Amends 9-21-151 to direct the state funding board to require public entities to disclose financial obligations and events of default on the Electronic Municipal Market Access website of the Municipal Securities Rulemaking Board and to require public entities not required by the SEC to make such disclosures on the EMMA website to disclose events of default to the comptroller within ten (10) business days.

Effective March 20, 2019.

### **Public Chapter 39**

SB 345 - HB 347

#### **Administration of Oaths**

Amends 8-18-109. Allows judicial commissioners or magistrates as authorized by a judge of the court or the county mayor to administer the oath of office for any elected or appointed official.

Effective March 22, 2019.

### **Public Chapter 109**

SB 907 - HB 731

#### **Handgun Carry Permit Renewals**

Amends 39-17-1351(q)(1). Provides that the department is authorized to contract with a local government agency for the provision of any service related to the renewal of handgun carry permits, subject to applicable contracting statutes and regulations. An agency contracting with the department is authorized to charge an additional fee of four dollars (\$4.00) for each renewal application, which shall be retained by the agency for administrative costs.

Effective July 1, 2019.

### **Public Chapter 120**

SB 359 – HB 362

#### **Annexation**

Amends 6-51-121 to require municipalities to record annexation resolutions approved by referendum in the register of deeds' office in the county in which the annexation occurs and to send a copy of such resolution to the comptroller and the property assessor for each county affected by the annexation. Amends 6-51-203 to require municipalities to record deannexation ordinances in the register of deeds' office in the county in which the deannexation occurs and to send a

copy of the ordinance to the comptroller and to the property assessor for each county affected by the deannexation.

Effective April 9, 2019.

**Public Chapter 141**  
SB 576 - HB 192

**Immunity from Civil Liability**

Enacts 38-1-701. Provides that, notwithstanding any law to the contrary, a person or entity does not have a cause of action against a local government or the officers, employees, or agents of a local government for any defect or malfunction in a software program intended to assist families of non-communicative persons register the non-communicative person with law enforcement in order to ensure the non-communicative person's safety, when the program was designed and distributed in good faith by the local government and without cost to the recipient local government or user of the program. No immunity attaches if the cause of action is based on gross negligence, willful misconduct, or bad faith.

Effective April 5, 2019.

**Public Chapter 150**  
SB 595 – HB 732

**Regulation of Pedal Carriages and Rickshaws**

Amends 55-26-102 to authorize all cities and metropolitan governments to regulate the commercial use of pedal carriages and rickshaws.

Effective April 17, 2019.

**Public Chapter 158**  
SB 431 – HB 1021

**Regulation of Plastic Containers and Soda**

Enacts a new part at Title 7, Chapter 51 to prohibit local governments from regulating auxiliary containers, which includes bags, cups and utensils. Enacts a new section at Title 53, Chapter 8, Part 2 and amends 68-14-702 to prohibit local governments from regulating food and drinks (i.e., prohibits enactment of a “soda tax” by local governments).

Effective April 12, 2019.

**Public Chapter 185**  
SB 1097 – HB 777

**Tennessee Public Participation Act**

Enacts the Tennessee Public Participation Act, 20-17-101 through 20-17-110. If a legal action is filed in response to a private party's exercise of the right of free speech, right to petition, or right of association, that party may petition the court to dismiss the legal action. The petitioning party has the burden of making a prima facie case that the legal action is based on, relates to, or is in response to that party's exercise of



the right to free speech, right to petition, or right of association. If the petitioning party meets this burden, the court shall dismiss the legal action unless the responding party establishes a prima facie case for each essential element of the claim in the legal action.

Dismissals are with prejudice. If the court determines the responding party established a likelihood of prevailing on a claim, the fact and substance of the determination may not be admitted into evidence later in the case the determination does not affect the burden or standard of proof in the proceeding.

The court's order dismissing or refusing to dismiss a legal action is immediately appealable as a matter of right to the court of appeals. If the court dismisses a legal action, the court must award to the petitioning party: (1) court costs, reasonable attorney's fees, discretionary costs, and other expenses incurred in filing and prevailing upon the petition; and (2) any additional relief, including sanctions, that the court determines necessary to deter repetition of the conduct by the party who brought the legal action or by others similarly situated.

If the court finds that a petition was frivolous or was filed solely for the purpose of unnecessary delay, and makes specific written findings and conclusions establishing such finding, the court may award to the responding party court costs and reasonable attorney's fees incurred in opposing the petition.

This act: (1) does not apply to an enforcement action brought in the name of the state or a political subdivision by the attorney general, a district attorney general, or a county or municipal attorney; (2) cannot result in findings or determinations that are admissible in evidence at any later stage of the underlying legal action or in any subsequent legal action; (3) does not affect or limit the authority of a court to award sanctions, costs, attorney's fees, or any other relief available under any other statute, court rule, or other authority; (4) does not affect, limit, or preclude the right of any party to assert any defense, remedy, immunity, or privilege otherwise authorized by law; (5) does not affect the substantive law governing any asserted claim; (6) does not create a private right of action; and (7) does not create any cause of action for any government entity, agency, or employee.

This act does not apply to governmental employees' exercise of their right of free speech, right to petition, or right of association.

Effective July 1, 2019.

**Public Chapter 210**  
SB 433 – HB 12

**Regulation of Lemonade Stands**

Enacts a new section at Title 5, Chapter 1, Part 1 and Title 6, Chapter 54, Part 1 to prohibit local governments from licensing or regulating businesses operated solely by persons under age eighteen (18), located on private property and generating less than three thousand dollars (\$3,000) of annual gross receipts.

Effective July 1, 2019.

**Public Chapter 213**  
SB 997 - HB 699

**Tennessee State Plane Coordinate System**

Amends several sections in Title 66, Chapter 6, Part 1 to establish the Tennessee State Plane Coordinate System, after December 31, 2022, as the new system for defining and stating geographic positions and locations in Tennessee. Provides that any use prior to December 31, 2022, may continue to use the Tennessee Coordinate System of 1927 or the Tennessee Coordinate System of 1983 in its applications relative to redistricting.

Effective April 23, 2019.

**Public Chapter 218**  
SB 961 – HB 1139

**Office of Faith-Based and Community Initiatives**

Enacts a new chapter at Title 4 to create the Governor's Office of Faith-Based and Community Initiatives. Authorizes the office to work with a non-profit corporation to fulfill its mission. Also authorizes office to work with local governments, private organizations and citizens as it plans and engages in activities related to the office.

Effective July 1, 2019.

**Public Chapter 223**  
SB 446 – HB 187

**Regulation of Privately-Owned Shooting Ranges**

Amends 39-17-1314 to prohibit local governments from imposing greater regulations on privately-owned or operated shooting ranges than it imposes on ranges owned or operated by a governmental entity.

Effective July 1, 2019.

**Public Chapter 224**  
SB 1190 -HB 295

**Electrical Inspectors**

Amends 68-120-118 and 68-102-143 to require persons employed as municipal, county or state-employed electrical inspectors after January 1, 2020 to receive certification from the state fire marshal before enforcing applicable electrical codes. Provides that those inspectors employed or under contract pursuant to 68-102-143 on January 1, 2020 are deemed to have met the certification requirements for three years from the date of certification. Provides that those persons must be recertified after the three years. Provides that the application for certification must be filed with the state fire marshal on a form developed by the state fire marshal. Provides that the state fire marshal will recognize and accept certification from a nationally or internationally recognized certifying organization to satisfy the certification requirements.

Effective April 30, 2019 for purposes of rulemaking and effective January 1, 2020 for all other purposes.

**Public Chapter 260**  
SB 394 – HB 391

**Official Bonds**

Amends 8-19-101(e)(2)(B) to list the officials who may be covered under a policy of insurance or agreement. Also amends 8-19-101 to provide that in the event that the insurance policy ceases to provide coverage for an official, that official has thirty (30) days from the time of termination of coverage to file a bond or other proof of insurance coverage. Also amends 8-19-101 to specify that in addition to a certificate of insurance, a policy or endorsement also satisfies the requirement for filing a bond. Further, amends 8-19-101 to remove the requirement that the certificate of insurance be filed with the register of deeds. Amends 8-8-303(a) to specify that the cap on the liability of the county is the same regardless of whether the sheriff is covered by a surety bond or an insurance policy.

Effective April 30, 2019.

**Public Chapter 304**  
SB 504 – HB 559

**Internships in Local Government**

Enacts 49-6-12\_\_ to authorize local education agencies (LEAs) to offer internship programs with local or state governments in the area served by the LEA for elective credit.

Effective July 1, 2019.

**Public Chapter 314**  
SB1363 – HB 1357

**Metropolitan Government**

Amends 7-1-101(7) to redefine “principal city” as: (1) the municipal corporation having the largest population of any municipality in the county; or (2) if the municipal corporation having the largest population of any municipality in the county fails to adopt a consolidation resolution within 90 days of the county's adoption of a consolidation resolution, the county seat of that county, if the county seat is an incorporated municipality.

Effective May 8, 2019.

**Public Chapter 315**  
SB 1443 – HB 602

**Regulation of Alarm Systems**

Amends 62-32-321 to prohibit local governments from requiring alarm system contractors or businesses to pay for, collect to be responsible for fines/fees related to false alarms, alarm permits or permit renewals. Also amends 62-32-321 to prohibit local governments from requiring alarm system contractors or businesses to acquire or pay for an alarm permit or renewal at an alarm site owned or leased by a customer of the contractor or business. Further amends 62-32-321 to require alarm system contractors or businesses to continue collecting the permit fees until December 31, 2019 if they were already doing so and allows alarm system contractors or businesses to continue collecting the permit fees after that date if they wish to do so and the customer agrees. Specifies that such contractors and businesses voluntarily collecting the fees are not subject to audit by local governments.

Effective May 8, 2019.

**Public Chapter 325**  
SB 1331 – HB 1347

**Subrogation under Group Medical Plans**

Enacts 8-27-5\_\_ to prohibit a county from recovering a medical payment to an insured unless the insured recovers or is entitled to recover reimbursement from a third party. Provides that the county is subrogated to the rights of the insured against any person for the cost of care or treatment for which medical payment is provided. Authorizes the county to recover from the insured any benefits incorrectly paid, as a debt while the insured is living and as a claim classified with taxes upon the insured's death. Failure of the insured to reimburse the county for payments received from a third party may be grounds for removal of the insured from the insurance plan, with appropriate notice to the insured. Requires third party insurers to provide to the county, upon request, coverage information for the insured. Requires plaintiff's attorney in

personal injury case to notify the county in writing to determine whether the county has a subrogation interest, and the county has 60 days to respond; if additional time is necessary, the county may have up to 120 days. If no amount is claimed within that time, the subrogation interest is extinguished. Provides for hearing on disputed subrogation amounts.

Enacts 8-27-6\_\_ containing the same provisions for municipalities and special school districts.

Effective July 1, 2019.

**Public Chapter 343**  
SB 620 - HB 1005

**Medical Examiner - Determination of Death**

Amends 68-3-502(i). Revises the provisions for reconsideration of the determination of death when the medical examiner determines that the manner of death is suicide.

Effective May 10, 2019.

**Public Chapter 405**  
SB 1518 – HB 1508

**Appropriations**

Makes appropriations for the 2019 fiscal year. These appropriations include \$71 million for teacher pay raises, \$39.4 million to fund BEP inflationary growth, \$40 million for school safety grants, \$2 million for rural high school career initiatives, \$5 million for the state's Behavioral Health Safety Net, \$4 million for transportation grants to help provide alternative transportation for the mentally ill, \$20 million for broadband, \$70 million for FastTrack job development, \$27.34 million for the Katie Beckett fund, and reserves \$15 million for future tax relief.

Effective July 1, 2019.

**Public Chapter 425**  
SB 1262 – HB 594

**Settlement Agreements**

Enacts 29-34-1\_\_ to void any settlement agreement entered into by a governmental entity that prohibits the disclosure of the identities of persons relating to a claim by any of the parties but maintains confidentiality of victims for claims involving sexual harassment or sexual assault.

Effective May 21, 2019.

**Public Chapter 446**  
SB 569 – HB 1087

**Public Employees Political Freedom Act**

Amends 8-50-603(b) to allow recovery of compensatory damages only (instead of treble damages) for violations of PEPFA.

Effective May 22, 2019.

**Public Chapter 458**  
SB 501 – HB 1423

**County Charter Government**

Amends 5-1-202(c) to provide that no charter may be interpreted or amended to alter, amend, or reduce the duties, qualifications, or privileges of the constitutional county offices of sheriff, register, county clerk, assessor, or trustee in a manner inconsistent with state law, and states that this subsection (c) must not be construed to affect the terms of those constitutional county offices.

Effective May 22, 2019.

**Public Chapter 505**  
SB 806 - HB 950

**Electronic Monitoring Indigency Fund**

Amends 55-10-419 to create in the state treasury the electronic monitoring indigency fund (EMIF) composed of two accounts: (i) a fund for ignition interlock devices; and (ii) a fund for transdermal monitoring devices, other alternative alcohol or drug monitoring devices or global positioning devices. Provides how the EMIF shall be funded and how the funds in the EMIF may be invested and spent by the state treasurer.

Increases the percentage of any surplus in the EMIF which shall be allocated to provide grants to local law enforcement agencies for purposes of obtaining and maintaining equipment or personnel needed in the enforcement of alcohol related traffic offenses.

Provides that on a date set by the state treasurer, local governments shall have the option to participate in the transdermal monitoring device, other alternative drug and alcohol monitoring device, and global positioning monitoring device account by having the costs for eligible devices paid from the fund for each local government's indigent defendants. The local government shall demonstrate participation through a resolution legally adopted and approved by the local government's legislative body providing acceptance of the liability associated with participation and containing the maximum liability that the local government commits to its participation in the fund. For each subsequent year of

participation and no later than a date certain established by the treasurer, the local government shall notify the treasurer of the budgeted amount that is approved for participation in the fund within 30 days from when a budget is approved by the local legislative body and shall provide a copy of the approved budget to the treasurer.

The state will provide funds matching each local government's maximum liability or budgeted amount for participation in the fund, subject to an appropriation by the state. Each participating local government will pay 50% of the costs associated with transdermal monitoring devices, other alternative drug and alcohol monitoring devices, and global positioning monitoring devices for indigent defendants within the local government's jurisdiction, and the state will match the local government's cost by providing the other 50% of funding. In paying claims or invoices for indigent defendants in a participating city or county, the state shall only pay for the costs associated with transdermal monitoring devices, other alternative drug and alcohol monitoring devices, and global positioning monitoring devices when the local government has remitted 50% of the total eligible costs to the state.

A local government may withdraw from participation in the transdermal monitoring device, other alternative drug and alcohol monitoring device, and global positioning monitoring device account at any time and reenter as a participant within the time frame established by the treasurer. After a local government's withdrawal from participation, the local government shall continue to pay all outstanding liabilities for eligible devices.

The EMIF shall be administered by the treasurer. For the efficient administration of the fund, providers of devices shall: (i) submit a claim to the treasurer electronically on a form prescribed by the treasurer no later than 90 calendar days after the device has been ordered by the court accompanied by required attachments; (ii) submit invoices to the treasurer no later than 180 calendar days from the date of service; (iii) submit amendments to documents previously submitted or new documentation in support of a claim or invoice to the treasurer no later than 90 calendar days after the provider's receipt of the amended or new documentation; and (iv) submit any additional information or complete any additional forms requested by the treasurer. The provider shall ensure that the court orders submitted to the treasurer do not contain

handwritten changes and are submitted on a uniform court order prescribed by the treasurer.

The treasurer has prepared a form memorandum of understanding and a form resolution for counties wishing to participate in the transdermal monitoring device, other alternative drug and alcohol monitoring device, and global positioning monitoring device account. The deadline to submit all required documents to participate for fiscal year 2020 and fiscal year 2021 is September 15, 2019.

Effective July 1, 2019.

## COURTS & COURT CLERKS

1

### **Public Chapter 105**

SB 680 - HB 833

#### **Notice of Forfeiture of Bail**

Amends 40-11-139 to provide that the notice of forfeiture of bail shall be sent by regular mail instead of certified mail.

Effective April 11, 2019.

### **Public Chapter 130**

SB 12 - HB 3

#### **Relative Caregiver**

Enacts a new section in Title 37, Chapter 1, Part 1 to provide that any court that issues an order granting custody or guardianship of a child to a person who qualifies as a relative caregiver shall notify the relative caregiver that resources and funding for relative caregivers may be available through programs administered by the department of children's services. Defines "relative caregiver" to mean a person within a first, second, or third degree of relationship to the parent or step-parent of a child who may be related through blood, marriage, or adoption. Provides that the department of children's services shall distribute information on available relative caregiver resources to the AOC, and the AOC shall distribute the information to each court within the state that issues orders regarding child custody or guardianship.

Effective July 1, 2019.

### **Public Chapter 151**

SB 955 - HB 1003

#### **Redaction of Personal Information in Court Filings**

Enacts a new section in Title 20, Chapter 6, Part 1 to provide that unless otherwise required by statute, court rule, or court order, in an electronic or paper filing with the court that contains an individual's social security number, taxpayer



identification number, or birth date; the name of an individual known to be a minor; or a financial account number, a party or nonparty making the filing shall include only: (i) the last four digits of the social security number and taxpayer identification number; (ii) the year of the individual's birth; (iii) the minor's initials; and (iv) the last four digits of the financial account number. Provides that this section does not apply to filings in juvenile court.

Effective April 17, 2019.

**Public Chapter 167**  
SB 719 - HB 854

**Domestic Relations Jurisdiction**

Amends 37-1-103 to provide that nothing in the provision which gives juvenile court exclusive original jurisdiction in proceedings in which a child is alleged to be delinquent, unruly or dependent and neglected, or to have committed a juvenile traffic offense as defined in 37-1-146, shall be construed to preclude a court from exercising domestic relations jurisdiction pursuant to Title 36, regardless of the nature of the allegations, unless and until a pleading is filed or relief is otherwise sought in a juvenile court invoking its exclusive original jurisdiction. Provides that the act shall apply to any case pending or filed on or after the effective date of the act and any domestic relations order which has been entered by a court exercising domestic relations jurisdiction and which is not the subject of or eligible for appeal on the effective date of the act, shall be valid and is declared to be in full compliance with the laws of the state.

Effective April 18, 2019.

**Public Chapter 177**  
SB 584 - HB 622

**Aggravated Sexual Battery**

Amends 37-1-153 to add aggravated sexual battery to the list of offenses that if committed by a juvenile may not be confidential depending on the circumstances.

Effective April 23, 2019.

**Public Chapter 199**  
SB 577 - HB 193

**Human Trafficking Expungements**

Enacts 40-32-105 to provide for the expungement of certain convictions resulting from being a victim of human trafficking.

Effective July 1, 2019.

**Public Chapter 200**  
SB 797 - HB 941

**State Expungement Fees**

Amends 40-32-101 and 40-35-313 to eliminate the \$180 and \$350 state expungement fee for certain expungements.

Effective July 1, 2019.

**Public Chapter 202**  
SB 799 - HB 943

**Assistant District Attorneys and Public Defenders**

Amends 8-7-201, 8-7-226 and 8-14-107 to reinstate suspended salary increases for certain assistant district attorneys and assistant district public defenders.

Effective July 1, 2019.

**Public Chapter 242**  
SB 214 - HB 168

**Disposal of Juvenile Records**

Amends 18-1-202 to provide that the clerks of the juvenile courts are empowered and authorized under the direction and order of the judges of their respective courts to dispose of original pleadings, process, opinions, records, dockets, books, ledgers, and all other documents in delinquent and unruly juvenile court cases after a period of ten years following the juvenile reaching eighteen years of age. Prior to ordering the clerk to dispose of original documents, the court must notify the district attorney general of the proposed order and provide the district attorney general reasonable time to file a notice of opposition to the proposed order.

Effective May 2, 2019.

**Public Chapter 244**  
SB 778 - HB 266

**Misdemeanor Sentencing**

Amends 40-35-302 to provide that a judge shall, at the time of sentencing, notify a person convicted of a misdemeanor offense that is eligible for expunction of: (i) the person's eligibility to have all public records of the conviction destroyed in the manner set forth in 40-32-101; and (ii) the time period after which the person can petition for expunction of the offense.

Effective July 1, 2019.

**Public Chapter 262**  
SB 472 - HB 677

**Mental Illness Reporting**

Amends 33-3-115, 16-15-303 and 16-11-206 to add race, sex, and, if available, social security number to the information reported by the court clerk to the federal bureau of investigation-NICS index and the department of safety relative to a person judicially committed or adjudicated a mental

defective for use in determining a person's eligibility to purchase firearms.

Effective July 1, 2019.

**Public Chapter 278**  
SB 275 - HB 1032

**Foreign Money Judgments**

Enacts a Part 2 in Title 26, Chapter 6 known as the Uniform Foreign-Country Money Judgments Recognition Act relative to certain foreign-country judgments that grant or deny recovery of a sum of money. Provides for numerous exceptions where a court shall not recognize such judgments.

Effective July 1, 2019.

**Public Chapter 309**  
SB 985 - HB 1449

**Community-Based Sentencing Alternatives**

Amends 40-35-103. Specifies that available community-based alternatives to confinement and the benefits that imposing such alternatives may provide to the community should be considered when the offense is nonviolent, and the defendant is the primary caregiver of a dependent child.

Effective July 1, 2019.

**Public Chapter 311**  
SB 1324 - HB 864

**Legal Guardians**

Amends 29-13-102 to define "guardian" or "legal guardian" under the Criminal Injuries Compensation Act as a person having the legal authority to provide for the care, supervision, and control of a minor child as established by law or court order.

Effective May 8, 2019.

**Public Chapter 312**  
SB 1325 - HB 1319

**Juvenile Hearings**

Amends 37-1-107 relative to eliminating adjudicatory hearings before the judge if a juvenile pleads guilty or no contest before a magistrate. Amends 37-1-110 and 37-1-122 relative to attachment and detention of juveniles. Amends 37-1-129 relative to judicial diversion and probation for juveniles. Amends 37-1-137 relative to juvenile commitments. Amends 37-1-146 relative to juvenile traffic violation case procedures and dispositions. Amends 37-1-159 to provide that if a juvenile pleads guilty or no contest in a delinquency or unruly proceeding, the juvenile waives the right to appeal the adjudication. If the plea includes an agreement as to disposition, the juvenile also waives the right to appeal the disposition.

Effective dates of provisions under the act vary from May 8, 2019 to July 1, 2019.

**Public Chapter 332**  
SB 174 - HB 190

**Oaths of Administrators or Executors**

Amends 30-1-117 to provide that the petition shall include the name, age, mailing address, relationship of the proposed personal representative to the decedent, a statement of any felony or misdemeanor convictions, and a statement of any sentence of imprisonment in a penitentiary. Amends 30-1-111 to provide that the clerk shall, before delivering the letters of administration or letters testamentary to the personal representative, administer to the representative, if an executor, an oath for performing the will of the deceased; and, if an administrator, an oath for the faithful performance of the administrator's duty; and, as to both, an oath that all statements in the petition about the representative are true and accurate and the representative is not disqualified from serving because of having been sentenced to imprisonment in a penitentiary as set forth in 40-20-115 or otherwise. In the alternative, the oaths of the administrator or executor may be sworn or affirmed in the presence of a notary public and the acknowledgment of the representative's oaths, when certified by the notary public, shall be presented to the appropriate clerk.

Effective May 10, 2019.

**Public Chapter 340**  
SB 699 - HB 676

**Disclaimer of Property Interest**

Deletes 31-1-103 and enacts a new Chapter 7 in Title 31 to be known as the Tennessee Disclaimer of Property Interest Act relative to the refusal to accept an interest in or power over property. Amends 34-1-115 to provide that if funds are transferred to a trust as referenced in 34-1-115(a), the fiduciary and trust protector are relieved of requirements under Title 34 where trust assets, investments, and their financial nature require public disclosure or filing upon public record. A certification of trust outlined under 35-15-1013 may be filed with the clerk of the court to show such trust is created. Such trust must be governed and administered by a qualified trustee as permitted by Title 35. Further, the court clerk with personal jurisdiction over the person with a disability or minor must be named trust protector of said trust with powers prescribed by 35-15-1201 through 35-15-1206. Amends 45-10-103 and numerous other sections in Title 34 and Title 35.

Effective May 10, 2019.

**Public Chapter 344**  
SB 641 - HB 1135

**Passport Applications**

Enacts a new section in Title 16, Chapter 1, Part 1 to provide that if a court clerk chooses to process passport applications, the court clerk may take photographs for the passports and charge a reasonable fee for such service.

Effective May 10, 2019.

**Public Chapter 360**  
SB 659 - HB 1168

**Child-Like Sex Dolls**

Enacts a new section in Title 39, Chapter 17, Part 9 to prohibit child-like sex dolls. Provides that the court clerk shall send fines for violations related to selling the dolls to the state treasurer for the purpose of funding child advocacy centers, court-appointed special advocates, and sexual assault centers.

Effective July 1, 2019.

**Public Chapter 383**  
SB 649 - HB 1047

**Safe Baby Court Programs**

Amends numerous sections in Title 37, Chapter 1, Part 9 relative to the Tennessee Zero to Three Court Initiative. In addition to zero to three court programs, establishes five safe baby courts. Establishes a safe baby court advisory committee. Extends the programs from 2022 to 2025.

Effective May 10, 2019.

**Public Chapter 409**  
SB 559 - HB 628

**Guardian Ad Litem Fees in Adoption Proceedings**

Enacts a new section in Title 36, Chapter 1, Part 1 to provide that if a court appoints a guardian ad litem in a pending adoption proceeding, there will be a rebuttable presumption that the guardian ad litem's fees shall be divided equally between the parties, excluding the person being adopted; provided, that if a party is found by the court to be indigent, the guardian ad litem shall charge that party's portion of the fees to the state through the administrative office of the courts claims and payment system, and bill the remaining parties at the same hourly rate as paid by the administrative office of the courts claims and payment system.

Effective May 21, 2019.

**Public Chapter 433**  
SB 562 - HB 760

**Domestic Abuse Jurisdiction**

Amends 36-3-601(3) to revise population brackets relative to which courts have jurisdiction over domestic abuse cases in an

attempt to avoid counties unintentionally falling into a population bracket exception after the 2020 decennial census.

Effective May 21, 2019.

**Public Chapter 438**  
SB 1143 - HB 839

**License Suspension for Failure to Pay Costs**

Amends 55-50-502 and 55-50-303 relative to suspension of driver licenses for failure to pay fines and costs related to driving offenses. Provides that the court shall require every licensee who is convicted of a driving offense and who does not pay the assessed fines and costs in full on the date of disposition to make payments pursuant to an installment payment plan. The clerk of any court that handles traffic citations shall offer a payment plan, which must be reasonable and based on a person's income and ability to pay. A person may request, and the court clerk shall grant, modifications to a payment plan upon a change in the person's financial circumstances or upon good cause shown. If the request for modification is denied by a deputy clerk, then the person may appeal the denial to the chief clerk. If a request for modification is denied by the chief clerk, then the person may petition the court for modifications to the payment plan based upon a change in the person's financial circumstances or upon good cause shown.

The court clerk shall inform a person who enters into a payment plan that: (i) failure to timely make the payments as ordered by the court results in the suspension of the person's license and the issuance of a restricted license; and (ii) any default on the payment plan while the person is issued a restricted license results in the revocation of the restricted license and the person's driving privileges. The court clerk shall notify the department of safety of a person's failure to comply with a payment plan. Upon notice of the person's failure to comply with the payment plan, the department shall notify the person in writing of the pending suspension of the person's license and instruct the person to contact the appropriate court clerk. A person has thirty days from the date the department sends the notice to reestablish compliance with the payment plan or petition the court clerk or court and demonstrate that the person has, in fact, complied with the court clerk's payment plan.

If the person reestablishes compliance with the payment plan or demonstrates to the court clerk or court that the person complied with the court clerk's payment plan, then the court

clerk shall issue a receipt or other documentation to the person. If the person presents the receipt or other documentation to the department prior to the expiration of the thirty-day period, then the department shall not suspend the person's license. A person who fails to reestablish compliance with the payment plan or demonstrate to the court clerk or court's satisfaction that the person complied with the court clerk's payment plan and whose license is suspended may apply to the court for the issuance of a restricted license. The court shall order the issuance of a restricted license if the person is otherwise eligible for a driver license.

If the person does not present the receipt or other documentation to the department prior to the expiration of the thirty-day period, then the department shall suspend the person's license. Upon the person presenting a certified copy of the court order and paying the application fee to the department, the department shall issue a restricted license in place of the suspended license.

The order for the issuance of a restricted license must state with all practicable specificity the necessary times and places of permissible operation of a motor vehicle (which is limited to travel necessary for: (i) employment; (ii) school; (iii) religious worship; participation in a recovery court; or (v) serious illness of the person or an immediate family member). The person may obtain a certified copy of the order and, within ten days after the order is issued, present it, together with an application fee of \$65.00, to the department, which shall issue a restricted license embodying the limitations imposed in the order. After proper application and until the restricted license is issued, a certified copy of the order may serve in lieu of a driver license. If a person who is issued a restricted license fails to comply with a payment plan, the court clerk shall notify the department of the person's failure to comply with the payment plan. Upon notice of the person's failure to comply with the payment plan, the department shall notify the person in writing of the pending revocation of the person's restricted license and instruct the person to contact the appropriate court clerk. A person has thirty days from the date the department sends the notice to reestablish compliance with the payment plan or petition the court clerk or court and demonstrate that the person has, in fact, complied with the court clerk's payment plan.

If the person reestablishes compliance with the payment plan or demonstrates to the court clerk or court that the person complied with the court clerk's payment plan, then the court clerk shall issue a receipt or other documentation to the person. If the person presents the receipt or other documentation to the department prior to the expiration of the thirty-day period, then the department shall not revoke the person's restricted license. If the person does not present the receipt or other documentation to the department prior to the expiration of the thirty-day period, then the department shall revoke the person's restricted license.

No sooner than six months from the date of revocation, a person whose restricted license is revoked may apply with the court clerk for a certification that the person is eligible to be reissued a restricted license; provided, that the person must be actively participating in an installment payment plan. Upon the person's application for a certification that the person is eligible to receive a reissued restricted license, the court clerk shall certify whether the person is actively participating in a payment plan and request the reissuance of a restricted driver license for the person if the person is otherwise eligible for a driver license. The certification must state with all practicable specificity the necessary times and places of permissible operation of a motor vehicle. The person may obtain a copy of the certification and, within ten days after the certification is issued, present it, together with an application fee of \$65.00, to the department, which shall issue a restricted license embodying the limitations imposed in the certification. After proper application and until the restricted license is issued, a copy of the certification may serve in lieu of a driver license.

This process applies until the person fully pays the moneys owed the court or any outstanding fines or costs are waived by the court.

If otherwise eligible for a driver license, any person whose driver license was suspended prior to July 1, 2019, for nonpayment of traffic related court costs or fines may apply to the court having original jurisdiction over the traffic offense for an order reinstating the person's license upon entering into an installment payment plan. The person may present a certified copy of the court's order to the department, which shall reissue a driver license at no cost to the person if the person is otherwise eligible for a driver license.



Amends 40-24-105 to provide a similar process for suspension of driver licenses for failure to pay non-traffic related fines, taxes and costs after one year. Also provides that if a licensee claims an inability to pay such non-traffic related fines, taxes and costs due to indigency, the court shall offer the person the opportunity to submit proof of the person's financial inability to pay, which may include a signed affidavit of indigency. The standard for a claim of indigency is the same as for an indigent person as defined in 40-14-201. Upon proof of a person's financial inability to pay, the court shall suspend the person's taxes, fines, and costs. No additional fines or costs accrue against the original taxes, fines, and costs as a result of or during the suspension of the person's taxes, fines, and costs. The court may order the person to reappear before the court for a reevaluation of the person's financial ability or inability to pay the taxes, fines, or costs. If, after the reevaluation, the person: (i) is no longer financially unable to pay or secure any portion of the taxes, fines, or costs, the court shall reinstate the taxes, fines, and costs; or (ii) remains financially unable to pay any portion of the taxes, fines, or costs, the court shall extend the suspension of the person's taxes, fines, and costs and may order the person to reappear before the court for a reevaluation of the person's financial ability or inability to pay the fine or costs.

This process applies until the person fully pays the moneys owed the court or any outstanding taxes, fines, or costs are waived by the court.

If otherwise eligible for a driver license, any person whose driver license was revoked prior to July 1, 2019, for nonpayment of non-traffic related litigation taxes, court costs, and fines may apply to the court having original jurisdiction over the offense for an order reinstating the person's license upon entering into an installment payment plan or the submittal of proof of indigency. The person may present a certified copy of the court's order to the department of safety, which shall reissue a driver license at no cost to the person if the person is otherwise eligible for a driver license.

Effective July 1, 2019.

**Public Chapter 467**  
SB 667 - HB 729

**Court Reporters**

Amends 40-14-311 and 312 relative to the compensation and fees of court reporters.

Effective July 1, 2019.

**Public Chapter 471**

SB 1361 - HB 797

**Public Sales**

Amends 35-5-109 to provide that the published ending time for auctions on an internet-based bidding platform and the published start time for an in-person auction must be between the hours of 9:00 a.m. and 7:00 p.m. of the day fixed in the notice or advertisement. The day fixed may be any day Monday through Saturday but must not be fixed on a state or federal legal holiday. Provides that this provision does not apply to sales of parcels pursuant to Title 67, Chapter 5 (tax sales).

Amends 35-5-112 to provide that whenever real property is sold at a public sale conducted by an auctioneer, the manner and method of sale is at the discretion of the court. Defines “public sale” to include auctions on internet-based bidding platforms, in-person, on-site, or off-site auctions, and other accepted auction methods, so long as the auctions are open for participation by the public at large. The court, in its discretion, may impose additional conditions or procedures upon the sale of property as are reasonably necessary.

Amends numerous other provisions relative to auctions and auctioneers.

Effective July 1, 2019.

**Public Chapter 474**

SB 1039 - HB 909

**Elder Abuse**

Amends and enacts numerous sections to establish the Elderly and Vulnerable Adult Protection Act of 2019 to protect such persons from physical, sexual, financial, and psychological abuse.

Amends 71-6-124 relative to orders of protection related to elderly or vulnerable adult victims. Provides the clerk shall send written notice of the filing of the petition and copies of the petition and ex parte order of protection against the respondent, if any, to the adult protective services unit of the department of human services in the county where the petition is filed. Provides that an order of protection is considered entered once a hearing is conducted and such order is signed: (i) by the judge and all parties or counsel; (2) by the judge, one party or counsel and contains a certificate of counsel that a copy of the proposed order has been served on all parties or counsel; or (3) by the judge and the order contains a certificate

of the clerk that a copy has been served on all parties or counsel.

Amends numerous other provisions related to the protection of elderly and vulnerable adults and related law enforcement and court proceedings.

Effective January 1, 2020.

**Public Chapter 486**  
SB 403 - HB 167

**Motor Vehicle Habitual Offenders**

Amends Title 55, Chapter 10, Part 6 relative to procedures to reinstate a person's driver license which was subject to revocation or restriction due solely to the person's status as a motor vehicle habitual offender.

Amends 40-7-120 relative to what must be printed on a citation.

Amends 39-16-201 relative to what may not lawfully be taken into a penal institution.

Amends 55-10-402 relative to alternative facilities for the incarceration of DUI offenders.

Amends 40-1-106 to provide that judges of chancery and circuit courts have statewide jurisdiction to issue search warrants pursuant to Title 40, Chapter 6, Part 1 in any district.

Amends numerous other sections relative to driving offenses, theft and failure to appear.

The provision of the act that authorizes a person whose driver license has been revoked or restricted prior to July 1, 2019, to petition a court for reinstatement of the person's driver license shall take effect 30 days after the date upon which the commissioner of safety provides written notification to the secretary of state and the executive secretary of the Tennessee code commission that the department of safety's "A-list" driver license program is capable of implementing this act, or it shall take effect January 1, 2020, whichever is earlier. For all other purposes, the act shall take effect July 1, 2019.

**Public Chapter 496**  
SB 452 - HB 513

**Regulation of Judicial Conduct**

Amends numerous sections in Title 17, Chapter 5 relative to the regulation of judicial conduct to provide an orderly and efficient method for making inquiry into the physical, mental, and moral fitness of any Tennessee judge; the judge's manner of performance of duty; and the judge's commission of any act that reflects unfavorably upon the judiciary of the state or brings the judiciary into disrepute or that may adversely affect the administration of justice in this state. Vacates the existing membership of the Tennessee board of judicial conduct and reconstitutes such to consist of 16 members. Amends numerous provisions relative to the board's duty to investigate, sanction and report. Provides that the attorney serving as disciplinary counsel for the board shall relinquish the position and a new disciplinary counsel shall be appointed by the board.

For the purposes of vacating and reconstituting the board and appointing a new disciplinary counsel, the act takes effect May 24, 2019. For all other purposes, the act shall take effect July 1, 2019.

**Public Chapter 510**  
SB 209 - HB 509

**Juvenile Detention**

Amends 37-1-123 to provide that detention shall not be ordered as a disposition under 37-1-132.

Amends 37-1-131 to provide that the court may order a child found to be delinquent to be placed in an institution, camp, or other facility for delinquent children operated under the direction of the court or other local public authority. The court may order detention for a maximum of 48 hours for the delinquent child to be served only on days the school in which the child is enrolled is not in session. The court may order the delinquent child to participate in programming at a nonresidential facility for delinquent children operated under the direction of the court or other local public authority after the period of detention. The court shall report each disposition of detention to the administrative office of the courts

Amends numerous other provisions relative to child abuse and related investigations.

The provisions relative to 37-1-123 and 37-1-131 referenced above take effect July 1, 2019. All other provisions take effect June 3, 2019.

## ECONOMIC DEVELOPMENT

### **Public Chapter 84**

SB 497 – HB 584

#### **Tourism Development Zones**

Amends 7-88-106 to revise the date a qualified public use facility must be placed in service from December 31, 2022 to December 31, 2024 and to specify that the apportionment and distribution of the incremental increase in local sales and use tax revenue associated with the qualified hotel facility and related uses does not affect the apportionment and distribution of state and local sales and use taxes with regard to a qualified public use facility in a tourism development zone.

Effective April 3, 2019.

### **Public Chapter 180**

SB 918 – HB 503

#### **East TN Regional Agribusiness Marketing Authority**

Amends 64-101-101 to revise the purposes of the authority. Amends 64-10-106 to authorize the authority to enter into lease-purchase agreements with private entities upon 2/3 approval of the authority's board. Amends 64-10-119 to exempt property of the authority from taxation. Also provides that property sold pursuant to a lease-purchase agreement is subject to taxation.

Effective April 23, 2019.

### **Public Chapter 226**

SB 212 – HB 396

#### **Qualified Public Use Facilities**

Amends 7-88-106 to revise the approval procedure for certain qualified public use facilities in tourism development zones.

Effective April 30, 2019.

### **Public Chapter 257**

SB 355 – HB 327

#### **Brownfield Redevelopment Projects**

Amends 7-53-316 to make several revisions to the provisions on brownfields. Removes the reference to "large and mid-size counties" and removes the requirement that the sites contain at least five acres. Also revises the provision on tax allocation to industrial development corporations and redefines "qualified costs." Further, redefines "redevelopment zone" and removes 100-acre requirement.

Effective April 30, 2019.

### **Public Chapter 317**

SB 1101 – HB 74

#### **Transit-Oriented Development**

Enacts a new section at Title 13, Chapter 20, Part 7 to create an appeals process for property owners within the area covered

by a transit-oriented development plan. Amends 13-20-704 to require an authority to vote on an amendment to the plan initiated by a municipality within sixty (60) days of the amendment being submitted by the governing body and to require a municipality to vote on an amendment to the plan initiated by an authority within sixty (60) days of the amendment being submitted by the authority. Amends 9-23-105 to authorize plans including TIFs of one million dollars (\$1,000,000) or more to stipulate that no more than three percent (3%) of the TIF revenue may be set aside for administrative expenses.

Effective July 1, 2019.

**Public Chapter 511**  
SB 537 – HB 620

**Border Region Retail Tourism**

Enacts a new section at Title 7, Chapter 40 to expand the benefits of the chapter to costs incurred related to portions of the district or to businesses that do not or will not by themselves generate state sale and use tax revenue. Also expands the benefits of the chapter to costs incurred where the sequence of development results in the development of businesses to attractions to stimulate interest in the project by retail or retail tourism facilities to be developed at a later date. Amends 7-40-103(7) to revise the definition of “extraordinary retail or tourism facility.” Also amends 7-40-104, 7-40-106 and 7-40-111. Further provides that this act applies retroactively to any district certified prior to the act’s effective date. Specifies that no district shall be decertified as a result of this act.

Effective June 3, 2019.

EDUCATION

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**Public Chapter 38**  
SB 245 - HB 200

**School Bus Drivers**

Amends 55-50-302 to reduce the age for a person to receive an initial school bus endorsement from 25 to 23 if the person is an honorably discharged veteran, a member of the national guard or reserves, or a licensed teacher employed by an LEA.

Effective January 1, 2020.

**Public Chapter 107**  
SB 790 – HB 934

**Special Education**

Amends Title 49, Chapter 10, to make numerous revisions to the law on special education and special schools.

Effective April 11, 2019.

**Public Chapter 134**

SB 375 – HB 34

**Funds for Noneducational Purposes**

Enacts 49-2-1\_\_ to authorize local boards of education to authorize a teacher, school employee, or other person employed by the LEA to raise funds for noneducational purposes. If this is done, the board is required to provide the LEA with policies and procedures for the use of the funds, including receipt, disbursement, and accounting for all funds, and the allowable sources from which the funds may be derived. Persons raising money under this section are not considered a “school support organization.” All funds are subject to audit by the comptroller or designee, with the local board paying the cost of the audit.

Effective April 9, 2019.

**Public Chapter 138**

SB 1197 – HB 1194

**Children of Servicemembers**

Enacts 49-6-31\_\_ to require boards of education to allow a student who does not reside within the district during the enrollment period to enroll in a public school within the district if the student is the dependent child of a service member being relocated to Tennessee and will reside within the district upon relocation. Documentation must be provided. The board must adopt policies to establish a reasonable time within which the student must provide proof of residency.

Effective April 9, 2019, and applicable beginning with the 2019-2020 school year.

**Public Chapter 146**

SB 166 – HB 241

**Course Access Program Courses**

Amends 49-18-103 to allow participating students to enroll in no more than two course access program courses per school year, with the student’s home LEA paying the tuition and fees to the host LEA. The student may enroll in additional courses only if the student’s LEA approves and the student pays the tuition and fees for the additional courses.

Effective July 1, 2019.

**Public Chapter 153**

SB 802 – HB 946

**Reporting on Instructional Salaries and Wages**

Amends 49-3-306 to require that for each year an LEA receives an increase in state funding for instructional salaries and wages, the LEA must report to the department of education how the additional funds were used. The department shall

report the information to the BEP review committee to be included in their annual report.

Effective April 18, 2019.

**Public Chapter 154**  
SB 803 – HB 947

**School Safety Grants**

Amends 49-6-4302 to expand the Tennessee school safety center's grant program to include school safety grants to assist LEAs in funding programs to address school safety, including but not limited to innovative violence prevention programs, conflict resolution, disruptive or assaultive behavior management, improved school security, school resource officers, school safety officers, peer mediation, and training for employees on the identification of possible perpetrators of school-related violence. LEAs may use funds appropriated for school operation and maintenance purposes to meet their local match, and apportionment with other LEAs under 49-3-315 is not required for any school safety measure identified in the school safety grant application and for which the LEA uses school funds to provide the required match. The school safety center is to reserve money and prioritize grants for LEAs with schools that did not have a full-time school resource officer during the 2018-19 school year.

Requires the department of safety and homeland security (DSHS) and the department of education to develop a school security assessment for use in public schools and provide training to local law enforcement agencies and school administrators on its use. Authorizes DSHS to conduct audits of public schools to verify effective implementation and use of the assessments.

LEAs are authorized to act in partnership with local law enforcement agencies to hire school resource officers under the state grant program set out in 38-8-115.

Effective April 18, 2019.

**Public Chapter 191**  
SB 62 – HB 499

**Education of Students in Detention Centers**

Amends 49-6-3023(b) to require the provision of instruction to students incarcerated in detention centers for a minimum of four hours per day.

Effective July 1, 2019.



**Public Chapter 192**  
SB 180 – HB 196

**Students on School Boards**

Amends 49-2-202(f) to provide that school boards may select up to four high school students to serve as advisory, nonvoting members of the board each year, to serve without compensation but may be reimbursed for reasonable and necessary expenses.

Effective July 1, 2019 and applicable beginning with the 2019-2020 school year.

**Public Chapter 205**  
SB 836 – HB 1083

**Charter Schools**

Amends 49-13-122 to allow revocation of public charter school agreements for charter schools identified as priority schools for 2017 and subsequent years, and to require development and implementation of a comprehensive support and improvement plan if the agreement is not revoked.

Effective April 25, 2019.

**Public Chapter 219**  
SB 796 – HB 940

**Charter Schools**

Makes numerous revisions to Title 49, Chapter 13, the Tennessee Public Charter Schools Act. Amends 49-13-104 to define “authorizer” as a local board of education, the Tennessee public charter school commission, or the achievement school district that makes decisions on approval, renewal, and revocation of public charter school applications or agreements and includes the state board of education until July 1, 2021; also defines “commission” as the Tennessee public charter school commission. Amends 49-13-105 to create the Tennessee public charter school commission to serve as appellate public charter school authorizer, and as the LEA for any public charter school it authorizes. The commission is composed of nine members appointed by the governor and confirmed by joint resolution of the senate and house of representatives. Members may be removed by a 2/3 vote of each house of the general assembly for misconduct, incapacity, or neglect of duty. The commission shall employ a director of schools with the powers set out in 49-3-301, who has the sole authority to appoint, terminate, and control employees of the commission. Commission meetings must be available for public viewing by streaming video accessible on the commission’s website.

Effective April 26, 2019.

**Public Chapter 248**  
SB 1251 – HB 788

**Duties and Responsibilities of State and LEAs**

Amends Title 49 to revise numerous provisions of the education laws and to transfer certain oversight and administrative duties and responsibilities from the state department of education and state board of education to local boards of education. Deletes several outdated and obsolete provisions.

Effective May 2, 2019.

**Public Chapter 256**  
SB 182 – HB 248

**School Bus Cameras**

Enacts 49-6-21\_\_ to require any LEA that has one or more school buses operating in the LEA with a camera or video camera installed and used to transport students to and from school or school-sponsored activities to adopt a policy to allow a parent, guardian, or person having custody of a student to view photographs or video footage collected from the camera. The policy must: (1) require that photographs or video footage be viewed under the supervision of the director of schools, or the director's designee; (2) comply with relevant state or federal privacy laws; and (3) establish the duration for which an LEA must maintain photographs or video footage collected from a camera or video camera installed inside a school bus.

Effective April 30, 2019 for policymaking, effective July 1, 2019 for all other purposes.

**Public Chapter 283**  
SB 20 – HB 70

**Virtual Public Schools**

Amends 49-16-216 to extend the date for repeal of the Virtual Public Schools Act from June 30, 2019, to June 30, 2023.

Effective May 8, 2019.

**Public Chapter 330**  
SB 800 – HB 944

**Governor's Civics Seal**

Enacts 49-6-10\_\_ to establish the Governor's Civics Seal to recognize public schools and LEAs that implement high-quality civics education programs.

Effective May 10, 2019.

**Public Chapter 366**  
SB 63 – HB 866

**Career and Technical Education**

Amends Title 49, Chapter 11, to provide for career and technical education in grades 6-12 (rather than 7-12), extending the program into middle schools. Encourages the department of education to provide career exploration and development activities to help middle school students to make

informed decisions about future education and career opportunities and programs of study.

Effective July 1, 2019, applicable beginning with the 2019-2020 school year.

**Public Chapter 379**  
SB 625 – HB 681

**Volunteer Public Education Trust Fund**

Amends the Volunteer Public Education Trust Fund Act of 1985 to authorize public entities, including counties, to contribute to the fund in addition to private entities. Allows funds to be earmarked for a specific purpose and for a specific LEA, and the income from those funds must be disbursed to the designated LEA. Makes changes regarding the management of the funds.

Effective May 10, 2019.

**Public Chapter 391**  
SB 1135 – HB 776

**Automated External Defibrillators (AED)**

Amends 49-2-122 to require, rather than encourage, all public schools to have at least one AED device placed within the school.

Effective July 1, 2019.

**Public Chapter 394**  
SB 1238 – HB 1158

**Threat Assessment Teams**

Enacts 49-6-2601 through 49-6-2603 to authorize LEAs to form threat assessment teams to develop comprehensive intervention-based approaches to prevent violence, manage reports of potential threats, and create a system that fosters a safe, supportive, and effective school environment. The team must include LEA personnel and law enforcement personnel, and may also include juvenile services personnel, a representative of the local DA's office, a representative of the department of children's services, and mental health service providers. Provides immunity from liability for the team and its members for actions taken in accordance with this law.

Effective May 10, 2019.

**Public Chapter 418**  
SB 205 – HB 268

**School Bus Cameras**

Amends 55-8-151 to authorize LEAs to purchase and install cameras on the exterior of school buses, or contract with a private vendor to do so on behalf of the LEA, to record motor vehicles that fail to stop upon approaching a stopped school bus. LEAs must enter into a memorandum of understanding with local law enforcement for preservation of evidence from

the cameras, and only POST-certified officers may review the evidence to determine whether a violation occurred. Provides punishment for violations, including fines, and provides for issuance of citations. Proceeds from fines based solely on these cameras go to the LEA, with 70% to be used to defray the cost of the cameras and their operation, and 30% to the LEA for undesignated purposes.

Effective May 21, 2019.

**Public Chapter 439**  
SB 976 – HB 886

**Education Funding for Priority Schools**

Amends 49-3-314(c)(4) to authorize appropriations of nonrecurring funds for priority schools, evidenced by a written agreement with the LEA and reviewed by the department of education to ensure nonrecurring nature of the funds, to be excluded from the maintenance of local funding requirement and from any apportionment requirement for each year the school is identified as a priority school plus one additional year.

Effective May 22, 2019.

**Public Chapter 453**  
SB 1058 – HB 1330

**Community Schools**

Amends Title 49, Chapter 6, Part 24, the Tennessee Community Schools Act. Makes changes to grant eligibility requirements and procedures and requires a community school to designate an individual to lead and coordinate planning and implementation of programming for the school.

Effective May 22, 2019.

**Public Chapter 465**  
SB 604 – HB 664

**Alternative Schools**

Amends 49-6-3402 to provide that students in grades 7-12 who have been suspended or expelled from the regular school program must be assigned to an alternative school or alternative program if there is space and staff available. Attendance in an alternative school or an alternative program will be voluntary for students in grades 1-6 who have been suspended or expelled from the regular school program unless the local board of education adopts a policy mandating attendance in either instance.

Effective May 24, 2019.

**Public Chapter 506**  
**SB 795 – HB 939**

**Education Savings Account Pilot Program**

Enacts a new part 26 in Title 49, Chapter 6 to establish the Tennessee Education Savings Account (ESA) Pilot Program. “Eligible student” means a student residing in Tennessee who is a member of a household with an annual income for the previous year that does not exceed twice the federal income eligibility guidelines for free lunch and who: (1) was previously enrolled in and attended a Tennessee public school for the full school year immediately preceding the school year for which the student receives an ESA, (2) is eligible for the first time to enroll in a Tennessee school, or (3) received an ESA in the previous school year; and is a student in K-12 that either: (1) is zoned to attend a school in an LEA with 10 or more schools that are (a) identified as priority schools in 2015, (b) among the bottom 10% of schools, and (c) identified as priority schools in 2018; or (2) is zoned to attend a school in the achievement school district (ASD) on May 24, 2019. “Participating school” means a private school that meets the requirements for a Category I, II or III private school and seeks to enroll eligible students. To participate in the program, parents must agree not to enroll the student in a public school while participating in the program.

The maximum annual amount to which a participating student is entitled under the program is equal to the amount of the per pupil state and local funds generated and required through the basic education program (BEP) for the LEA in which the participating student resides, but cannot exceed the combined statewide average of required state and local BEP allocations per pupil. For the purpose of funding calculations, each participating student must be counted in the enrollment figures for the LEA in which the participating student resides. The ESA funds for participating students must be subtracted from the state BEP funds otherwise payable to the LEA.

A school improvement fund is established, administered by the department of education, that for the first 3 fiscal years of the program will, subject to appropriations, disburse an annual grant to each LEA to be used for school improvement in an amount equal to the ESA amount for participating students who were enrolled in and attended a school in the LEA for the full school year immediately preceding the year in which the student began participating in the program, and who generate BEP funds for the LEA that will be subtracted from the LEA’s BEP funds in the applicable fiscal year. Any unused funds remaining at the end of any of the first 3 fiscal years, and after

the first 3 fiscal years, must be disbursed as an annual school improvement grant to LEAs with priority schools but no students participating in the ESA program.

Provides for the administration of the program. Prohibits local boards of education from asserting, intervening in, or providing funding for a cause of action challenging the legality of the new law.

Effective May 24, 2019.

## ELECTIONS

### **Public Chapter 44** SB 47 - HB 13

#### **Insurance Policies Covering Election Commissions**

Amends 2-12-101 to provide that if the election commission carries an insurance policy providing coverage of claims asserted in a lawsuit, the provisions of the insurance policy control with respect to the legal representation of the commission.

Amends 2-12-109 to provide that if the county carries an insurance policy for the county election commission, its employees, or its election officials, the election commission shall comply with the terms of the insurance policy with respect to expenses covered by the policy.

Effective March 28, 2019.

### **Public Chapter 77** SB 234 - HB 173

#### **Political Campaign Committees**

Amends 2-10-121 to provide that no later than January 31 of each year, each multicandidate political campaign committee registered with the registry of election finance shall pay a registration fee to be determined by rule promulgated pursuant to 4-55-103(1). Payment of the registration fee by one affiliated political campaign committee includes any disclosed affiliated committees registering separately; payment of the registration fee by a statewide political party, as defined in 2-1-104, includes any disclosed subsidiaries of the political party registering separately. For any multicandidate political campaign committee registering a new committee during any year, the committee shall pay the appropriate registration fee at the time that it certifies its political treasurer. All fees collected under this law shall be

retained and used for expenses related to maintaining an electronic filing system.

Effective April 1, 2019.

**Public Chapter 90**  
SB 71 - HB 28

**100 Foot Boundary**

Amends 2-7-111 to provide that the county election commission shall designate entrances to the building in which an election is to be held that are for the use of voters. Provides that the officer of elections shall measure off one hundred feet (100') from the designated entrances and place boundary signs at that distance.

Effective March 28, 2019.

**Public Chapter 128**  
SB 1258 - HB 762

**Defeated Primary Candidates**

Amends 2-7-133(i) to provide that a candidate defeated in a primary election shall not complete a notice requesting write-in ballots to be counted in the general election, and any write-in votes cast for the candidate in the general election must not be counted.

Effective April 9, 2019.

**Public Chapter 250**  
SB 971 - HB 1079

**Voter Registration and Voting System Agents**

Enacts 2-2-142 and 143 relative to alternative voter registration drives. Amends 2-7-104 to require poll watchers to be state residents. Amends 2-7-133 relative to recounts of punchcard ballots. Enacts 2-9-118 to regulate agents of voting systems and their interactions with election officials, employees and their families. Enacts 2-19-145 to regulate voter registration communications. Enacts a new section in Title 2, Chapter 11, Part 1 to provide that the general assembly may remove a member of the state election commission for cause.

Effective October 1, 2019.

**Public Chapter 271**  
SB 1264 - HB 860

**Voter Fraud**

Amends 2-6-105, 2-6-106, 2-7-116, and enacts a new section in Title 2, Chapter 6, Part 2 to prevent an individual convicted of voter fraud in any state from assisting another in voting.

Effective April 30, 2019.

**Public Chapter 281**  
SB 731 - HB 891

**Crimes in Office**

Amends 8-18-101 to forever disqualify from holding office those who have been convicted of an infamous crime if the offense was committed in the person's official capacity or involved the duties of the person's office. Amends 8-18-102 to increase the penalty for a violation.

Amends 40-20-114 to provide that a court shall not accept any plea agreement that allows an elected public official who is charged with an infamous crime involving an offense committed in the person's official capacity or involving the duties of the person's office, to qualify for, seek, or hold public office in this state or any political subdivision of this state at some point in the future. If an elected public official accepts a plea agreement for an offense committed in the person's official capacity or involving the duties of the person's office, the person is prohibited from qualifying for, seeking, or holding public office in this state or any political subdivision of this state at some point in the future after the plea agreement has been agreed to by all parties.

Effective July 1, 2019.

**Public Chapter 397**  
SB 1355 - HB 185

**Vacancies in State Senate**

Amends 2-14-202(d)(4) relative to election procedures when a vacancy occurs in the state senate within 45 days of the next general election for legislators.

Effective May 10, 2019.

**Public Chapter 441**  
SB 1354 - HB 911

**General Assembly Party Membership**

Amends 2-5-204 relative to executive committee determinations of whether a candidate for the general assembly is a bona fide member of the party.

Effective May 22, 2019.

EMERGENCY SERVICES

**Public Chapter 3**  
SB 236 - HB 90

**Ground Ambulance Service Providers**

Amends 71-5-1504. Changes the basis for the multiplier of the ground ambulance service provider assessment calculation



from Medicaid transports by a provider to all transports by a provider.

Effective March 7, 2019.

**Public Chapter 61**  
SB 314 - HB 775

**Automated External Defibrillators**

Amends 68-140-406. Provides that an entity responsible for the AED program shall not be civilly liable for any personal injury that results from an act or omission related to the use or maintenance of the AED that does not amount to willful or wanton misconduct or gross negligence.

Effective March 28, 2019.

**Public Chapter 152**  
SB 793 - HB 937

**Pay Supplement Fire Fighters & Police Officers**

Amends 4-24-202(a) and 38-8-111(a)(1). Increases pay supplement from \$600 to \$800 for police officers and firefighters who complete 40 hours of in-service training.

Effective July 1, 2019.

**Public Chapter 188**  
SB 1349 - HB 527

**Ambulance Service Provider Assessment**

Amends 71-5-1504, 1506 and 1508. Provides that the bureau shall require an ambulance provider that fails to pay an assessment due under this part to pay the bureau, in addition to the assessment, a penalty of \$50.00 per calendar day for each day the assessment remains unpaid in full after the date due. The bureau may waive penalties for a delinquent provider if the provider has entered into a payment plan approved by the bureau. If the provider fails to comply with the terms of the payment plan, then the bureau may reinstate the waived penalties. Other enforcement measures determined by the bureau include, but are not limited to, recoupments, withholding of future payments, and loss of Medicaid ID. Extends the expiration date of the Act to June 30, 2020.

Effective July 1, 2019.

**Public Chapter 321**  
SB 1382 - HB 743

**Fireworks - Fire Prevention**

Amends 68-104-211. Provides that the permittee conducting an outdoor public display of fireworks shall have at least one fire suppression vehicle or apparatus with the necessary personnel on site during the outdoor display as determined by the fire department official with authority to issue approval of the fireworks display. The permittee is responsible for all costs associated with the fire suppression vehicle or apparatus.

Provides that the permittee conducting an indoor public display of fireworks shall have at least one trained firefighter or certified fire inspector on site during the indoor display. The trained firefighter or certified fire inspector may be a volunteer firefighter, a firefighter from another jurisdiction, or an inspector with the appropriate credentials as determined by the fire department official with authority to issue approval of the fireworks display. The permittee is responsible for all costs associated with the trained firefighters or certified fire inspectors.

Effective May 8, 2019.

**Public Chapter 328**  
SB 1022 - HB 1367

**Emergency Medical Services - License**

Amends Title 68, Chapter 140, Part 3. Provides that, notwithstanding any law to the contrary, a person who is licensed, registered, or certificated to provide emergency medical services in this state and who is required by statute or rule to keep proof of their license, registration, or certification on their person may satisfy that requirement by providing the proof by electronic means.

Effective May 8, 2019.

**Public Chapter 352**  
SB 267 - HB 123

**County Fire Investigator**

Amends Title 68-102-127. Confers police powers and the right to make arrests related to arson investigation to county fire investigators who have been authorized to conduct arson investigations by the chief of the county fire department or the director of fire services.

Amends Title 68-102-149. Authorizes county fire investigators to carry a pistol or side arm while on active duty. Must comply with the requirements of 39-17-1315(a).

Effective May 10, 2019.

**Public Chapter 378**  
SB 624 - HB 551

**State-Declared Disaster Act**

Enacts 58-2-901 et seq. Enacts the "Facilitating Business Rapid Response to State Declared Disaster Act." Establishes obligations and protections for certain out-of-state businesses and employees who are in this state responding to a disaster or emergency.

Effective May 10, 2019.

**Public Chapter 380**  
SB 626 - HB 1334

**Emergency Medical Services**

Amends Title 68, Chapter 140, Part 1. Provides that unless prohibited by federal law, each regional medical communication center shall provide to the director by the tenth day of each month the number of flight requests rejected by a vendor, and the patient volumes transported into the covered region, for the previous month. The data must be divided into the following categories: burns, CVA, cardiac, medical, OB, psych, trauma, other, unanswered, and unknown. The director shall monthly post the data submitted on the department's website in a manner accessible to the public.

Effective July 1, 2019.

**Public Chapter 457**  
SB 1219 - HB 1416

**Emergency Shelters**

Amends Title 58, Chapter 2, Part 1. Provides that a person being housed in a camp or shelter organized or maintained by the federal or Tennessee Emergency Management Agency or a local emergency management agency, or pursuant to an action taken by such agency, is authorized to possess a mobile telephone.

Effective May 22, 2019.

**Public Chapter 489**  
SB 250 - HB 228

**EMT/AEMT Training Centers – Pilot Project**

Amends 68-140-331. Establishes a limited pilot project for the purpose of determining the impact of EMT/AEMT training centers operated by ambulance services licensed in this state. Under this limited pilot project, a total of 15 training centers may be operated. The emergency medical services board will oversee the pilot project.

Effective May 24, 2019.

**Public Chapter 490**  
SB 1442 - HB 316

**Firefighters – Cancer Presumption**

Amends 7-51-201. Creates a presumption that any condition or impairment of health of firefighters caused by all forms of Non-Hodgkin's Lymphoma cancer, colon cancer, skin cancer, or multiple myeloma cancer resulting in hospitalization, medical treatment, or any disability, has arisen out of employment, unless the contrary is shown by competent medical evidence. Any such condition or impairment of health that results in death is presumed to be a loss of life in the line of duty, to have arisen out of employment, and to have been in the actual discharge of the duties of the firefighter's position, unless the contrary is shown by a physician board certified in oncology.

Requires firefighters to obtain medical examinations by certain dates to be able to utilize the presumption.

Effective July 1, 2019.

**Public Chapter 497**  
SB 1395 - HB 518

**Volunteer Fire Department Grants**

Amends Title 68, Chapter 102, Part 1. Creates a program, known as the volunteer firefighter equipment and training grant program, to annually provide grants to select volunteer fire departments to be used for the purchase of firefighting equipment or to meet local match requirements of federal grants for the purchase of firefighting equipment and training.

Effective January 1, 2020.

ENVIRONMENT

**Public Chapter 110**  
SB 916 - HB 259

**Discharge Permits**

Amends 69-3-108(g) to provide that if a permit is required under that part for a public transportation project commissioned by a federal, state, or local government, the alternatives analysis required by 0400-40-07-.04(5) does not need to include alternative road locations but must include other measures to avoid and minimize impacts to resource values.

Effective April 11, 2019.

**Public Chapter 181**  
SB 923 - HB 219

**Recoverable Feedstocks**

Enacts 68-211-401 and 402 to provide that gasification facilities and pyrolysis facilities are not solid waste processing facilities or incinerators. Also provides that post-use polymers and recoverable feedstocks are not solid waste.

Effective April 23, 2019.

HIGHWAYS

**Public Chapter 129**  
SB 1364 – HB 531

**State-Aid Highway Funds**

Amends 54-4-404(d) to permanently authorize counties to use any unexpended state-aid highway funds as part of the local match as long as counties provide at least two percent (2%) of the match from county funds or in-kind contributions.

Effective April 9, 2019.

**Public Chapter 184**  
SB 1045 – HB 832

**Pedestrians Along Roadways**

Amends 55-8-139 to prohibit persons from loitering or conducting commercial activity in or along the median of a state highway. Provides that a violation of the statute is a Class C misdemeanor except that a first violation shall only result in a warning citation.

Effective July 1, 2019.

**Public Chapter 388**  
SB 1107 – HB 1220

**Electric Scooters**

Amends 55-1-103(c) to exclude electric scooters from the definition of “motor vehicle.” Also amends 55-8-101 to add a definition of “electric scooter” to that section and to exclude electric scooters from the definition of “motor vehicle” and “motor-driven cycle.” Also enacts a new section at Title 55, Chapter 8, Part 2 to specify that 55-8-302 applies to electric scooters, including the provision excluding such from titling and registration and to specify that counties and municipalities are authorized to regulate, control or ban the operation and/or use of electric scooters as long as the regulations are reasonably related to the promotion and protection of the health, safety and welfare of riders, operators, pedestrians and motorists.

Effective July 1, 2019.

JAILS

**Public Chapter 45**  
SB 80 - HB 127

**Indecent Exposure**

Amends 39-13-511. Expands the offense of indecent exposure in a penal institution to include actions committed against staff members in addition to guards. "Staff member" means any other person employed by a penal institution or who performs ongoing services in a penal institution, including, but not limited to, clergy, educators, and medical professionals.

Effective July 1, 2019.

**Public Chapter 143**  
SB 1360 - HB 1292

**Tennessee Corrections Institute**

Amends 41-7-109(a). Provides that the Board of Control shall hire an executive director as its duly appointed representative to perform all administrative functions for the board. The person selected to become executive director must be approved by majority vote of the board prior to serving in the position. Deletes 41-7-102(b), removing the administrative

attachment of the Tennessee Corrections Institute to the Department of Commerce and Insurance.

Effective July 1, 2019.

**Public Chapter 249**  
SB 782 - HB 926

**Reentry Grant Program**

Amends 40-35-323. Redefines "recidivism" to mean the percentage of convicted misdemeanants, locally sentenced felons, or state-sentenced felons, who are incarcerated in a state or local facility within three years of the year in which such persons were released from incarceration from the recipients' facility. Adds that an eligible program participant is a convicted misdemeanor, locally sentenced felon, or state-sentenced felon who will be incarcerated for such a period of time that will allow for completion of the program before release from incarceration or expiration of sentence; however, the offender must not be transported to serve their sentence in a state prison in the custody of the department of correction after successful completion of the program.

Effective July 1, 2019.

**Public Chapter 346**  
SB 904 - HB 1324

**Inmate Reentry Education Program**

Amends 41-2-145. Provides that, notwithstanding any law to the contrary, a county sheriff may create an inmate reentry education program. The successful completion of a reentry education program may allow an inmate to qualify for an educational sentence reduction credit of sixty days if the inmate successfully receives a high school equivalency credential, high school diploma, vocational education diploma, or other postsecondary or industry recognized certification. No credit will be given for any credential, diploma, degree, or certification unless the course of study, including the institution or entity through which the credential, diploma, degree, or certification is offered, has received the prior approval of the department of correction.

Effective May 10, 2019.

**Public Chapter 486**  
SB 403 - HB 167

**Introduction of Contraband**

Amends 39-16-201. Revises the classification of the criminal offense of taking contraband into a penal institution as follows: (1) For a weapon, ammunition, or explosive, the offense remains a Class C felony; (2) For an intoxicant, a legend drug, or any controlled substance or controlled substance analogue, the offense will be reduced to a Class D felony; and (3) For a

telecommunications device, the offense will be increased to a Class D felony.

Effective July 1, 2019.

**Public Chapter 486**  
SB 403 - HB 167

**DUI – Alternate Facilities**

Amends 55-10-402(f)(1). Makes the use of alternative facilities by a sheriff or chief administrative officer of a local jail or workhouse for the incarceration of DUI offenders permissive.

Effective July 1, 2019.

LAW ENFORCEMENT

**Public Chapter 40**  
SB 349 - HB 154

**Unmanned Aircraft**

Amends 39-13-903. Prohibits the dropping of items or substances from unmanned aircraft into an open-air event venue where more than 100 persons are gathered for a ticketed event without the venue owner or operator's consent.

Effective July 1, 2019.

**Public Chapter 60**  
SB 306 - HB 308

**Unmanned Aircraft and Critical Infrastructure Facilities**

Amends 39-13-903. Increases the penalty for using an unmanned aircraft over a critical infrastructure facility without the business operator's consent from a Class C misdemeanor to a Class E felony. Adds communication service facilities to the types of facilities that are critical infrastructure facilities.

Effective July 1, 2019.

**Public Chapter 87**  
SB 357 - HB 844

**Hemp**

Amends 39-17-402(16)(C). Provides that “Marijuana” does not include hemp. Amends 39-17-415 to provide that hemp, as defined in 43-27-101, is not categorized as a controlled substance. Amends 43-26-102(3) to delete the language “industrial hemp” and substitute the language “hemp, as defined in 43-27-101”.

Enacts a new chapter 43-27-101 *et seq.* Defines “Hemp” as the plant cannabis sativa L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol (THC) concentration of not more than three-tenths of one percent (0.3%) on a dry

weight basis. Specifies various requirements for the hemp program. Specifies certain powers that the commissioner of agriculture will have concerning the hemp regulatory program. Specifies responsibilities that the department of agriculture will have concerning inspection of hemp producers and testing hemp produced in this state and hemp products distributed in this state for THC concentrations. All rules promulgated by the department prior to July 1, 2019, for regulation of industrial hemp are null and void immediately upon rules being promulgated to effectuate this act taking effect. Requires the department of agriculture to promulgate rules necessary to effectuate the purposes of this part within 120 days of the act becoming law. Authorizes the commissioner to file emergency rules under 4-5-208 as necessary.

Effective April 4, 2019.

**Public Chapter 123**  
SB 644 - HB 723

**Trafficking – Commercial Sex Acts - Prostitution**

Amends 39-13-309(a) and (d). Adds that a person commits the offense of trafficking a person for a commercial sex act who commits the acts that constitute the offense under present law when the intended victim of the offense is a law enforcement officer or a law enforcement officer 18 years of age or older posing as a minor. Further adds that it is not a defense to trafficking a person for a commercial sex act that the solicitation was unsuccessful, the conduct solicited was not engaged in, or the law enforcement officer could not engage in the solicited offense.

Amends 39-13-514(a) and (d). Adds that a person commits the offense of patronizing prostitution where the subject of the offense is a law enforcement officer or a law enforcement officer 18 years of age or older posing as a minor. Further adds that it is not a defense to patronizing prostitution that the solicitation was unsuccessful, the conduct solicited was not engaged in, or the law enforcement officer could not engage in the solicited offense.

Amends 39-13-515(a) and (d). Adds that a person commits the offense of promoting prostitution where the subject of the offense is a law enforcement officer or is a law enforcement officer 18 years of age or older posing as a minor. Further adds that it is not a defense to promoting prostitution that the solicitation was unsuccessful, the conduct solicited was not engaged in, or a law enforcement officer could not engage in the solicited offense.



Effective July 1, 2019.

**Public Chapter 126**

SB 1057 - HB 1033

**March Madness and Fantasy Football Freedom Act**

Amends 39-17-501. Adds “low-level sports entertainment pools” to the activities not considered gambling. Defines such a pool as a type of pari-mutuel betting: (1) in which a participant pays money for participation in a pool and makes selections based on the participant’s predictions of either the outcome of a series of athletic contests of the same sport or the statistics of individual athletes selected by the participant to assemble an imaginary team of athletes; (2) that does not involve laying odds; and (3) that has the following characteristics: (A) the total or cumulative entry fee paid by an individual participant is no more than \$25.00; (B) the total pool is no more than \$1,000; and (C) the pool is managed by an individual and not by any type of business entity.

Effective July 1, 2019.

**Public Chapter 139**

SB 1337 - HB 1318

**Use of Law Enforcement Vehicles**

Enact 38-3-118. Provides that a chief law enforcement officer of a state or local law enforcement agency may develop and implement policies and guidelines regarding the use of marked law enforcement vehicles by off-duty law enforcement officers for travel to and from vulnerable locations in order to project an enhanced security presence while at such locations. Prohibits a chief law enforcement officer from developing or implementing such policies or guidelines without the express approval of: (1) with respect to a local law enforcement agency, the executive head or legislative body of the local government, as applicable, vested with the authority to direct such chief law enforcement officer; and (2) with respect to a state law enforcement agency, the executive head of the state department or agency within which the state law enforcement agency is created.

Effective April 9, 2019.

**Public Chapter 144**

SB 26 – HB 97

**Vapor Products**

Amends 39-17-1503 and 39-17-1603 to define “vapor product.” Amends 39-17-1604 to prohibit the use of vapor products in certain places such as child care centers, community centers (in areas being used for children’s activities), group care homes, residential treatment facilities for children and youth, youth development centers and

facilities, zoos, museums, healthcare facilities (excluding nursing homes), public and private schools and school grounds.

Effective April 17, 2019.

**Public Chapter 160**  
SB 401 - HB 33

**Service of Process - Evictions**

Amends 29-18-115(e). Adds a private process server to the list of individuals authorized to personally serve a copy of a warrant or summons on behalf of a landlord in an action for forcible entry and detainer to regain possession of such landlord's real property.

Effective April 18, 2019.

**Public Chapter 164**  
SB 222 – HB 233

**Animal Fighting Paraphernalia**

Amends 39-14-203(a) to create a Class A misdemeanor offense for possessing, owning, buying, selling, transferring, or manufacturing animal fighting paraphernalia with the intent that such paraphernalia be used in promoting, facilitating, furthering, or training for animal fighting or baiting.

Effective July 1, 2019.

**Public Chapter 187**  
SB 1342 - HB 761

**Driving Under the Influence**

Amends 55-10-406, 407 and 408. Revises provisions governing blood and breath tests for determining the presence of drugs and alcohol. Makes implied consent applicable to blood tests for determining the alcohol or drug content, or both, of a motor vehicle operator's blood.

Effective July 1, 2019.

**Public Chapter 190**  
SB 1491 - HB 533

**Buying or Selling Used Automobile Parts**

Amends 55-5-108. Provides that motor vehicle dismantlers and recyclers who are licensed under 55-17-109, governing vehicle sales, and are fully compliant with the reporting requirements of the Department of Revenue are exempt from the record keeping requirement of 55-5-108(a)(1).

Effective July 1, 2019.

**Public Chapter 196**  
SB 456 - HB 393

**Service of Process**

Amends 16-15-901(b). Provides that if service of process is made by a sheriff, constable, or other law enforcement officer, the process server must be identified by name and agency on

the service return or in a supplemental affidavit. If service of process is made by a private process server, the process server must be identified by name and a mailing or physical address on the service return or in a supplemental affidavit. Failure of the process server to include this information does not render the service invalid if the service is otherwise valid, but the court may require a private process server to provide the private process server's mailing or physical address to the party on whom process was served.

Effective January 1, 2020.

**Public Chapter 209**  
SB 1493 - HB 538

**Towing - Unclaimed and Abandoned Vehicles**

Amends 55-16-107(a). Removes authorization for a garagekeeper or towing firm to keep the proceeds from the sale of a vehicle that a police department waived its right to sell and lawfully placed with the garagekeeper or towing firm.

Effective April 25, 2019.

**Public Chapter 232**  
SB 1134 - HB 838

**Sex Offenders**

Amends 40-39-208(a). Adds the conviction of a new sexual offense, violent sexual offense, or violent juvenile sexual offense as a violation of the Tennessee Sexual Offender and Violent Sexual Offender Registration, Verification and Tracking Act of 2004.

Effective July 1, 2019.

**Public Chapter 246**  
SB 859 - HB 571

**Evidence of Financial Responsibility**

Amends 55-12-139(b). Requires officers to request evidence of compliance with the financial responsibility law when a driver of a motor vehicle violates a motor vehicle equipment requirement.

Effective May 2, 2019.

**Public Chapter 251**  
SB 1297 - HB 1151

**Indecent Exposure**

Amends 39-13-511. Redefines "public place" for purposes of the offense of indecent exposure. For the purposes of the offense, "public place" means a place to which the public or a group of persons has access and includes, but is not limited to, highways, transportation facilities, schools, places of amusement, parks, places of business, playgrounds and hallways, lobbies, and other portions of apartment houses and hotels not constituting rooms or apartments designed for

actual residence, and a restroom, locker room, dressing room, or shower, designated for multi-person, single-sex use.

Effective July 1, 2019.

**Public Chapter 261**  
SB 450 - HB 331

**Victim Notification Fund**

Amends 40-38-505. Provides that the grant from the Office of Criminal Justice Programs is subject to the authorization contained in the general appropriations act.

Effective April 30, 2019.

**Public Chapter 268**  
SB 1166 - HB 1364

**Female Genital Mutilation**

Amends 39-13-110. Rewrites the criminal offense of female genital mutilation and extends the statute of limitations for criminal prosecutions or civil actions for female genital mutilation.

Effective July 1, 2019.

**Public Chapter 303**  
SB 360 - HB 1284

**Hemp – Use by Minors**

Amends 39-17-1501 – 1505, 1507, 1509. Renames the "Prevention of Youth Access to Tobacco and Vapor Products Act" the "Prevention of Youth Access to Tobacco, Smoking Hemp, and Vapor Products Act". Expands the Act and other laws concerning juveniles' access to tobacco and vaping products to apply to hemp for smoking.

Effective July 1, 2019.

**Public Chapter 316**  
SB 587 - HB 715

**Citations In Lieu of Arrest**

Amends 40-7-118. Specifies that a peace officer may arrest and take a person into custody if: (1) a reasonable likelihood exists that the arrested person will fail to appear in court; or (2) the prosecution of the offense for which the person was arrested, or of another offense, would thereby be jeopardized.

Effective May 9, 2019.

**Public Chapter 320**  
SB 1407 - HB 658

**Community Oversight Board**

Amends Title 38, Chapter 8, Part 3. Sets forth requirements and restrictions for community oversight boards.

Effective May 8, 2019.

**Public Chapter 374**  
SB 425 - HB 407

**Sex Offenders**

Amends 40-39-211(c). Prohibits a sexual offender from conducting an overnight visit at a residence in which a minor resides or is present, in certain circumstances.

Effective July 1, 2019.

**Public Chapter 393**  
SB 1163 - HB 1340

**"Leigh Ann Act"**

Amends 39-13-113. Provides that it is an offense to knowingly violate a no contact order, issued prior to a defendant's release on bond, following the defendant's arrest for any criminal offense in Title 39, Chapter 13, in which the alleged victim of the offense is a domestic abuse victim. A violation is a Class A misdemeanor. A sentence imposed must be served consecutively to the sentence for the offense for which the defendant was originally arrested, unless the sentencing judge or magistrate specifically orders the sentences for the offenses to be served concurrently.

Effective July 1, 2019.

**Public Chapter 395**  
SB 1268 - HB 1440

**Line of Duty Death - Compensation**

Amends 7-51-210. Specifies that the denial of a claim made under this section by the estate of a law enforcement officer shall be subject to review by the Tennessee POST commission within 90 days of the denial. The commission has the authority to review the claim and issue a final order which is binding upon the State. The commission shall cause copies of the final order to be delivered to the claimant's estate and the department of finance and administration. Adds that "law enforcement officer" includes appointed and commissioned officers.

Effective May 10, 2019.

**Public Chapter 396**  
SB 1347 - HB 1460

**Lifetime Handgun Carry Permit**

Amends 39-17-1351. Waives the fee for obtaining a lifetime handgun carry permit for former POST certified law enforcement officers who served at least 10 years and left the law enforcement agency while in good standing.

Effective July 1, 2019.

**Public Chapter 412**  
SB 173 - HB 164

**Traffic Safety – Cell Phones**

Amends 55-8-199. Prohibits a person from physically holding or supporting, with any part of the person's body, a wireless

telecommunications device or stand-alone electronic device while operating a motor vehicle. Prohibits texting and emailing while driving. Provides numerous exceptions.

Effective July 1, 2019.

**Public Chapter 448**  
SB 636 - HB 1162

**DUI - Breath and Blood Tests**

Amends 55-10-406(h)(2). Adds physician assistants to the list of medical practitioners who are qualified to draw blood from a motor vehicle operator for evidentiary purposes in a DUI investigation.

Effective May 22, 2019.

**Public Chapter 479**  
SB 705 - HB 1264

**Concealed Handgun Carry Permit**

Amends Title 39, Chapter 17, Part 13. Creates a concealed handgun carry permit which allows a person to carry a concealed handgun. Re-designates the existing handgun carry permit as an enhanced handgun carry permit which allows a person to carry openly or concealed.

Effective January 1, 2020.

**Public Chapter 486**  
SB 403 - HB 167

**Criminal Law**

Deletes Title 55, Chapter 10, Part 6. Repeals the Motor Vehicle Habitual Offenders Act.

Amends 39-16-609. Specifies that failure to appear is a Class A misdemeanor and that any sentence received for a violation of this section must be ordered to be served consecutively to any sentence received for the offense for which the defendant failed to appear.

Amends 40-7-120. Increases the penalty for failure to appear to up to 11 months and 29 days in a jail or a fine of up to \$2,500.

Amends 55-10-402, 405 and 40-35-501. Makes numerous changes to the DUI sentencing law with respect person with multiple DUI convictions.

Amends 40-1-106. Specifies that the judges of chancery and circuit courts have statewide jurisdiction to issue search warrants in any district.

Effective July 1, 2019.

**Public Chapter 509**  
SB 423 - HB 494

**Privilege Tax on Ammunition**

Repeals Title 70, Chapter 3 to eliminate the tax on ammunition and amends 8-8-201(b) to remove the sheriff's duty to enforce Title 70, Chapter 3.

Effective July 1, 2019.

**Public Chapter 512**  
SB 579 - HB 643

**Mental Health Transports**

Amends 33-6-406. Subject to annual appropriations, creates a grant program to assist sheriffs required to transport persons to a hospital or treatment resource facility. Requires the Department of Finance and Administration, in consultation with the Department of Mental Health and Substance Abuse Services and the Division of TennCare, to develop and administer the grant program.

Effective July 1, 2019.

PERSONNEL

**Public Chapter 85**  
SB 788 - HB 932

**Wage Assignments for Child Support**

Amends 36-5-501(j)(2)(A) to provide that an employer who receives more than one order of income assignment against an employee must: (1) give first priority to orders for amounts due for current support in the following order: child support, medical support, and spousal support; (2) give second priority to orders for amounts due for arrearages in the following order: child support, medical support, and spousal support; and (3) honor all withholdings to the extent that the total amount withheld does not exceed 50% of the employee's wages after FICA, withholding taxes, and a health insurance premium covering the child are deducted.

Effective April 3, 2019.

**Public Chapter 214**  
SB 815 - HB 856

**Healthy Workplace Act**

Amends 50-1-504 to clarify that failure of an employer to adopt a policy under the Healthy Workplace Act does not create a cause of action against an employer. Amends 50-1-502 to make the Act applicable to private employers in addition to government employers.

Effective April 23, 2019.

**Public Chapter 331**  
SB 379 – HB 108

**Injunctive Relief for Harassment**

Amends Title 50, Chapter 1, Part 5, to provide that a local government entity, through its attorney, may seek an injunction against a person who commits harassment against an employee. Defines “harassment” as “two (2) or more instances of contact serving no legitimate purpose directed at an employee, in connection with that person's status as an employee, that a reasonable person would consider alarming, threatening, intimidating, abusive, or emotionally distressing and that does or reasonably could interfere with the performance of the employee's duties.”

Effective May 10, 2019.

**Public Chapter 337**  
SB 466 – HB 539

**Definition of Employee**

Amends 50-2-111 and 50-3-103 to adopt the Internal Revenue Service’s 20-factor test for determining the existence of the employer-employee relationship to determine the application of the chapter and to define the term “employee” under Title 50, Chapter 2, Wage Regulations.

Amends 50-7-207 to adopt the Internal Revenue Service’s 20-factor test for determining the existence of the employer-employee relationship under the Tennessee Employment Security Law (unemployment).

Amends 50-9-103, the Drug-Free Workplace Program, to define “employee” using the Internal Revenue Service’s 20-factor test for determining the existence of the employer-employee relationship.

Effective January 1, 2020, and applicable only to actions occurring on or after that date.

**Public Chapter 373**  
SB 312 – HB 389

**Drug Testing**

Enacts 50-9-1\_\_ to define the terms “valid prescription” and “issued” (the date the prescription was issued by the licensed physician) as used in the state’s drug-free workplace program, and provides that a medical review officer can only consider prescriptions issued within 6 months prior to a positive drug test in determining whether a valid prescription resulted in the positive drug test.

Effective May 10, 2019.



## PROBATION

### **Public Chapter 148**

SB 293 - HB 203

#### **Audits**

Amends 40-35-302 to allow the comptroller of the treasury to audit private probation entities. Requires the private probation entity to pay the cost of the audit. Removes population exclusion for private probation entities in certain counties which would have exempted them out of the comptroller's audit. Removes requirement that such entities maintain records in accordance with generally accepted accounting principles.

Effective April 17, 2019.

### **Public Chapter 369**

SB 141 - HB 473

#### **Private Probation Officers**

Amends 16-3-909 to require private probation officers to submit to and pay for a criminal background check. Provides that the private probation council shall establish forty hours of orientation for new private probation officers and eight hours of annual continuing education.

Effective May 10, 2019.

## PURCHASING

### **Public Chapter 225**

SB 391 - HB 381

#### **Utility Districts - Construction Management**

Amends 12-4-107(b) to authorize utility districts to procure construction management services under that statute.

Effective April 30, 2019.

### **Public Chapter 338**

SB 585 - HB 621

#### **Surveyors**

Amends 12-4-107(a) to authorize cities and counties to procure surveying services in the same manner as architectural and engineering services, using the RFQ process.

Effective May 10, 2019.

### **Public Chapter 413**

SB 269 - HB 207

#### **Sale of Surplus Personal Property by LEAs**

Amends 49-6-2007 to revise the law governing the sale of surplus property in a local education agency (LEA). Deletes the requirement that surplus property be sold within 90 days of its being declared surplus. Raises the dollar value for property that may be disposed of without competitive bids to \$500. Allows LEAs to dispose of computers by selling or trading them

to computer vendors or manufacturers as part of the proposal for purchase of new computers.

Effective May 21, 2019.

## RECORDS

### **Public Chapter 68** SB 531 - HB 609

#### **Record Storage - Registers**

Amends 8-13-107 to provide that registers may store records in their office or at another suitable facility. Defines “suitable facility” as one that stores local government records securely against theft and natural disasters.

Effective March 28, 2019.

### **Public Chapter 79** SB 76 - HB 392

#### **Record Storage - County Clerk and Court Clerks**

Amends 18-6-109 to provide that county clerks may store marriage licenses and returns in their office or at another suitable facility. Defines “suitable facility” as one that stores local government records securely against theft and natural disasters.

Amends 32-2-102 to provide that except when a will is before a court awaiting the determination of any controversy, an original will must remain in the clerk’s office of the county where the will is proved or exhibited, or transferred as detailed below, and any person may have access to it, as to other records. Provides the clerk may transfer all original wills in the clerk’s possession for which at least three (3) years have elapsed since final settlement of the estate or final disposition of all actions involving the will to a county archive facility or any other suitable facility that: (i) stores local government records; (ii) is secure from theft and natural disasters; and (iii) has been approved by the judge of the respective court and the county public records commission. Defines “final disposition” to mean that judgment has been entered and the appeal times have lapsed for all parties. Provides that the clerk of the court shall keep a record of each will that is transferred which indicates the name of the testator, the date of transfer, and the location to which the will was transferred.

Effective April 3, 2019.

**Public Chapter 111**  
**SB 1346 - HB 1107**

**Accident Reports**

Enacts a new subdivision (31) in 10-7-504(a) to provide that the personally identifying information of any person named in any motor vehicle accident report is confidential and not open for public inspection. Provides that upon written request, any person named in any motor vehicle accident report, or such person's agent, legal representative, or attorney, certifying that the person has permission from the person, persons, or entities authorized to obtain motor vehicle records information pursuant to 55-25-107(b)(1), (6) or (9), is authorized to receive an accident report containing personally identifying information of persons involved in the accident. Provides that any federal, state, or local governmental agency, or any private person or entity acting on behalf of a federal, state, or local governmental agency, may use personally identifying information in carrying out the agency's functions. Provides that nothing prevents a law enforcement entity from releasing information about traffic accidents to the public, including the name, age, and county or city of residence of a person involved in an accident, when the law enforcement entity determines such release is in the best interest of the agency and for the public good. Defines "personally identifying information" as: (i) street addresses and zip codes; (ii) telephone numbers; (iii) driver license numbers; and (iv) insurance information.

Amends subsection (d) of 55-10-108 to exclude from public information such "personally identifying information" from the accident report and provides that the report is otherwise open to public inspection as a public record.

Provides that it is a Class B misdemeanor, punishable only by fine of two thousand five hundred dollars (\$2,500) per occurrence for any person to knowingly use the report or information contained in the report for solicitation that is prohibited by a standard of conduct or practice of any profession licensed by this state. Any person requesting the disclosure of personally identifying information who misrepresents that person's identity or makes a false statement on any request submitted pursuant to Chapter 10 commits a Class B misdemeanor, punishable only by a fine of two thousand five hundred dollars (\$2,500) per occurrence. Provides that a person who holds a professional license regulated by the executive branch of this state who uses information obtained pursuant to this section in violation of a statute, code of professional ethics, or rule of professional conduct applicable to that person commits a Class B

misdemeanor, punishable by fine only of two thousand five hundred dollars (\$2,500) per occurrence.

Provides that in addition to the criminal penalties and any other remedies, a person whose personally identifying information is obtained in such a criminal manner may bring a private right of action individually to recover actual damages against the person or entity committing such violation. The trial court may award a civil penalty up to two thousand five hundred dollars (\$2,500) per act or occurrence against such person or entity. The action may be brought in a court of competent jurisdiction in the county where the alleged violation took place or in the county in which the plaintiff resides. Upon a determination of a violation by the trier of fact, the court may award the plaintiff reasonable attorneys' fees and costs. Such private right of action does not apply to contact by persons or entities allowed to obtain personally identifying information pursuant to 10-7-504(a)(31)(B) or other applicable law.

Effective July 1, 2019.

**Public Chapter 221**  
SB 167 - HB 86

**Potential New Open Records Exceptions**

Enacts a new section in Title 10, Chapter 7, Part 5 to provide that any legislation of the house of representatives that creates an exception to the open records requirement of 10-7-503 must be referred to the government operations committee according to the rules of the house of representatives. The government operations committee shall give the legislation a positive, neutral, or negative recommendation.

Effective July 1, 2019.

**Public Chapter 447**  
SB 1205 - HB 1132

**Department of Health Investigations**

Amends 63-1-117 to provide that certain records created pursuant to an investigation by the department of health are subject to subpoenas from law enforcement agencies.

Effective May 22, 2019.

**Public Chapter 495**  
SB 911 - HB 502

**Destruction or Alteration of Records**

Amends 39-16-504 to increase the penalty for the destruction or alteration of government records to a Class E felony.

Effective July 1, 2019.

## REGISTERS OF DEEDS

### **Public Chapter 197**

SB 542 – HB 675

### **Transfer Tax Exemptions**

Amends 67-4-409(a)(3) to exempt deeds executed by the trustee of a testamentary trust or revocable living trust to implement the distribution of the real property to a trust beneficiary or beneficiaries from transfer tax.

Effective April 25, 2019.

### **Public Chapter 68**

SB 531 - HB 609

### **Record Storage - Registers**

Amends 8-13-107 to provide that registers may store records in their office or at another suitable facility. Defines “suitable facility” as one that stores local government records securely against theft and natural disasters.

Effective March 28, 2019.

## RETIREMENT

### **Public Chapter 362**

SB 1237 - HB 623

### **Police Officers and Firefighters**

Enacts a new section in Title 8, Chapter 36, Part 3 to provide that certain police officers and firefighters are eligible for early service retirement upon attainment of twenty-five years of creditable service. Provides insurance coverage for such persons under certain terms and with exceptions for certain counties.

Effective January 1, 2020.

### **Public Chapter 381**

SB 633 - HB 1022

### **Stabilization Reserve Trust**

Amends 8-37-502 to provide that employers shall remit payments due to the stabilization reserve trust account within five business days after receipt of an invoice from the retirement system. Amends 8-35-107 relative to temporary employment terms. Enacts a new section in Title 8, Chapter 36, Part 1 to provide that a current early service retiree shall not change to disability retirement and a current disability retiree shall not change to early service retirement. Amends 8-36-125 relative to disclaiming beneficiary benefits.

Amends numerous other provisions in Title 8 relative to retirement.

Effective May 10, 2019.

**Public Chapter 399**  
SB 1371 - HB 1177

**Surviving Spouses**

Amends 8-36-109 to provide a retirement allowance to a surviving spouse who is a designated beneficiary of a deceased TCRS member with at least five years of creditable service (instead of ten years).

Effective May 10, 2019.

TAXATION – PROPERTY

**Public Chapter 10**  
SB 73 - HB 101

**Office of State Assessed Properties**

Amends 67-5-1606. Deletes reference to the Public Service Commission, which was dissolved in 1996, and replaces it with a reference to the Commission's successor, the Office of State Assessed Properties.

Effective March 13, 2019.

**Public Chapter 59**  
SB 278 - HB 100

**Revision of Property Maps**

Amends 67-5-806(b)(1). Changes the date, from October 1 of each year to April 15 of each year, by which assessors in counties, other than counties with a metropolitan form of government, must file that year's property maps with the register of deeds.

Effective January 1, 2020.

**Public Chapter 63**  
SB 351 - HB 143

**Assessors & Property Tax Assessments**

Amends 67-5-302. Provides that the clerk of each county shall keep and preserve the oaths prescribed for assessors and deputies in paper, electronic, or digital format.

Amends Title 67, Chapter 5, Part 3, by adding a new section. Allows assessors to provide taxpayers with an informal review of assessments made pursuant to 67-5-504 or made during a county reappraisal pursuant to 67-5-1601 if the following requirements are met: (1) the informal review concludes at least 10 days prior to county board of equalization adjournment; and (2) the assessor informs the taxpayer in writing of the taxpayer's right to appeal to the county board of equalization if dissatisfied with the outcome of the informal review.

Amends 67-5-304 by deleting subdivision (c)(2). Removes the requirement that assessors file certain reports when requested by the state board of equalization.

Amends 67-5-1501(d). Modifies the fees the state board of equalization assesses against any non-prevailing appellant. Sets the cost of a taxpayer appeal at \$10.00 per filing. Maintains fee exemptions for appeals of the primary residences filed by indigent persons who file a Uniform Civil Affidavit of Indigency with the state board of equalization and persons 65 years of age or older, if the appraised value of the residence is \$150,000 or less.

Amends 67-5-1502(g). Authorizes the assessment appeals commission to delegate its decision-making authority to a single panel member when circumstances warrant an evidentiary record to remain open for not more than 30 days after the public hearing.

Effective March 28, 2019.

**Public Chapter 102**

SB 407 - HB 404

**Telecommunication Tower Properties**

Amends 67-5-514. Specifies that the Comptroller is the assessor only for those telecommunications tower properties owned by a public utility company.

Effective April 11, 2019.

**Public Chapter 118**

SB 241 - HB 403

**State Property Tax**

Amends 8-8-201(b)(1) by deleting the language “67-5-1333”, thereby eliminating the duty of the sheriff to serve distress warrants against the owners of a property for delinquent state property tax.

Amends 67-5-1331 by deleting subsection (b) in its entirety, thereby eliminating the provision whereby the Comptroller is required to collect the state property tax.

Amends 67-5-1332 by deleting the language “the state”, thereby eliminating the provision whereby any assessed state property tax is a first lien on property.

Amends 67-5-1333 by deleting the section in its entirety, thereby eliminating the provision whereby the Comptroller will issue a distress warrant against the owner of a property for delinquent state property tax.

Effective April 9, 2019.

**Public Chapter 170**  
**SB 712 - HB 1112**

**Property Tax**

Amends 67-5-1801(a). Specifies that a municipality that certifies its delinquent tax list to the trustee or the delinquent tax attorney is deemed to have authorized, without further action of the municipality, county officers to do all things authorized under present law pertaining to accounting and settlement, delinquent taxes, tax liens, redemption, and waiver with respect to the collection of delinquent municipal taxes, including the ability to convey any and all interests of the municipality in the property sold, until such time as the municipality's legislative body determines otherwise and causes a document evidencing the determination to be recorded in the office of the register of deeds.

Amends 67-5-1903. Provides that the trustee's annual report to the county legislative body address all delinquent taxes instead of all delinquent taxpayers. Adds that the report not include delinquent taxes that have been delivered by the trustee to the delinquent tax attorney for the filing of court actions to collect the taxes.

Adds 67-5-2404(e). Provides that the maximum compensation of the delinquent tax attorney under current law shall not limit the fees or expenses authorized by the court to be paid to the delinquent tax attorney pursuant to current law or any other law.

Amends 67-5-2502(c)(2). Revises the search fee allowed to the delinquent tax attorney to require the court to set a reasonable attorney's fee per parcel, per year of delinquent taxes owed and per taxing entity, which fee must be charged to each pending parcel listed on the county and municipal delinquent tax lists filed in the tax proceeding and each parcel subsequently turned over for collection in a tax proceeding.

Amends 67-5-2503(b). Provides that a purchaser of delinquent tax sale property who does not make an advance demand for rents or profits has no rights to rents or profits from a taxpayer who has remained in possession during the redemption period.

Amends 67-5-2506(b)(1). Provides that when any parcel is sold for payment of delinquent taxes, it shall be sold pursuant to this chapter.



Amends 67-5-2701(a)(1). Provides that the redemption period of each parcel shall be determined by the court prior to the tax sale of the parcel and may also be stated in the order confirming the sale.

Amends Title 67, Chapter 5, Part 27, by adding a new section. Provides that 21-1-205 is not applicable to property tax proceedings, tax liens, or the enforcement of such tax liens.

Effective April 18, 2019.

**Public Chapter 220**  
SB 393 - HB 51

**Property Taxes – Collections – Partial Payment**

Repeals 67-5-1904, regarding credits to trustee on settlement with state. Deletes the reference to 67-5-1904 from 67-5-2801(c).

Amends 67-5-1801(c). Provides that the bank shall provide to the trustee such evidence of the taxes deposited into the account and a copy of the deposit forms at least every three business days. Requires the trustee to determine whether the correct amount of property taxes was deposited into the account and whether interest is due on such property before issuance of the tax receipt to the taxpayer. Provides that the taxpayer making a payment of property taxes in such manner is not relieved of interest upon failure of the bank to provide evidence of the deposit of such taxes prior to the due date.

Amends 67-5-1808(c). Provides that the delinquent date for property taxes and interest applicable to delinquent property taxes is not affected by application of a partial payment system established in the county and that interest applies only to the amount of delinquent property taxes remaining due as of the date property taxes become delinquent.

Effective July 1, 2019.

**Public Chapter 265**  
SB 708 - HB 1269

**Assessment**

Amends 67-5-502(c). Provides that leased personal property, other than leased personal property used by a public utility company or modern market telecommunications provider, shall be classified according to the lessee's use and assessed to the lessee, unless such property is the subject of a lawful agreement between the lessee and a local government, or instrumentality thereof, for payments in lieu of taxes.

Amends 67-5-502(d). Provides that if a lessee's or a sublessee's interest in certain real property, including any improvements erected upon the land, is the subject of a lawful agreement between a lessee and a local government, or instrumentality thereof, for payments in lieu of taxes, entered into or amended on or after the effective date of this section, in which case such property will be assessed solely to such governmental entity and will be subject to all applicable exemptions.

Effective April 30, 2019.

**Public Chapter 322**  
SB 1184 - HB 817

**Agricultural, Forest, or Open Space Land**

Amends 67-5-1008(b)(1). Provides that after a parcel of land has been classified by the assessor of property as agricultural, forest, or open space land, the requirement that the assessor record the application with the register of deeds is discretionary instead of mandatory and requires the property owner to record the application with the register of deeds if the assessor does not.

Effective May 8, 2019.

**Public Chapter 355**  
SB 408 - HB 280

**Property Tax Exemptions**

Amends 67-5-207(d). Exempts properties owned by not-for profit organizations and funded under the HOME Investment Partnerships Program, or a housing trust fund established in accordance with Title 7, Chapter 8 or Title 13, Chapter 23, Part 5. To qualify, the property must be used for permanent housing for low income or very low-income persons who are elderly or have a disability.

Amends 67-5-212(a). Exempts from property taxation the real and personal property, or any part of the real and personal property, owned by an exempt institution, but occupied and actually used by: (A) another religious, charitable, scientific, or nonprofit educational institution or its officers purely and exclusively for carrying out one or more of the exempt purposes for which the occupying institution was created or exists; (B) an exempt institution that originated as part of a single exempt institution and that continues to use the property for the same religious, charitable, scientific, or nonprofit educational purposes, whether by charter, contract, or other agreement or arrangement; or (C) the United States government, the state of Tennessee, or any agency or political subdivision thereof. Specifies that property owned by a

corporation organized for the exclusive purpose of holding title to property for use by any organization that itself qualifies for exemption under this section, only such property of the corporation, or such parts thereof, as would be entitled to an exemption under this section if owned directly by such organization shall be exempt from property taxation.

Amends 67-5-212(b). Removes the limitation that the total filing fees for processing applications collected by the State Board of Equalization in any fiscal year must not exceed the cost of processing exemption applications in that fiscal year. Adds that "filing" means one submission that may include multiple parcels, including real and personal property, with a clear nexus to one exemption determination. Provides that if the application is filed after May 20 but within 30 days after the exempt use of the property began, the exemption will be effective as of the date the exempt use began. Specifies that the board may revoke either the whole or part of an exemption. Adds that the board may also revoke an exemption if the property is not actually being used for an exempt purpose. Provides that property is not actually being used for an exempt purpose if the property is not currently in use, has been abandoned, is not suitable for human habitation, or is being used for a nonexempt purpose.

Repeals 67-5-212(f). Removes the exemption for property or any part thereof of nonprofit artificial breeding associations chartered under the Tennessee Nonprofit Corporation Act.

Amends 67-5-212(g). Provide that if the construction of improvements is completed within 12 months of its commencement, then the property, to the extent of the value of the land, in addition to the value of such improvements, will be considered occupied and used by the exempt institution, from the commencement of the construction and after.

Effective May 10, 2019.

**Public Chapter 419**  
SB 1263 - HB 350

**Delinquent Tax Sales – HOA Fees**

Amends Title 67, Chapter 5, Part 25. Provides that when a county acquires property at a tax sale, any non-governmental entity holding a vested and duly recorded contractual right to the payment of fees or assessments secured by such property retains such right; provided, that the non-governmental entity may only enforce such contractual rights against the county through the exercise of its lien rights against the property. A

county is liable for the payment of the fees and assessments only if the county makes actual use of the property purchased at the tax sale. Applies only to Hardeman County.

Effective May 21, 2019.

**Public Chapter 436**  
SB 886 - HB 809

**Agricultural Land**

Amends 67-5-1004(1)(B). Specifies that to be eligible as agricultural land, property must meet one of the following minimum size requirements by consisting of: (1) a single tract of at least fifteen acres, including woodlands and wastelands; (2) two noncontiguous tracts within the same county, including woodlands and wastelands, one of which is at least fifteen acres and the other being at least ten acres and together constituting a farm unit; or (3) two noncontiguous tracts within the same county totaling at least fifteen acres, including woodlands and wastelands, that are separated only by a road, body of water, or public or private easement and together constituting a farm unit.

Effective January 1, 2020.

TAXATION – SALES

**Public Chapter 157**  
SB 787 – HB 931

**Streamlined Sales Tax Provisions**

Amends numerous prior public chapters to further delay multiple streamlined sales tax provisions until July 1, 2021.

Effective April 12, 2019.

**Public Chapter 159**  
SB 960 – HB 1138

**Physical Fitness Facilities**

Amends TCA 67-6-330(a)(16) to exempt from sales tax the admission, dues, fees, or other charges paid to any person principally engaged in offering services or facilities for the development or preservation of physical fitness through exercise or other active physical fitness conditioning. Exemption applies to services and facilities such as gyms, fitness centers, fitness studios, high intensity interval training, cross training, ballet barre, Pilates, yoga, spin classes, aerobics classes, and other substantially similar services and facilities that principally provide for exercise or other active physical fitness conditioning. Exemption does not apply to persons principally engaged in offering recreational activities such as country clubs, tennis clubs, golf courses, and other substantially similar recreational facilities and activities.

Effective July 1, 2019.

**Public Chapter 162**

SB 237 – HB 84

**Car Washes**

Amends TCA 67-6-205(c)(5) to exempt from sales tax the services at any car wash facility, coin-operated or otherwise, where the customer remains in custody of the vehicle and the preponderance of the vehicle's wash is completed by the customer or automated equipment.

Effective April 18, 2019 (applicable to assessments imposed or pending as of such date).

**Public Chapter 178**

SB 713 – HB 1271

**Farm Trailers**

Amends 67-6-207 to exempt from sales tax trailers used to transport livestock, farm products, nursery stock, or equipment, supplies, or products used in agriculture, or for other agricultural purposes relating to the operation and maintenance of a farm.

Effective July 1, 2019.

**Public Chapter 194**

SB 350 – HB 102

**Liquor-by-the-Drink Tax**

Amends 57-4-306 to extend the current distribution formula for liquor-by-the-drink tax to June 30, 2020.

Effective July 1, 2019.

**Public Chapter 392**

SB 1137 – HB 779

**Library Fundraising**

Amends 67-6-102 to provide that, for sales tax purposes, charitable entities whose primary purpose is fundraising in support of a city, county, or metropolitan library system, "business" does not include sales, including online sales, that the charitable entity elects to make in lieu of two semiannual temporary sales periods; provided, that the sales do not exceed \$300,000 per calendar year; and provided further, that the election by the charitable entity must remain in effect for no less than four years.

Effective May 10, 2019.

**Public Chapter 440**

SB 1094 – HB 907

**Major League Soccer Teams**

Amends 67-6-712 to reallocate certain local sales taxes to a sports authority for any municipality with a Major League Soccer team.

Effective May 22, 2019.

**Public Chapter 491**  
SB 325 – HB 326

**Online Sales Tax Distribution**

Amends 67-6-504 to require out of state dealers to report the exact city or unincorporated area of a county where a sold item is being shipped. Provides that the dealer shall report such information regardless of whether the city and county have the same local tax rate. Amends 67-6-702 to delete the provision in current law that allows an out of state dealer to collect a flat local tax rate of 2.25% instead of collecting the specific correct local rate. Amends 67-6-710 to delete the provision that provides for the distribution of such flat local tax rate of 2.25% since the law will now require the dealer to collect the correct local rate. Amends 67-6-712 to provide that using the information reported under 67-6-504 (location of delivery) local taxes collected by out of state dealers shall be distributed in the same manner as local taxes are currently distributed in the state (first half to schools and second half based on location).

Further amends 67-6-712 since, despite the above requirements, some revenue is expected to be received from out of state dealers which cannot be traced to an exact location. Provides that until July 1, 2021 such funds shall be distributed in the same manner as the flat local tax rate of 2.25% currently are (based on the ratio of local sales tax collections compared to all local sales tax collections in the state). Provides that after July 1, 2021, such funds shall be distributed based on the ratio of local sales tax collections from dealers with no location in this state compared to all local sales tax collections from dealers with no location in this state.

Amends the streamlined sales tax law for when it goes into effect to reflect the above changes relative to the distribution of revenue which cannot be traced. Also amends the streamlined sales tax law to provide that any product sold in the state shall be sourced to the seller's location even if the purchaser asks the seller to ship the product to another location in the state. Thus, the city or county where the store is located shall receive the local tax even though the sold item is being shipped to another location in the state.

Effective October 1, 2019.

**Public Chapter 507**  
SB 16 – HB 1

**Tennessee Sports Gaming Act**

Enacts a new part in Title 4, Chapter 51, Part 3 to establish the Tennessee Sports Gaming Act. Amends 39-17-501, 4-51-103 and 4-51-135 relative to sports wagering and the lottery.

Enacts 4-51-304 to impose a 20% privilege tax upon the adjusted gross income of those offering sports wagering in Tennessee and provides that 15% of these funds shall be distributed quarterly by the state treasurer to each local government in this state on a per capita basis, as determined by population based on the last federal census. For purposes of calculating the allocation, the population of counties excludes the population of each municipality within the boundaries of the county. Funds remitted to a local government must be allocated to the county or city general fund, as applicable, to be used for local infrastructure projects, including, without limitation, transportation and road projects and public buildings.

Effective July 1, 2019.

UTILITIES

**Public Chapter 41**  
SB 430 – HB 202

**Online Training for Municipal Utility Boards**

Amends 7-34-115(j)(7)(E) relative to online training and continuing education for municipal utility board commissioners to require that the provider shall provide a certificate of completion or attendance that must be submitted by the municipal utility board commissioner to the municipality. Each municipality shall keep the certificate of completion or attendance for six (6) years after the calendar year in which the certificate of completion or attendance is submitted.

Effective March 22, 2019.

**Public Chapter 95**  
SB 426 – HB 376

**Usage Measurement Devices**

Amends 65-5-103 to provide that a public utility may request and the utility commission may authorize a mechanism to recover the operational expenses, capital costs or both, if such expenses or costs are found by the utility commission to be in the public interest, related to replacement of or upgrades to usage measurement devices.

Effective March 28, 2019.

**Public Chapter 116**  
SB 178 – HB 165

**Septic Tanks**

Amends 68-221-409 to provide that a permit for subsurface sewage disposal shall not be denied if the applicant submits documentation that they cannot now connect to a public sewer due to a TDEC or local government moratorium on new connections. Requires the seller of a property, for which a subsurface sewage disposal system has been installed, to disclose the future potential obligation to connect to the public sewer system to the purchaser of the real estate.

Effective April 9, 2019.

**Public Chapter 228**  
SB 1366 – HB 603

**Additional Utility Related Services**

Amends 7-34-115 to provide that a municipal utility system providing water, sewer, or natural gas service has the power to enter into agreements with companies to provide water, sewer, or natural gas leak protection bill coverage, insurance, or service agreements for customers and to offer their customers water line, sewer line, or natural gas line damage protection coverage, insurance, or service agreements for customer-owned water, sewer, or natural gas lines.

Amends 7-52-103 to provide that a municipality providing electric service operating pursuant to this part or other applicable law has the power to assist its utility customers in installing or maintaining fixtures, devices, appliances, apparatus, and equipment of all kinds and character and, in connection therewith, to purchase, acquire, lease, sell, distribute, incentivize, insure, make loans, provide service contracts, enter into agreements, contract with third parties, and repair such fixtures, devices, appliances, apparatus, and equipment and sell, assign, transfer, endorse, pledge, and otherwise dispose of notes or other evidences of indebtedness.

Amends 7-82-302 to provide that powers relating to water, sewer, and natural gas services include the power for utility districts to enter into agreements with companies to provide water, sewer, or natural gas leak protection bill coverage, insurance, or service agreements for customers and to offer their customers water line, sewer line, or natural gas line damage protection coverage, insurance, or service agreements for customer-owned water, sewer, or natural gas lines.

Effective April 30, 2019.



**Public Chapter 370**  
SB 264 – HB 156

**Critical Infrastructure Vandalism**

Amends 39-14-411 to provide that a person who knowingly destroys or interferes with critical infrastructure commits the offense of critical infrastructure vandalism. Defines “critical infrastructure” to include the infrastructure of the following services to the general public: (i) telephone, telegraph, television, internet, or other telecommunication services; (ii) electric, heat, natural gas, or other power or energy services; (iii) the distribution of crude or refined liquid petroleum products or natural gas, and the pipelines, pumping stations, terminals, and equipment necessary for operation of the facility; (iv) water, wastewater, or sewer services; and (v) railroads and other transportation services.

Effective July 1, 2019.

**Public Chapter 508**  
SB 308 – HB 377

**Bill Rounding Programs**

Amends numerous sections relative to utilities which are authorized to operate programs that donate excess receipts to charitable purposes or economic development such as programs in which utility bills are rounded up to the next dollar. Provides that a utility that establishes a program on or after January 1, 2021 shall not enroll any customer without the express consent of the customer. Provides that existing customers may opt out and requires the utility to send a written notice to customers no later than November 1, 2020 with certain information relative to opting out.

Effective June 3, 2019.

## PART II - PUBLIC ACTS OF LOCAL APPLICATION

### ANDERSON

#### **Public Chapter 235**

SB 1383 – HB 1142

#### **Off-Road Vehicles**

Amends 55-8-185(c)(4) to authorize the operation of off-highway vehicles on certain segments of State Route 116 in Anderson County.

Effective July 1, 2019.

### CAMPBELL

#### **Public Chapter 363**

SB 1417 – HB 1070

#### **Alcoholic Beverages - On Premises Consumption**

Amends 57-4-102(27). Designates Flat Hollow Marina in Campbell County as a premier type tourist resort for purposes of serving alcoholic beverages for on premises consumption.

Effective May 10, 2019.

### CLAY

#### **Public Chapter 363**

SB 1417 – HB 1070

#### **Alcoholic Beverages - On Premises Consumption**

Amends 57-4-102(27). Designates Weir Park in Clay County as a premier type tourist resort for purposes of serving alcoholic beverages for on premises consumption.

Effective May 10, 2019.

### COFFEE

#### **Public Chapter 198**

Sb 567 – HB 630

#### **Hotel/Motel Tax**

Amends 67-4-1425 to authorize Coffee County to levy a hotel/motel tax by resolution passed by 2/3 vote of the county legislative body in an amount not to exceed 2.5%, with the proceeds to be used for tourism and economic development. The resolution must set out the manner of collection and administration of the tax.

Effective April 25, 2019.

## DAVIDSON

### **Public Chapter 91**

SB 323 – HB 58

#### **Alcoholic Beverages - On Premises Consumption**

Amends 57-4-102(27). Designates the Hermitage Golf Course in Davidson County as a premier type tourist resort for purposes of consuming alcoholic beverages on the premises.

Effective March 28, 2019.

### **Public Chapter 237**

SB 1095 – HB 1242

#### **Discontinuation of Utility Services**

Amends 65-32-104 and 105 to provide that the utility governing body, in conjunction with the utility management team, shall establish a policy governing the discontinuation of service for nonpayment of service. The policy must be in compliance with service practice standards and best practices for similarly situated utilities.

Effective July 1, 2019.

### **Public Chapter 363**

SB 1417 – HB 1070

#### **Alcoholic Beverages - On Premises Consumption**

Amends 57-4-102(27). Designates the 121 Hotel in Nashville as a premier type tourist resort for purposes of serving alcoholic beverages for on premises consumption.

Effective May 10, 2019.

### **Public Chapter 426**

SB 1103 – HB 597

#### **Hotel/Motel Tax**

Amends 7-4-702 to extend for six years, until May 21, 2020, the authority to charge an additional 50¢ hotel occupancy tax for promotion of tourism, and extends for the same time the terms of the committee members that oversee the fund into which this tax is deposited.

Effective May 21, 2019.

## HAMILTON

### **Public Chapter 363**

SB 1417 – HB 1070

#### **Alcoholic Beverages - On Premises Consumption**

Amends 57-4-102(30). Designates the El Fogon Mexican Restaurant in Hixson as a restaurant for purposes of serving alcoholic beverages for on premises consumption.

Effective May 10, 2019.

## KNOX

### **Public Chapter 377**

SB 498 – HB 1327

### **Alcoholic Beverages - On Premises Consumption**

Amends 57-4-102(30)(C). Adds that in Knox County, within an easement area granted to a municipality for commercial recreation and commercial recreation facilities from the Tennessee Valley authority in the Fort Loudoun Reservoir: (a) restaurant licensees shall not be required to meet any requirements of this section which make food service, maintenance of a kitchen, or a dining room a prerequisite to the issuance of a restaurant permit to serve liquor by the drink; and (b) notwithstanding any law to the contrary, restaurant licensees may enter into leases with municipal landowners in which gross sales, which may include or exclude liquor sales, are considered in the determination of a percentage rent or other rent calculation provision.

Effective May 10, 2019.

## JOHNSON

### **Public Chapter 175**

SB 225- HB 529

### **Off-Road Vehicles**

Amends 55-8-185(c)(1) to authorize the operation of off-highway vehicles on certain, specified routes in Johnson County.

Effective April 23, 2019.

## MADISON

### **Public Chapter 350**

SB 185 – HB 983

### **Removal of School Board Members by Recall**

Enacts 49-2-2\_\_ to provide for removal of school board members in Madison County by the registered voters of the county. A petition demanding recall must be signed by registered voters residing within the school board district, with at least 66% of the total vote cast for that member in the last regular election signing the petition. The petition must state the grounds upon which removal is sought and contain a sworn affidavit by the petition circulator that the signatures are genuine and were made in the presence of the circulator. Within 15 days of receipt of the petition, the county election commission shall determine the sufficiency of the signatures, and if sufficient, shall give notice of the petition by newspaper, providing the grounds for removal. The election commission shall call an election to determine whether the member should

be recalled, and if 66% of the voters within that school district vote for recall, the person shall be declared removed from office. No recall election may be held within the period beginning 90 days before and ending 90 days after a regular election. Applicable to counties with a population of 98,200 – 98,300 and contains a severability clause.

Effective May 10, 2019.

## MONROE

### **Public Chapter 445** SB 727 – HB 1077

#### **Convenient Voting Centers Pilot Project**

Amends 2-3-302 to authorize Monroe, Wilson and Williamson counties to implement a convenient voting centers pilot project.

Effective July 1, 2019.

## MONTGOMERY

### **Public Chapter 382** SB 648 – HB 690

#### **Event Center**

Amends 67-6-103 to provide for a special allocation of certain sales tax revenue for the benefit of an event center until the debt relating to the event center is retired or until the expiration of thirty years, whichever is sooner.

Effective May 10, 2019.

## MORGAN

### **Public Chapter 273** SB 1375 – HB 221

#### **Off-Road Vehicles**

Amends 55-8-185(c)(1) to authorize the operation of off-highway vehicles on certain, specified routes in Morgan County.

Effective April 30, 2019.

## OVERTON

### **Public Chapter 363** SB 1417 – HB 1070

#### **Alcoholic Beverages - On Premises Consumption**

Amends 57-4-102(39). Designates Central Park in Livingston as an urban park center for purposes of serving alcoholic beverages for on premises consumption. Requires the adoption

of an ordinance by a two-thirds vote of the governing body of Livingston.

Effective May 10, 2019.

## PERRY

### **Public Chapter 206** SB 846 – HB 1332

#### **Off-Road Vehicles**

Amends 55-8-185(c)(1) to authorize the operation of off-highway vehicles on a certain, specified route in Perry County.

Effective April 25, 2019.

## RUTHERFORD

### **Public Chapter 13** SB 51 - HB 147

#### **Fireworks**

Amends 68-104-112(a). Authorizes the continued sale at retail of any Class C common fireworks in Rutherford County after the 2020 federal census.

Effective December 31, 2020.

### **Public Chapter 234** SB 726 – HB 1078

#### **Convenient Voting Centers**

Amends 2-3-308 to authorize Rutherford to create a program that establishes convenient voting centers in the county for federal, state and local elections under certain circumstances.

Effective April 30, 2019.

### **Public Chapter 363** SB 1417 – HB 1070

#### **Alcoholic Beverages - On Premises Consumption**

Amends 57-4-102(13). Designates the Center for the Arts in Murfreesboro as a community theater for purposes of serving alcoholic beverages for on premises consumption.

Effective May 10, 2019.

## SHELBY

### **Public Chapter 377** SB 498 – HB 1327

#### **Alcoholic Beverages - On Premises Consumption**

Amends 57-4-102(30)(C). Adds that in Shelby County, within a national historical landmark district or urban park center, notwithstanding any law to the contrary, restaurant licensees may enter into leases with municipal landowners in which gross sales, which may include or exclude liquor sales, are

considered in the determination of a percentage rent or other rent calculation provision.

Amends 57-4-102(28)(A). Specifies that for the purposes of the defining "premises" in regard to a licensed establishment located in the national historic landmark district of Beale Street in Shelby County that premises only applies to those establishments located and fronting upon the historic street and not those located on or fronting upon another street or right-of-way with the district.

Effective May 10, 2019.

**Public Chapter 435**  
SB 1082 – HB 794

**Alcoholic Beverages - On Premises Consumption**

Amends 57-4-102(28)(A). Specifies that premises as defined in subdivision (28)(A), and subject to the municipality's right of ownership and control and any conditions, rules, or regulations imposed by the city or its designee or by law, alcoholic beverages may also be served to customers seated at tables and chairs contiguous to the outside front wall of a licensee's building.

Effective May 22, 2019.

SULLIVAN

**Public Chapter 363**  
SB 1417 – HB 1070

**Alcoholic Beverages - On Premises Consumption**

Amends 57-4-102(31). Designates The Blake at Kingsport as a retirement center for purposes of serving alcoholic beverages for on premises consumption.

Effective May 10, 2019.

WASHINGTON

**Public Chapter 498**  
SB 1434 – HB 524

**Economic Development**

Enacts a new chapter in Title 7 to allow for the creation of a regional retail tourism development district in a certain area within Washington County.

Effective July 1, 2019.

## WILLIAMSON

### **Public Chapter 363** SB 1417 – HB 1070

#### **Alcoholic Beverages - On Premises Consumption**

Amends 57-4-102(27). Designates the Sip-n-Scoop in College Grove as a premier type tourist resort for purposes of serving alcoholic beverages for on premises consumption.

Effective May 10, 2019.

### **Public Chapter 445** SB 727 – HB 1077

#### **Convenient Voting Centers Pilot Project**

Amends 2-3-302 to authorize Monroe, Wilson and Williamson counties to implement a convenient voting centers pilot project.

Effective July 1, 2019.

## WILSON

### **Public Chapter 363** SB 1417 – HB 1070

#### **Alcoholic Beverages - On Premises Consumption**

Amends 57-4-102(13). Designates the Capitol Theatre in Lebanon as a community theater for purposes of serving alcoholic beverages for on premises consumption.

Amends 57-4-102(27). Designates Legacy Farms in Lebanon as a premier type tourist resort for purposes of serving alcoholic beverages for on premises consumption.

Effective May 10, 2019.

### **Public Chapter 445** SB 727 – HB 1077

#### **Convenient Voting Centers Pilot Project**

Amends 2-3-302 to authorize Monroe, Wilson and Williamson counties to implement a convenient voting centers pilot project.

Effective July 1, 2019.



## PART III - PRIVATE ACTS

### CANNON

**Private Chapter 6**  
SB 1515 - HB 1506

**Hotel/Motel Tax**

Amends Private Acts of 2013, Chapter 23. Provides that the proceeds of the tax authorized by this act shall be deposited in the general fund of the county and the Cannon County Chamber of Commerce will receive annual funding from this tax not to exceed the amount of such tax collected in the Fiscal Year ended June 30, 2018. The remainder of the annual collections of the tax authorized by this act will remain in the general fund of the county to be appropriated for any lawful purpose by the Board of County Commissioners of Cannon County.

Effective upon approval by 2/3 vote of the county legislative body.

**Private Chapter 10**  
SB 1532 - HB 1523

**Hotel/Motel Tax**

Amends Private Acts of 2013, Chapter 23. Exempts nonprofit campgrounds that include a portion of the hotel camp fee for housing from the county's hotel motel tax.

Effective upon approval by 2/3 vote of the county legislative body.

### DICKSON

**Private Chapter 16**  
SB 1533 – HB 1526

**Highway Engineer**

Repeals Private Acts of 2018, Chapter 38, and enacts a new private act providing for the appointment of the highway engineer by the county mayor, subject to confirmation by the county legislative body, with the term to begin on September 1, 2022, or earlier in the event of a vacancy. This act does not abridge the term of the current highway engineer.

Effective upon approval by 2/3 vote of the county legislative body.

## GIBSON

### **Private Chapter 2** SB 1525 - HB 1507

#### **Milan Special School District**

Amends Private Acts of 1945, Chapter 504 to revise the property tax rate for the Milan special school district from \$1.69 to \$2.23.

Effective April 18, 2019.

## JACKSON

### **Private Chapter 31** SB 1547 – HB 1540

#### **Hotel/Motel Tax**

Authorizes the county legislative body to levy a hotel/motel tax in an amount not to exceed 5% of the rate charged by the operator, to be collected by the county clerk. The proceeds are to be placed in the general fund and used for such purposes as specified by the county legislative body.

Effective upon approval by 2/3 vote of the county legislative body.

## MAURY

### **Private Chapter 21** SB 1549 – HB 1541

#### **Parks and Recreation Areas**

Amends Private Acts of 1957, Chapter 296, as amended, to place all parks and recreation areas owned or operated by Maury County under the management and control of the Board of Park Commissioners.

Effective upon approval by 2/3 vote of the county legislative body.

## PICKETT

### **Private Chapter 18** SB 1534 – HB 1528

#### **Court Jurisdiction**

Grants probate jurisdiction to the chancery court of Pickett County, with the clerk and master to serve as clerk of all probate matters. Grants domestic relations jurisdiction to the general sessions court, concurrent with circuit and chancery courts.

Effective upon approval by 2/3 vote of the county legislative body.

## PUTNAM

### **Private Chapter 4**

SB 1513 - HB 1503

### **County Mayor**

Amends Private Acts of 2004, Chapter 126 to redesignate the title of “county executive” to “county mayor.”

Effective upon approval by 2/3 vote of the county legislative body.

## RHEA

### **Private Chapter 33**

SB 1541 – HB 1533

### **Tax Assessor**

Repeals Private Acts of 1949, Chapter 896, and any other acts amendatory thereto, to repeal the requirement that the tax assessor place his stamp on all deeds to show that he has noted the name of the vendor and vendee on the tax rolls prior to the deed being recorded with the register of deeds.

Effective upon approval by 2/3 vote of the county legislative body.

## ROBERTSON

### **Private Chapter 13**

SB 1531 - HB 1520

### **Highway Commissioners**

Amends Private Acts of 1947, Chapter 380 to increase from \$250 to \$500 the monthly compensation of the highway commissioners and chairman of the highway commission.

Effective upon approval by 2/3 vote of the county legislative body.

## RUTHERFORD

### **Private Chapter 20**

SB 1542 – HB 1539

### **Human Resources**

Amends Private Acts of 2003, Chapter 61, as amended, to transfer oversight of the human resources department, and the appointment of the human resources director, from the county legislative body to the county mayor.

Effective upon approval by 2/3 vote of the county legislative body.

## SCOTT

### **Private Chapter 35** SB 1550 – HB 1542

#### **Litigation Tax**

Amends Private Acts of 1982, Chapter 247, as amended, to impose a \$25 litigation tax on cases filed in circuit, general sessions, and juvenile courts for funding the Scott County Family Justice Center.

Effective upon approval by 2/3 vote of the county legislative body.

## SHELBY

### **Private Chapter 30** SB 1548 – HB 1538

#### **Hotel/Motel Tax**

Amends Private Acts of 1969, Chapter 131, as amended, to allocate the proceeds of the hotel/motel tax to the capital, operating, and maintenance expenses of the sports facility, or to payment of bonded indebtedness for the sports facility, or to the payment of capital expenditures for public infrastructure that promotes tourism in Shelby County.

Effective upon approval by 2/3 vote of the county legislative body.

## SUMNER

### **Private Chapter 1** SB 1510 - HB 1501

#### **County Mayor**

Amends Private Acts of 2004, Chapter 137 to redesignate the title of “county executive” to “county mayor.”

Effective upon approval by 2/3 vote of the county legislative body.

### **Private Chapter 8** SB 1526 - HB 1517

#### **2012 Finance Act**

Amends Private Acts of 2012, Chapter 70 to revise the Financial Management Modernization System of the County of Sumner, Tennessee of 2012, to allow the participation of the county school system.

Effective upon approval by 2/3 vote of the county legislative body.

**Private Chapter 15**

SB 1535 – HB 1525

**Tenth Special School District Bonds**

Authorizes the Tenth Special School District to issue bonds and/or notes not to exceed \$28,000,000 to purchase land and build schools and additions and to renovate, expand, furnish, and equip school buildings and additions thereto. Bonds shall be paid from taxes levied by authority of the Act of Incorporation of the district. The board may pledge funds received from the state for capital outlay purposes under BEP or otherwise, and its share of local option sales taxes, to repayment of the bonds and notes.

Effective May 10, 2019.

**Private Chapter 28**

SB 1545 – HB 1535

**Tenth Special School District**

Amends Private Acts of 1901, Chapter 330, as amended, to change the boundary of the Tenth Special School District.

Effective May 24, 2019.