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# Tennessee Public Acts 2012: Summaries of Interest to Municipal Officials

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# TENNESSEE PUBLIC ACTS 2012

## *Summaries of Interest to Municipal Officials*

Josh Jones, Legal Consultant

THE UNIVERSITY of TENNESSEE   
MUNICIPAL TECHNICAL ADVISORY SERVICE

*In cooperation with the Tennessee Municipal League*



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# TENNESSEE PUBLIC ACTS 2012

## *Summaries of Interest to Municipal Officials*

**Josh Jones, Legal Consultant**

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By sharing information, responding to client requests, and anticipating the ever-changing municipal government environment, MTAS promotes better local government and helps cities develop and sustain effective management and leadership.

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# TENNESSEE PUBLIC ACTS 2012

## *Summaries of Interest to Municipal Officials*

### ALCOHOLIC BEVERAGES

**Chapter No. 592 (HB3011/SB2843). ABC authorized to issue wholesaler license to a corporation that acquires a partnership or LLC.** Amends T.C.A. § 57-3-203(g) by authorizing the Alcoholic Beverage Commission to issue a wholesale alcoholic beverage license to a corporation that has acquired all of the assets of a Tennessee partnership or limited liability company. The acquired partnership or limited liability company must have been in continuous operation within Tennessee for 10 or more years. The acquiring corporation must have been domiciled in Tennessee for no less than 25 years, have a majority of its assets in Tennessee and its officers in actual control of the wholesale operations must be actively present at the premises.  
*Effective March 21, 2012*

**Chapter No. 691 (HB2679/SB3552). Farm wine permit created.** Amends T.C.A. §§ 57-3-201 and 207 by creating a new ABC-issued permit for a farm wine producer. A farm winery must produce its own locally-grown product and comply with other provisions related to wineries.  
*Effective April 11, 2012*

**Chapter No. 742 (HB2196/SB2532). Entity issuing beer permit may revoke such permit.** Amends T.C.A. § 57-5-108(a) by clarifying that the local government entity that issues a beer permit has the authority to revoke or suspend that permit.  
*Effective April 16, 2012*

**Chapter No. 790 (HB3039/SB2563). Limited service restaurant revenue from food may exceed 50 percent.** Amends *Tennessee Code Annotated*, Title 57, Chapter 4, by authorizing the revenue from food sales of a limited service restaurant licensee to exceed 50 percent. Lowers seating capacity of a restaurant, as defined by alcoholic beverage statutes, from 75 to 40 persons. Amends privilege taxes for ABC license holders.  
*Effective April 23, 2012*

**Chapter No. 881 (HB3633/SB3581). Beer permit/alcoholic beverage license reciprocal revocation/suspension pilot program established.** Amends *Tennessee Code Annotated*, Title 54, by creating a pilot program in Hancock, Union, Grainger, Claiborne, Cocke, Jefferson, Hawkins, Hamilton and Knox counties whereby the suspension or revocation of a local beer permit may be reported to ABC which must schedule a show cause hearing to revoke or suspend the violator's license to sell alcoholic beverages. ABC may not levy fine in lieu of suspension or revocation.

Likewise, upon the suspension or revocation of a license to sell alcoholic beverages the ABC may notify the local beer board which must schedule a hearing on the suspension or revocation of the local beer permit.

*Effective April 23, 2012*



**Chapter No. 964 (HB2402/SB2420). Beer board to file annual report with ABC.**

Amends T.C.A. § 57-5-605 by requiring a local beer board to annually file a report with the Alcoholic Beverage Commission. Report must contain various statistical data including, but not limited to the following: number of permits issued; number of violations for sale to a minor; whether violations occurred in an establishment participating in the Responsible Vendor program; penalties imposed. Report is due on February 1 of each year.

*Effective May 10, 2012*

**Chapter No. 1035 (HB1171/SB1038). Referendum on sale of alcoholic beverages for on premises consumption authorized in tourism development zone.**

Amends *Tennessee Code Annotated*, Title 57, by authorizing a municipality that has created a tourism development zone to conduct a referendum to authorize the sale of alcoholic beverages for consumption on premises. Referendum to be placed on November 2012 ballot and costs are to be paid by municipality. Also provides that if any municipality in Robertson County has authorized the sale of alcoholic beverages for on premises consumption then the city of Orlinda may conduct a referendum to authorize the sale of alcoholic beverages for consumption on the premises, population requirements notwithstanding.

*Effective May 21, 2012*

**ANNEXATION**

**Chapter No. 837 (HB3061/SB2987). Notice to Department of Revenue required upon annexation becoming effective.**

Amends T.C.A. § 6-51-115 by requiring a municipality to notify the Department of Revenue of an annexation upon becoming effective as opposed to the current requirement that such notice be given prior to the effective date.

*Effective April 25, 2012*

**BOARDS, COMMISSIONS AND AUTHORITIES**

**Chapter No. 610 (HB2754/SB2601). Library board provisions amended.**

Amends T.C.A. § 10-3-103 by declaring that a library board shall be between seven and 11 members. Removes prohibition on more than five members being of the same sex.

*Effective March 23, 2012*

**Chapter No. 706 (HB3463/SB3007). Housing authority provisions amended.**

Amends *Tennessee Code Annotated*, Title 13, Chapter 20 by authorizing a housing authority to enter into management contracts with other authorities outside its jurisdiction for management of a housing project or mixed-finance project. Also authorizes a housing authority to enter into an agreement with a municipality related to the redevelopment or urban renewal projects for the municipality.

Authorizes two authorities to merge upon passage of a resolution finding that such is in the best interest of each authority. This resolution must be approved by the governing body of any city or county subject to the merger. Also authorizes an authority to dissolve upon the passage of a resolution determining that such is in the best interest of the authority. This resolution is subject to the approval of the governing body of any creating city and/or county.

*Effective April 11, 2012*

**Chapter No. 835 (HB3627/SB3616). Authority for Regional Transportation Authority to exercise eminent domain revoked.**

Amends *Tennessee Code Annotated*, Title 64, Chapter 8, Part 2 and Section 29-20-107 by removing the authority of a regional transportation authority to exercise eminent domain. Also amends definition of “authority” in these provisions to include the newly reconstituted Regional Transportation Authority of Middle Tennessee. Limits tort exposure of third party who contracts with a RTA.

*Effective April 25, 2012*



**Chapter No. 1033 (HB1013/SB1715). Four Lake Regional Industrial Development Authority board membership altered.**

Amends *Tennessee Code Annotated*, Title 64, Chapter 5, Part 2, by changing the makeup of the Four Lake Regional Industrial Development Authority board. Terminates the ex officio seats of the municipal mayors. Changes procedure for filling vacancies on the board.

*Effective May 21, 2012 for purposes of making appointments; effective July 1, 2012 for all other purposes.*

**BUSINESS REGULATION**

**Chapter No. 675 (HB3371/SB2825). Hold period for scrap metal and jewelry dealers decreased.**

Amends *Tennessee Code Annotated*, Title 38, Chapter 1, Part 2, by decreasing, from 30 to 20, the number of days a scrap metal or jewelry dealer must hold purchased items.

*Effective April 4, 2012*

**Chapter No. 684 (HB2437/SB3626). Dismantler exempt from obtaining title of a vehicle more than 12 years old.**

Amends T.C.A. § 55-3-202 by exempting a motor vehicle dismantler and recycler or scrap metal processor purchasing a vehicle for scrap from obtaining the title if such vehicle is more than 12 years old. Certain information must be collected and retained and vehicle may not be crushed for three days. States that these provisions preempt any local provisions.

*Effective April 10, 2012*

**Chapter No 778 (HB3822/SB3397). Pawnbrokers must have computer system in operation.**

Amends *Tennessee Code Annotated*, Title 45, Chapter 6, Part 2, by requiring a licensed pawnbroker to have a computer system in operation capable of electronically transferring information regarding pledged goods in text file format to a requesting law enforcement agency.

*Effective July 1, 2012*

**Chapter No. 1062 (HB0101/SB1329). No adult-oriented establishment within 1000' of a family recreation center.**

Amends T.C.A. §§ 7-51-1401 and 1407 by adding a family recreation center to the list of locations that no adult-oriented establishment or adult cabaret can be located within 1000' of. Family recreation center includes an ice skating rink, roller skating rink, skateboarding area, paintball field, mini-golf course, bowling alley, go-cart track, climbing facility, athletic field or other similar place.

*Effective May 21, 2012*

**CIVIL PROCEDURE**

**Chapter No. 759 (HB2809/SB2140). Legislation must contain express language to create private right of action.**

Creates a new T.C.A. § 1-3-119 clarifying that for legislation enacted by the General Assembly to confer or create a private right of action, it must contain express language stating such.

*Effective July 1, 2012*

**CODE ENFORCEMENT**

**Chapter No. 517 (HB2341/SB2203). 2010 ADA Standards for Accessible Design adopted.**

Amends T.C.A. § 68-120-204(a)(1) by adopting the 2010 ADA Standards for Accessible Design and any further amendments, supplements or subsequent editions as the standards for any public building constructed, enlarged, or substantially altered or repaired after July 1, 2012. State Fire Marshal has authority to adopt additional codes by rule.

*Effective February 23, 2012*





**Chapter No. 589 (HB3448/SB3236). Tennessee Modular Building Act amended.** Amends *Tennessee Code Annotated*, Title 68, Chapter 126, Part 3, by redefining a ready-removable structure. Specifies that a ready-removable structure must still meet applicable state and local electrical permitting requirements, local building permitting requirements and have hard-wired smoke alarms. Further clarifies that no ready-removable structure may be modified for use as residential, recreational, or emergency housing.

*Effective July 1, 2012*

**Chapter No. 663 (HB 2848/SB2740). Abandoned construction pilot program made permanent.** Amends T.C.A. § 13-21-102 by making permanent the abandoned and suspended construction pilot project in Williamson and Sumner counties.

*Effective April 4, 2012*

**Chapter No. 839 (HB2639/SB2492). Procedure for adopting sprinkler requirements amended.** Amends T.C.A. § 68-120-101 by requiring a two-thirds vote of the governing body to adopt an ordinance mandating sprinklers in one and two-family dwellings. If passage requires two readings, then the ordinance must be read in two specially called meetings at least two weeks apart. If passage requires three readings, then at least two readings must occur on two different days no less than two weeks apart. Must be a standalone ordinance. Mandatory sprinkler requirements shall not apply to manufactured homes.

*Effective April 27, 2012*

## CONTRACTS

**Chapter No. 565 (HB2409/SB2561). Retainage amount in contracts with governmental entities lowered to 5 percent.** Amends T.C.A. § 50-7-504 by lowering from 10 percent to 5 percent the amount to be retained in maintenance, works or building projects with governmental entities for more than \$100,000 and taking more than six months and with subcontractor liability more than \$10,000. This amount is withheld by the contractor for 30 days following notice or until there is compliance with unemployment compensation provisions.

*Effective March 13, 2012*

## COURTS

**Chapter No. 677 (HB2826/SB2552). Municipal court judge may solemnize a marriage in any county in the state.** Amends T.C.A. § 36-3-301 by authorizing a municipal court judge to solemnize a marriage in any county in the state.

*Effective April 4, 2012*

**Chapter No. 1088 (HB3225/SB2886). TBI lab fee clarified.** Amends *Tennessee Code Annotated*, Titles 6, 7, and 38 by clarifying that the \$13.75 TBI lab fee is assessed upon the forfeiture of a cash bond or other surety entered as a result of a municipal traffic citation whether considered a fine, a bond or a tax.

*Effective July 1, 2012*

## CRIMES AND CRIMINAL PROCEDURE

**Chapter No. 535 (HB2638/SB2508). Equal Access to Public Property Act of 2012.** Amends *Tennessee Code Annotated*, Title 39, Chapter 14, by adding a new Part 4 entitled the Equal Access to Public Property Act of 2012. Makes it an offense to camp on any state-owned lands unless such area is designated as a camping area. Camping equipment used in violation of these provisions is subject to forfeiture. Prohibition does not extend to local government owned lands.

*Effective March 2, 2012*



**Chapter No. 612 (HB2491/SB2287). Offense of falsely impersonating military personnel.** Creates a new T.C.A. § 58-1-119 which makes it an offense to falsely impersonate or represent to another, whether by conduct, dress, verbally or in writing, that such person or another person is or was a member of the armed forces of the United States with the intent to deceive. Contains exceptions for instructional, law enforcement, theatrical, historical, ceremonial and educational purposes and if worn as a costume.

*Effective July 1, 2012*

**Chapter No. 613 (HB2489/SB2369). Civil remedy for victim of human trafficking created.** Amends *Tennessee Code Annotated*, Title 39, Chapter 13, Part 3, by creating a civil remedy for a victim of human trafficking. Victim may seek restitution for a broad range of items including expenses incurred in relocating. Local law enforcement must verify necessity of relocation.

*Effective July 1, 2012*

**Chapter No. 660 (HB2768/SB2645). Offense of harvesting of wild ginseng on another's property.** Creates a new T.C.A. § 70-8-204 by making it an offense to knowingly dig, harvest, collect or remove wild ginseng on any land such person does not own.

*Effective July 1, 2012*

**Chapter No. 666 (HB2858/SB2787). Trained phlebotomist authorized to draw blood for DUI test.** Amends *Tennessee Code Annotated*, Title 55, Chapter 10, Part 4, by authorizing a trained phlebotomist or other properly trained person to draw blood for a DUI test at the request of a law enforcement officer. Extends civil immunity and chain of custody requirements to such persons.

*Effective April 4, 2012*

**Chapter No. 688 (HB2834/SB2679). Civil immunity granted for good faith reporting of certain injuries.** Amends T.C.A. § 38-1-101 by creating immunity for good faith reporting of certain crime-related injuries by medical personnel and other persons who are required to make such reports.

*Effective April 10, 2012*

**Chapter No. 741 (HB2226/SB2194). Tax-evading software criminalized.** Creates a new T.C.A. § 39-14-704 which makes it an offense to knowingly sell, purchase, possess, install or use any automated sales suppression device, zapper or phantom-ware, all of which are designed to evade the payment of sales taxes.

*Effective July 1, 2012*

**Chapter No. 753 (HB2853/SB2997). Promotion of prostitution added to crimes requiring registration on sex offender registry.** Amends T.C.A. § 40-39-202 by adding promotion of prostitution to the list of crimes requiring registration on sex offender registry upon conviction. Second offense requires registration on violent sexual offender registry.

*Effective July 1, 2012*

**Chapter No. 764 (HB2373/SB2235). Offense of selling or purchasing an immediate methamphetamine precursor.** Amends T.C.A. § 39-17-431 by redefining the offense of selling or purchasing an immediate methamphetamine precursor as an attempt to sell the product knowing that it will be used to produce methamphetamine or with reckless disregard of its intended use or an attempt to purchase the product with the intent to manufacture methamphetamine or deliver the product to another person whom they know intends to do so, or with reckless regard of the other person's intent.

*Effective April 19, 2012*



**Chapter No. 766 (HB2763/SB2566). Offenses committed by public officials in their official capacity not eligible for pretrial diversion.**

Amends *Tennessee Code Annotated*, Title 40, by making elected and appointed public officials, including municipal officials, ineligible for diversion.

*Effective July 1, 2012*

**Chapter No. 812 (HB2368/SB2230). Controlled substance schedule rewritten.**

Amends *Tennessee Code Annotated*, Title 39, Chapter 17, Part 4, by completely rewriting the schedule of controlled substances. Adds numerous chemical compounds to the list of controlled substances.

*Effective April 25, 2012*

**Chapter No. 838 (HB2645/SB2507). Drugs added to list of those meeting definition of synthetic derivative or analogue of methcathinone.**

Amends T.C.A. § 39-17-452 by adding numerous chemical compounds to the list of drugs meeting the definition of a synthetic derivative or analogue of methcathinone. The production, distribution, sale or possession of these drugs is an offense.

*Effective July 1, 2012*

**Chapter No. 848 (HB3175/SB3018). Controlled substance provisions extended to analogues.**

Amends various Titles in the *Tennessee Code Annotated* by extending most of the criminal law provisions relating to controlled substances to also apply to controlled substance analogues. Defines a controlled substance analogue as a capsule, pill, powder, product or other substance that has the stimulant, depressant or hallucinogenic effect on the central nervous system as a controlled substance, and the chemical structure of which is a derivative of or substantially similar to the chemical structure of a controlled substance. Controlled substance analogue does not include a substance approved by the FDA or a substance that is not for human or animal administration and that is not packaged in such form as to present any significant potential for abuse.

*Effective May 15, 2012*

**Chapter No. 851 (HB3638/SB2891). Offense of money laundering expanded.**

Amends T.C.A. § 39-14-902 by expanding the definitions of “use” and “conduct” in the money laundering provisions to include “transport” and “conceal.”

*Effective July 1, 2012*

**Chapter No. 852 (HB3637/SB3691). Authority to use of wiretap in marijuana cases expanded.**

Amends T.C.A. § 39-17-417 by removing the prohibition on a district attorney seeking a wiretap in a case involving less than 700 pounds of marijuana or less than 150 pounds of hash.

*Effective July 1, 2012*

**Chapter No. 876 (HB2856/SB2605). Technical correction to sexual offense provision.**

Amends T.C.A. § 39-13-529 by clarifying that it is an offense to display sexual activity to a minor by electronic means regardless of whether the victim is a minor or an undercover officer posing as a minor.

*Effective July 1, 2012*

**Chapter No. 885 (HB3398/SB3076). Offenses of public indecency and indecent exposure amended.**

Amends *Tennessee Code Annotated*, Title 39, Chapter 13, Part 5, by elevating public indecency to a felony when committed on school or daycare grounds with children present. Elevates public indecency to a felony where the defendant is 18 years of age or older and the victim is under 13 years of age and where the act is committed on school or daycare grounds and children are present. Broadens the definition of public place to include single sex public restrooms.

*Effective July 1, 2012*



**Chapter No. 892 (HB 2752/SB2914). When suspect can be compelled to take drug and alcohol test clarified.** Amends T.C.A. § 55-10-406 by clarifying that a person placed under arrest can be compelled to take a drug and alcohol test by a court order, a search warrant or where an officer has probable cause to believe the driver involved in an accident resulting in serious injury or death has committed vehicular homicide, aggravated vehicular homicide or DUI.

*Effective May 9, 2012*

**Chapter No. 899 (HB2459/SB2544). Offense of criminal trespass broadened.** Adds a new T.C.A. § 57-3-413 by expanding the offense of criminal trespass to include when a person between the ages of 18 and 21 who is visibly intoxicated or otherwise disruptive refuses to leave a retail package store after being asked to do so by an employee. Declares the same activity a delinquent act for a person under the age of 18.

*Effective May 9, 2012*

**Chapter No. 910 (HB2695/SB2179). Offense of harming a service animal created.** Adds a new T.C.A. § 39-14-216 creating a new separate offense of harming a service animal. Applies to an animal assisting a disabled person or a police, fire or search and rescue dog or horse.

*Effective July 1, 2012*

**Chapter No. 911 (HB2333/SB2190). Methamphetamine registry made retroactive.** Amends *Tennessee Code Annotated*, Title 39, Chapter 17, Part 4, by making the requirement to register with the methamphetamine registry retroactive. Also expands list of offenses for which conviction requires registration. Makes other various amendments to methamphetamine registry provisions.

*Effective May 10, 2012*

**Chapter No. 965 (HB2626/SB2667). List of crimes requiring DNA swab at arrest expanded.** Amends T.C.A. § 40-35-321 by expanding the list of crimes where the arresting agency must take a DNA sample upon arrest to include aggravated vehicular homicide, criminally negligent homicide, reckless homicide, vehicular homicide, and voluntary manslaughter. Tests are completed with DNA kits provided by TBI.

*Effective May 10, 2012*

**Chapter No. 966 (HB3141/SB2788). Offense of a public official receiving a benefit not authorized by law clarified.** Amends T.C.A. § 39-16-402 by stating that a public official receives a benefit not authorized by law by purchasing real property or obtaining an option to do so with the intent to make a profit knowing that the real property may be purchased by a governmental entity when such information is not public knowledge. Also states that it is an offense when a public servant acquires nonpublic information derived from performance of official duties and knowingly acts on the information to acquire, or obtain an option to acquire, or liquidate, tangible or intangible personal property with the intent to profit. States that ouster provisions must be instituted upon a conviction where the conduct involves either of these situations. States that nothing in these provisions prohibits prosecution for theft or other crimes in addition to or in lieu of this offense.

*Effective July 1, 2012*

**Chapter No. 1003 (HB3365/SB2836). Offense of preventing another from placing 911 call.** Adds a new T.C.A. § 65-21-117 by making it an offense to knowingly prevent another person from making a 911 call or from requesting emergency assistance. Also makes it an offense to intentionally render a telephone unusable that would otherwise be used by another to place a 911 call or to request emergency assistance.

*Effective July 1, 2012*



**Chapter No. 1015 (HB2888/SB2890). Offense of filing a lien without reasonable basis.** Amends *Tennessee Code Annotated*, Title 39, Chapter 17, Part 1, by making it an offense to knowingly prepare, sign, or file any lien or other document with the intent to encumber property where there is no reasonable basis or legal cause for doing so.

*Effective July 1, 2012*

**Chapter No. 1075 (HB2493/SB2371). Offense of trafficking a person for a commercial sex act.**

Amends *Tennessee Code Annotated*, Title 39, Chapter 13, Part 3, by defining the offense of trafficking a person for a commercial sex act as knowingly subjecting or attempting to subject, benefiting from, or attempting to benefit from another person's commercial sex act; or recruiting, enticing, harboring, transporting, or obtaining another person for the purpose of providing a commercial sex act. Also creates the offense of advertising commercial sexual abuse of a minor.

*Effective July 1, 2012*

**Chapter No. 1084 (HB3082/SB2759). Offense of aggravated cruelty to livestock animals.** Adds a new T.C.A. § 39-14-216 creating the felony offense of aggravated cruelty to livestock animals.

*Effective July 1, 2012*

**Chapter No. 1090 (HB2868/SB3005). Criminal gang activity included within definition of racketeering.** Amends T.C.A. § 39-12-203 by including commission or attempt of criminal gang activity within the definition of racketeering for purposes of RICO statutes.

*Effective July 1, 2012*

**Chapter No. 1091 (HB2221/SB3092). Offense of promoting or organizing a gathering of minors to engage in public indecency.** Amends *Tennessee Code Annotated*, Title 39, Chapter 17, Part 9, by making it an offense for a person 18 or older to knowingly promote or organize a gathering of two or more minors in a public place with the intent of providing a location for said minors to engage in public indecency. Personal property used in the commission of this offense is subject to judicial forfeiture.

*Effective July 1, 2012*

## **ECONOMIC DEVELOPMENT**

**Chapter No. 755 (HB2765/SB3080). Purchase of development rights authorized.** Amends T.C.A. §§ 13-7-101 and 201 by authorizing a governmental entity, including a municipality or metropolitan government, to purchase or accept donation of development rights to real property. Such rights may be preserved indefinitely and may be resold at any time. Must be approved by local governing body.

*Effective April 16, 2012*

**Chapter No. 832 (HB3670/SB3424). Local government grants for housing development or improvements in blighted areas authorized.** Amends *Tennessee Code Annotated*, Title 7, Chapter 51, by adding a new part authorizing a local government to provide grants to encourage housing development or encourage the repair, rebuilding and renovations of existing facilities and structures in blighted neighborhoods. Grants must be paid from the general fund of the local government. A grant program must be approved by the Attorney General.

*Effective April 25, 2012*





**Chapter No. 846 (HB1959/SB1452). Tourism Development Authority Act.** Amends *Tennessee Code Annotated*, Title 7, by enacting the Tourism Development Authority Act authorizing any city or county or combination thereof to establish a tourism development authority. Authority is created by a majority vote of the governing body of every participating local government. Local government must fund an authority through the general fund or through an occupancy tax. Local chamber of commerce can participate in an authority to the extent allowed by the creating local government. Authority is governed by a board of directors established by the creating local government. An authority has broad powers, including issuance of bonds, to undertake tourism projects including visitors' centers, recreational facilities and other attractions to promote tourism. No creating local government shall be liable for the debts of an authority. Not applicable in Shelby County.

*Effective April 27, 2012*

**Chapter No. 849 (HB3828/SB3288). Tax revenue from Bridgestone Arena subject to special distribution to be allocated to sports authority.** Clarifies that state and local sales tax revenue from the Bridgestone Arena in Metro Nashville that are subject to special distribution shall be distributed to the sports authority or comparable entity designated by the municipality and shall be used exclusively for expenses related to events at that arena.

*Effective April 27, 2012*

**Chapter No. 867 (HB2977/SB2858). Tennessee Adventure Tourism Act broadened to include rowing.** Amends T.C.A. § 11-11-203 by expanding the scope of the Tennessee Adventure Tourism and Rural Development Act of 2011 to include rowing activities.

*Effective May 1, 2012*

**Chapter No. 944 (HB3396/SB3233). Alternative energies deemed lawful purpose for industrial development project.** Amends T.C.A. § 7-53-101 by including as a lawful project of an industrial development corporation land, buildings and machinery necessary or suitable for use in production of biofuels, biopower, biochemical, biomaterials, synthetic fuels or synthetic petroleum products.

*Effective July 1, 2012*

**Chapter No. 957 (HB3778/SB3759). Tennessee Local Development Authority provisions amended.** Amends *Tennessee Code Annotated*, Title 4, by authorizing the Tennessee Local Development Agency to allocate the state's portion of the National Qualified Energy Conservation funds. Charges the Department of Economic and Community Development with coordinating and administering such programs. Broadens lawful state loan programs to include capital projects. Where a capital project is a qualified energy project, the local government must first apply to ECD. Any loan agreement for such a project must be recommended by the commission of ECD.

*Effective July 1, 2012*

**Chapter No. 1038 (HB2344/SB2206). FastTrack grants made only to local governments.** Amends T.C.A. §§ 4-3-715 – 717 by clarifying that FastTrack grants and loans may be made only to local governments or to their economic development organizations or other political subdivisions. FastTrack economic development grants or loans may be used to facilitate economic development activities that are not eligible for FastTrack infrastructure development or job training assistance funds. These activities include retrofitting, relocating equipment, purchasing equipment, building repairs and improvements and temporary office space. Makes other various changes to the Tennessee Job Growth Act of 2005.

*Effective May 21, 2012*



**Chapter No. 1092 (HB3722/SB3106). Border Region Retail Tourism Development District Act amended.**

Amends *Tennessee Code Annotated*, Title 7, Chapter 40, Part 1, by limiting application of the act to a border regional retail tourism development district created and filed with the commissioner prior to January 1, 2012. Removes provision that additional developments or new phases of a project must be completed within 30 years following certification of the district. Specifies that state sales and use taxes to the district would only cover the costs of the project that were incurred in the investment period beginning two years prior to the municipality's designation of the proposed district and ending 10 years after its certification.

*Effective May 21, 2012  
and applicable to every border region  
retail tourism development district  
regardless of certification date.*

**Chapter No. 1096 (HB3400/SB3223). Tennessee Local Land Bank Pilot Program.** Amends *Tennessee Code Annotated*, Title 13, by adding a new Chapter 30, enacting the Tennessee Local Land Bank Pilot Program. Authorizes Oak Ridge to create a tax-exempt land bank corporation to buy and sell property within the city limits. Grants the land bank corporation broad powers exercised by a board of directors to accomplish the stated purpose of confronting problems caused by vacant, abandoned, and tax-delinquent properties.

*Effective July 1, 2012*

**EDUCATION**

**Chapter No. 551 (HB2653/SB2579). Elementary and secondary school grade levels redefined.**

Amends *Tennessee Code Annotated*, Title 49, Chapter 6, by redefining an elementary school as one serving any combination of grades kindergarten through six (K-6). The amendment redefines a secondary school as one serving any combination of grades seven through 12 (7-12). Finally, specifies that the phrase "elementary and secondary" includes elementary, middle and high school grades.

*Effective March 8, 2012*

**Chapter No. 558 (HB2415/SB2883). Career and technical class size extension pilot project extended in Metro.**

Amends T.C.A. § 49-1-104 by indefinitely extending the pilot project allowing larger class sizes in career and technical education classes in Metropolitan Nashville/Davidson County.

*Effective March 13, 2012*

**Chapter No. 614 (HB2328/SB2578). Teacher transfer provisions amended.**

Amends T.C.A. § 49-5-509 by stating that a non-tenured teacher who transfers from one LEA to another must serve the regular probationary period unless such is waived by school board. A transferring teacher must have a total of five years of service before attaining tenure. All tenure decisions are subject to the overall performance effectiveness levels of T.C.A. § 49-5-504.

*Effective July 1, 2012*

**Chapter No. 656 (HB2229/SB2646). High school to forward immunization records of a dual-credit student to post-secondary school.**

Amends *Tennessee Code Annotated*, Title 49, Chapter 6, Part 4, by requiring a high school to forward the immunization records of a high school student taking a dual-credit post-secondary course to the post-secondary institution.

*Effective April 4, 2012*



**Chapter No. 665 (HB2851/SB2710). Limitation on advertising on school buses lifted.** Amends T.C.A. § 49-6-2109 by removing the limitation on commercial advertising on school buses that such advertising be composed of lettering on a background color.

*Effective April 4, 2012*

**Chapter No. 670 (HB0368/SB0893). Teachers cannot be disciplined for undermining scientific theories.** Amends *Tennessee Code Annotated*, Title 49, Chapter 6, Part 10, by protecting a teacher from discipline for “helping students understand, analyze, critique, and review in an objective manner the scientific strengths and weaknesses of existing scientific theories.” Purportedly does not allow for the promotion of any religious beliefs.

*Effective April 10, 2012\**

*(became effective without Governor’s signature)*

**Chapter No. 687 (HB2789/SB3640). Authority to discipline on public school buses extended.** Amends *Tennessee Code Annotated*, Title 49, Chapter 6, by extending school discipline policies to school buses. Authorizes a bus driver to hold a student accountable for disorderly conduct on a school bus. Authorizes a bus driver or teacher to use reasonable force to prevent bodily harm to another person on a school bus and grants civil immunity for such.

*Effective July 1, 2012*

**Chapter No. 690 (HB3266/SB3060). School personnel may participate in student-initiated religious activities on school grounds.** Creates a new T.C.A. § 49-6-2907 by prohibiting an LEA or school administrators from prohibiting school personnel from participating in student-initiated religious activities on school grounds so long as such activities are voluntary and do not conflict with personnel responsibilities.

*Effective April 10, 2012*

**Chapter No. 701 (HB3241/SB3116). Local boards of education must adopt policies regarding the relocation of students for safety reasons.** Creates a new T.C.A. § 49-6-4018 that requires a local board of education to adopt a policy regarding a teacher’s ability to relocate a student for safety reasons.

*Effective April 11, 2012*

**Chapter No. 703 (HB3469/SB3024). Teacher effect data confidential.** Amends T.C.A. § 49-1-606(b) by making teacher effect data confidential and not open to public inspection. Such data shall only be used in the evaluation of teacher preparation programs.

*Effective April 11, 2012*

**Chapter No. 772 (HB2592/SB2900). Special education diploma must be awarded upon IEP completion.** Amends *Tennessee Code Annotated*, Title 49, Chapter 6, Part 60, by requiring a special education diploma to a student who satisfactorily completes an individualized education program and have a satisfactory record of attendance and conduct, but who have not met the proficiency testing requirements.

*Effective July 1, 2012*

**Chapter No. 781 (HB3679/SB3558). LEA discipline policy must address indecent exposure.** Amends *Tennessee Code Annotated*, Title 49, Chapter 6, Part 40, by enacting what has commonly been referred to as the baggy pants bill. Requires an LEA to include in its discipline code a provision prohibiting a student from wearing clothing that exposes underwear or body parts in an indecent manner that disrupts the learning environment.

*Effective July 1, 2012*





**Chapter No. 784 (HB3505/SB3606). LEA partnerships to encourage parental involvement authorized.** Amends *Tennessee Code Annotated*, Title 49, Chapter 6, Part 70, by authorizing an LEA to partner with individuals, community and faith-based organizations to design and implement programs to improve parental involvement.  
*Effective April 23, 2012*

**Chapter No. 794 (HB3539/SB3178). Charter schools to comply with open meetings and open records laws.** Amends *Tennessee Code Annotated*, Title 49, Chapter 13, by requiring a charter school to comply with the Tennessee Open Meetings Act and the Tennessee Public Records Act. Requires a charter school to maintain a website with certain information where the local LEA does the same.  
*Effective July 1, 2012*

**Chapter No. 801 (HB2237/SB2635). LEA employee discipline provisions amended.** Amends *Tennessee Code Annotated*, Title 49, Chapter 5, Part 5, by clarifying that a teacher may be dismissed or suspended for the following: incompetence, inefficiency, neglect of duty, unprofessional conduct and insubordination. Also states that provisions for a hearing by the board do not apply to a disciplinary suspension for a period of three days or less. Makes other minor revisions to related provisions.  
*Effective April 23, 2012*

**Chapter No. 811 (HB1908/SB1447). Individual teacher evaluations are confidential.** Amends T.C.A. § 10-7-504 by making all records containing the results of individual teacher evaluations confidential and not open to public inspection.  
*Effective April 25, 2012*

**Chapter No. 823 (HB2883/SB2723). Local board of education can conduct a meeting electronically.** Amends T.C.A. § 49-2-203 by authorizing a local board of education to conduct a regularly scheduled meeting electronically if the absent member can be visually identified. Only allowable where a board member is out of the county for work, family emergency or military service. Requires a quorum of members to be physically present. Not applicable in Metro Nashville — Davidson County.  
*Effective July 1, 2012*

**Chapter No. 830 (HB2999/SB2982). BEP funds may be used to employ a building manager.** Adds a new T.C.A. § 49-3-364 authorizing an LEA to expend BEP funds earned for non-classroom components for employing a building manager.  
*Effective April 25, 2012*

**Chapter No. 875 (HB1954/SB1429). Authority of Commissioner of Education to remove a local board of education member who fails to attend annual training.** Amends T.C.A. § 49-2-202(a)(5) by removing the authority of the Commissioner of Education to remove a member of a local board of education who fails to attend the annual training prescribed by the state board of education.  
*Effective July 1, 2012*

**Chapter No. 879 (HB3540/SB3345). Foreign funding of charter schools regulated.** Amends *Tennessee Code Annotated*, Title 49, Chapter 13, Part 1, by requiring disclosure in its charter school application or renewal of any foreign funding. Authorizes a chartering authority to disapprove an application if a charter school plans to utilize more than 3.5 percent foreign workers, excluding foreign language teachers.  
*Effective July 1, 2012*



**Chapter No. 901 (HB2222/SB2547). Achievement school district to adopt dress code for professional employees.** Amends T.C.A. § 49-1-614 by requiring an achievement school district to adopt an appropriate dress code for its professional employees.

*Effective May 9, 2012*

**Chapter No. 905 (HB1105/SB1923). Local boards of education to implement plan for evaluating director of schools.** Amends *Tennessee Code Annotated*, Title 49, by requiring a local board of education to develop and implement a plan for annual evaluation of its director of schools.

Also authorizes the governing body of a municipality located in a county with a transition planning commission to request a referendum on raising local funds to support a new city school system. City must be authorized by its charter to operate a school system and possess a student population of sufficient size to comply with state requirements. If a special election is requested, the city will bear the costs.

*Effective May 9, 2012*

**Chapter No. 918 (HB2167/SB2591). Interest inventory tests must be made available to students.** Amends *Tennessee Code Annotated*, Title 49, by requiring an LEA to make available to middle school students or ninth graders an interest inventory or personality test. Summary data must be transmitted to the Department of Education.

*Effective July 1, 2012*

**Chapter No. 934 (HB2753/SB3044). Local boards of education authorized to receive federal and private grants.** Amends T.C.A. § 49-2-203(b) by authorizing a local board of education to apply for and receive federal or private grants for educational purposes. Any grant requiring matching funds, in-kind contributions, real property or expenditures beyond the life of the grant requires a resolution passed by the local board of education and notice to the local governing body.

*Effective May 10, 2012*

**Chapter No. 962 (HB2346/SB2208). School accountability provisions amended.** Amends *Tennessee Code Annotated*, Title 49, by making various amendments to provisions related to school accountability and achievement school districts.

*Effective May 10, 2012*

**Chapter No. 970 (HB3234/SB2908). Prohibition on creation of municipal school districts lifted in certain circumstances.** Amends T.C.A. § 6-52-112 by lifting the prohibition on creation of a new municipal school district where administration of a special school district is transferred to a county board of education.

*Effective May 10, 2012*



**Chapter No. 973 (HB3621/SB3310). Cause of action against person or organization promoting gateway sexual activity created.** Amends *Tennessee Code Annotated* by creating a cause of action against a person or organization who promotes gateway sexual activity or demonstrates sexual activity. Not applicable to instruction by a teacher employed by an LEA. Prohibits an LEA from utilizing the services of a person or organization to teach family life curricula who endorses student non-abstinence as an appropriate or acceptable behavior or that promotes gateway sexual behavior. Also requires every LEA within a county in which the pregnancy rate exceeds 19.5 percent for females aged 11 to 18 to adopt a family life curriculum. Specifies that the family life curriculum must be abstinence based. Makes numerous other changes to family life education.

*Effective July 1, 2012*

**Chapter No. 990 (HB2548/SB2488). Schools to notify parents of extracurricular activities.**

Amends *Tennessee Code Annotated*, Title 49, Chapter 6, by requiring a school to notify parents and guardians of students of extracurricular activities, their mission and related expenses. Such notification must be contained in the student handbook or equivalent.

*Effective July 1, 2012*

**Chapter No. 992 (HB2641/SB2556). Training on bullying and harassment required.** Amends *Tennessee Code Annotated*, Titles 39 and 49, by requiring every school to annually provide teachers and counselors with a copy of the schools bullying policy along with information on its implementation, bullying prevention, and how to address bullying and harassment when it occurs. Schools must also provide information on bullying prevention programs to students and parents. In middle, junior high and high schools, the principal or his designee must investigate reports of bullying and harassment that involve harm or threat of harm. Findings must be reported to director of schools and chair of the board of education.

*Effective July 1, 2012*

**Chapter No. 1012 (HB2738/SB2693). Abolition of teacher position to avoid dismissal charges prohibited.** Amends T.C.A. § 49-5-511(b)(1) by expressly forbidding a director of schools and board of education from abolishing a teacher position to avoid dismissal charges against the teacher and the resulting due process rights then afforded.

*Effective May 15, 2012*

**Chapter No. 1020 (HB2675/SB3341). Subject area endorsement required to teach course with end-of-course examination requirement.** Amends *Tennessee Code Annotated*, Title 49, Chapter 6, Part 60 by requiring, as a prerequisite to teaching a course with an end-of-course examination requirement, a license with a specific subject area endorsement or a demonstration of sufficient content knowledge by passing a standardized or criterion-referenced test for the content area. Test is at teacher's expense.

*Effective January 1, 2013*



**Chapter No. 1021 (HB3583/SB3553). Charter school provisions amended.** Amends *Tennessee Code Annotated*, Title 49, by making various amendments to the charter school provisions. Grants the local board of education 30 days to deny or approve an amended charter school application. If no action is taken, such application is deemed approved. Also specifies that if the amount of local funds to a charter school increases or decreases from the budgeted amount the LEA may adjust the payments in October, February, and June.

*Effective July 1, 2012*

**Chapter No. 1044 (HB2994/SB2893). Parental involvement pilot program established in achievement school districts.** Amends *Tennessee Code Annotated*, Title 49, Chapter 6, Part 70, by establishing a four-year pilot program encouraging parental involvement in achievement school districts.

*Effective May 21, 2012*

**Chapter No. 1065 (HB1970/SB1688). LEA may sponsor charter school.** Amends *Tennessee Code Annotated*, Title 49, Chapter 13, by authorizing an LEA to be the sponsor of a charter school. Where this occurs the state shall serve as the chartering authority.

*Effective May 21, 2012*

**Chapter No. 1072 (HB3098/SB2302). Secondary school teacher licensure for college professors.** Amends *Tennessee Code Annotated*, Title 49, Chapter 5, by requiring the Department of Education to issue licensure to teach in grades nine through 12 to a person who was a full-time college professor for two of the last five years or was a part-time college professor for at least three of the last five years at an accredited college or university.

*Effective May 21, 2012  
for purposes of promulgating rules;  
effective July 1, 2012 for all other purposes.*

**Chapter No. 1077 (HB2235/SB2484). Move On When Ready Act not applicable in Williamson County.** Amends T.C.A. §§ 49-6-8303 and 8304 by making the Move On When Ready Act, allowing students to graduate early under certain conditions, not applicable in Williamson County.

*Effective May 21, 2012*

**Chapter No. 1094 (HB3272/SB3155). Pilot project created for K-2 standardized testing in achievement school districts.** Amends T.C.A. § 49-1-614 by establishing a pilot project in achievement school districts requiring standardized testing of grades K-2.

*Effective July 1, 2012*

**Chapter No. 1097 (HB3769/SB3247). Charter school provisions amended.** Changes *Tennessee Code Annotated*, Title 49, Chapter 13, by making various amendments to charter school provisions. Authorizes, as opposed to the current requirements, employees of a charter school to participate in the group insurance plan for LEA employees. Also states that where a charter school contracts with an LEA for facilities or services then the charter agreement may authorize the LEA to withhold up to 1 percent of funds for the first four years; provided that such does not exceed \$20,000. Makes other various amendments including adjustment of application time limits.

*Effective January 1, 2013  
for purpose of application time limits;  
effective July 1, 2012 for all other purposes.*

**Chapter No. 1099 (HB3496/SB3270). LEA required to allocate state funds to residential mental health facility for admitted students.** Amends T.C.A. § 49-3-370 by requiring an LEA to allocate only an amount equal to the per pupil state funds received for a student admitted to a residential mental health facility. LEA no longer must allocate such local funds.

*Effective May 21, 2012*



## ELECTIONS

**Chapter No. 668 (HB3067/SB3374). Nonresident property owners in Estill Springs authorized to vote in municipal elections.** Amends T.C.A. § 6-53-102 by authorizing nonresident property owners in Estill Springs to vote in municipal elections. Property owner must own real property in fee simple for at least 30 days prior to the election. Requires two-thirds vote of the municipal governing body to take effect.

*Effective April 4, 2012*

**Chapter No. 995 (HB2844/SB2818). Polling place outside of municipal boundaries allowed in certain municipal elections.** Amends T.C.A. § 2-3-101(a) by allowing in a municipal election not held in conjunction with a primary election, regular August or November election, special primary or special general election for state or federal offices, or a presidential primary that the county election commission may designate a polling place outside of the municipal boundaries but closest to the geographic precinct within the city it is to serve.

*Effective May 10, 2012*

**Chapter No. 1037 (HB2174/SB2128). Persons 60 and older can vote absentee upon request.** Amends T.C.A. § 2-6-201(5)(A) by lowering from 65 to 60 the minimum age of a person who can vote absentee upon request. Provision terminates July 1, 2017.

*Effective May 21, 2012*

## EMERGENCY MANAGEMENT SERVICES

**Chapter No. 705 (HB3172/SB3010). Diversion of harassing non-initialized 911 calls authorized.** Amends T.C.A. § 7-86-316 by authorizing a public safety answering point (PSAP) or an emergency communications district (ECD) to divert harassing non-initialized 911 calls to a designated entity. Defines harassing non-initialized 911 calls as 10 or more non-emergency calls within one hour or 20 or more within a 24-hour period. Creates immunity for the diverting entity and the designated receiver.

*Effective April 11, 2012*

**Chapter No. 906 (HB0041/SB0068). Contiguous county mutual aid authorized without declaration of emergency.** Amends T.C.A. §§ 58-8-105 and 107 by authorizing a governmental entity to request mutual aid for emergency medical services that involve serious injuries or death but might not reasonably lead to a declared emergency from a contiguous county or the emergency communications dispatch in a contiguous county.

*Effective July 1, 2012*

**Chapter No. 935 (HB2601/SB3061). Public Safety Answering Point defined.** Amends T.C.A. § 7-86-103 by defining a “Public Safety Answering Point” (PSAP) as a facility designated to receive 911 calls and route them to emergency services personnel.

*Effective May 10, 2012*





**Chapter No. 958 (HB1854/SB0720). Presumption created that emergency rescue worker with HIV contracted the disease in the line of duty.**

Amends *Tennessee Code Annotated*, Title 7, Chapter 51, Part 2, by creating a rebuttable presumption that an emergency rescue worker with HIV contracted such disease in the line of duty, provided that the rescue worker has not been exposed outside the scope of employment through transfer of bodily fluids with infected person, had a blood transfusion, other than one arising out of an accident happening in connection with employment, since last negative blood test, engaged in high-risk behavior, or used IV drugs not prescribed by a physician. Rescue worker includes firefighter, paramedic or EMT.

*Effective July 1, 2012*

**ENVIRONMENT**

**Chapter No. 1019 (HB3076/SB3187). Municipal storm sewer systems may become Qualified Local Program.**

Amends *Tennessee Code Annotated*, Title 69, Chapter 3, Part 1, by authorizing the Department of Environment and Conservation to establish a program to allow a municipal separate storm sewer system to become a Qualified Local Program thus allowing for the streamlined permitting.

Requirements are those set out in federal NPDES regulations. Where a municipality obtains QLP status a developer obtaining notice of coverage need not submit a notice to seek coverage, prevention plan, permit fee, or notice of termination from TDEC.

*Effective May 15, 2012*

*for purposes of promulgating rules and regulations; effective July 1, 2013 for all other purposes.*

**FINANCE**

**Chapter No. 544 (HB2561/SB2409). Authority to invest certain public funds in certificates of deposit removed.**

Amends T.C.A. §§ 9-1-118 and 9-4-504 by removing authorization to invest certain public funds in certificates of deposit. Municipal authority to deposit idle funds in certificates of deposit still exists under T.C.A. § 6-56-106.

*Effective March 8, 2012*

**Chapter No. 601 (HB2422/SB2265). Local government may petition to sell bonds at private sale.**

Amends T.C.A. § 9-21-132 by authorizing a local government, upon approval by the governing body, to petition the state funding board to sell specific bonds at private sale. Also extends authorization for Chattanooga, Knoxville, Memphis and Nashville to sell bonds at private sale until 2014.

*Effective March 21, 2012*

**Chapter No. 605 (HB2231/SB2175). Uniformity in Tax Increment Financing Act of 2012.**

Amends *Tennessee Code Annotated*, Title 9, by creating a new Chapter 23, entitled the Uniformity in Tax Increment Financing Act of 2012. This comptroller-sponsored bill defines parameters of allowable tax-increment financing within an area subject to a redevelopment plan, economic impact plan or community redevelopment plan. Defines base taxes as property taxes levied by a taxing agency, other than those dedicated to debt service, for the year prior to the plan's approval. Defines dedicated taxes as the portion of taxes designated by the taxing agency to service the agency's debt.



In an area governed by such a plan, property taxes shall be allocated pursuant to this act, regardless of any statute to the contrary. In any year where the taxes on a property are less than the base and dedicated taxes an amount will be allocated to the respective taxing agency equaling the amount actually imposed and collected. In a year where the base tax would be diminished solely due to a tax rate reduction, the original base tax shall be the amount due. Taxes levied over the base and dedicated amounts shall be allocated as provided in the relevant TIF statute or reserved for purposes as provided in this act. These revenues may be paid to the taxing agency for administrative and infrastructure costs. Excess amounts may be applied to principal and interest of debt incurred to finance eligible expenditures, or shall revert to the general fund of the taxing agency.

Prohibits allocation of TIF revenue for a period of time greater than 20 years in an economic impact plan, and 30 years in the case of a redevelopment plan or a community development plan. Allocation for a greater period may be authorized with approval from the Comptroller and the Commissioner of Economic and Community Development.

*Effective March 21, 2012*

## **FIREARMS**

### **Chapter No. 608 (HB2936/SB2695). Certain weapons may be shipped to a Tennessee resident.**

Creates a new T.C.A. § 39-17-1364 that authorizes a person to purchase a black powder weapon, a knife with blade over four inches other than a switchblade, or an ornamental or ceremonial sword or bayonet and have such weapon shipped to a Tennessee address.

*Effective March 23, 2012*

## **FIREFIGHTING**

**Chapter No. 771 (HB3567/SB2870). Fire tax broadened to fire and emergency tax.** Amends *Tennessee Code Annotated*, Title 5, Chapter 17, Part 1, by expanding authority for a fire tax or fire tax district to include a fire and emergency services tax or tax district. Fire tax or tax district created prior to this act can be renamed fire and emergency tax or tax district upon passage of resolution.

*Effective April 19, 2012*

## **FIREWORKS**

**Chapter No. 664 (HB2850/SB2710). Language in fireworks provisions brought into conformity.** Amends T.C.A. § 68-104-112 by updating population brackets in current fireworks provisions to clarify that fireworks cannot be sold in Davidson, Hamilton, Knox, and Shelby counties. Continues the exception allowing fireworks to be sold in Rutherford County. Also provides that fireworks may continue to be sold at a fireworks stand in Lakeland where fireworks have been sold annually for 45 years.

*Effective April 4, 2012*

## **GENERAL GOVERNMENT**

**Chapter No. 686 (HB2658/SB2641). Ten Commandments may be posted on city grounds or buildings if in historical context.** Amends *Tennessee Code Annotated*, Titles 5 and 6 by authorizing a city or county to post the Ten Commandments on public buildings or grounds if displayed in a historical context with other historical documents.

*Effective April 10, 2012*



**Chapter No. 757 (HB2669/SB2565). Expenditure of public funds on regulation or enforcement of DOL's orders relating to agricultural employment of children prohibited.** Creates a new T.C.A. § 50-3-920 which purports to prohibit the expenditure of public funds on the regulation or enforcement of any change made after December 1, 2011 to the United States Department of Labor's orders relating to the agricultural employment of children compiled at 29 CFR Part 570.

*Effective April 16, 2012*

**Chapter No. 1001 (HB3270/SB2949). City in county not participating in regional library system can join state regional library system for purchasing.** Amends T.C.A. § 10-5-101 by authorizing a city in a county not participating in a regional library system to, with the approval of the Secretary of State, join the state system for purposes of state purchasing contracts. Secretary of State shall assess fees for additional associated costs.

*Effective May 10, 2012*

## **LAW ENFORCEMENT**

**Chapter No. 763 (HB2494/SB2166). Authority to operate campus police department expanded.** Amends T.C.A. § 49-7-118 by authorizing a private university or college with a main campus of 1,000 acres or more and located in an incorporated municipality that does not operate a police force to employ and commission campus police officers. Apparently aimed at Lincoln Memorial University.

*Effective April 19, 2012*

**Chapter No. 815 (HB3432/SB2413). Kelsey Smith Act.** Amends *Tennessee Code Annotated*, Title 38, Chapter 1, by adding a new Part 6 enacting the Kelsey Smith Act. Requires a wireless service provider, at the request of law enforcement, to provide call location information of the device user in order for the agency to respond to an emergency situation involving risk of death or serious physical harm.

*Effective April 25, 2012*

**Chapter No. 856 (HB2986/SB2817). Missing child reports not required to be transmitted to TBI.** Amends T.C.A. § 37-10-203 by removing the requirement that law enforcement transmit a missing child report to the Tennessee Bureau of Investigation. Reports must still be transmitted to National Crime Information Center (NCIC) within two hours of initial report.

*Effective April 27, 2012*

**Chapter No. 858 (HB2860/SB2856). POST applicants providing false information permanently ineligible.** Adds a new T.C.A. § 38-8-124 providing that any POST applicant knowingly including false information shall be denied certification and is permanently ineligible to reapply. Any POST-certified officer found to have previously provided false information shall be decertified and is permanently ineligible to reapply.

*Effective July 1, 2012*





## MOTOR VEHICLES AND TRAFFIC

**Chapter No. 531 (HB2374/SB2236). Accident reports submitted to Department of Safety not required to be in writing.** Amends *Tennessee Code Annotated*, Title 55, Chapter 10, Part 1, by removing requirement that accident reports submitted by law enforcement to the Department of Safety be in writing. Instead, this bill requires reports be submitted electronically and pursuant to standards promulgated by the department.

*Effective January 1, 2013*

**Chapter No. 563 (HB2843/SB2650). TDOT authorized to issue nighttime over-dimensional permits.** Amends T.C.A. § 55-7-205 by authorizing TDOT to issue a permit allowing an oversized tractor trailer to operate during nighttime hours where the total length of the vehicle does not exceed 85 feet. Operation is limited to interstate and state highways and requires loads to be specifically marked.

*Effective March 13, 2012*

**Chapter No. 588 (HB3057/SB3240). Offense of failing to stop for on-track equipment.** Amends T.C.A. § 55-8-145 by clarifying that the failure of a vehicle to stop within 50 feet but not less than 15 feet from a railroad crossing is a Class C misdemeanor regardless of whether the approaching object is a train or other on-track equipment.

*Effective July 1, 2012*

**Chapter No. 615 (HB3135/SB2815). Maximum width and height exemption clarified.** Amends T.C.A. § 55-7-202 by clarifying that certain trailers and semitrailers transporting rolled hay bales, as opposed to the current rolled alfalfa bales, are exempt from the maximum width and height requirements.

*Effective March 23, 2012*

**Chapter No. 621 (HB2547/SB2613). Driver's license must contain visible full face color photograph.** Amends T.C.A. § 55-50-331 by clarifying that a driver's license must contain a visible full face color photograph of the licensee.

*Effective March 23, 2012*

**Chapter No. 709 (HB3031/SB2872). Traffic camera citation information cannot be sent to consumer reporting agency.** Amends T.C.A. § 55-8-198 by declaring that any information regarding a traffic camera citation, including payments, cannot be disclosed to a consumer reporting agency. Furthermore, no such information shall be disclosed in any credit report.

*Effective April 11, 2012*

**Chapter No. 733 (HB2644/SB3266). Tow truck may display flashing white or amber light.**

Amends T.C.A. § 55-9-402 by authorizing a tow truck to display a flashing amber light or combination of white and amber lights while in the performance of its duties.

*Effective April 16, 2012*

**Chapter No. 737 (HB2466/SB2350). Ricky Otts Act.** Creates a new T.C.A. § 55-10-119 which requires an officer to detain, without a warrant, a driver involved in an accident that results in serious bodily injury or death and where the driver does not have a valid driver license and does not have proof of insurance.

*Effective July 1, 2012*

**Chapter No. 750 (HB3023/SB2839). Storage-related expenses capped if ownership not verified.** Amends T.C.A. § 55-16-105 by stating that a garage keeper or towing firm who takes possession of an abandoned, immobile or unattended vehicle at the direction of a law enforcement agency is limited to six days of storage-related expenses if that garage keeper or firm fails to verify ownership within six days of taking possession.

*Effective July 1, 2012*



**Chapter No. 751 (HB2933/SB2779). Traffic enforcement camera contracts must contain provision requiring compliance with changes in state law.** Amends T.C.A. § 55-8-198 by requiring any local government contract involving unmanned traffic surveillance cameras to contain a provision requiring the contract to conform to any changes in state law. Applies to new contracts and renewals.  
*Effective July 1, 2012*

**Chapter No. 804 (HB2296/SB2277). Yellow dot motor vehicle medical information program created.** Amends *Tennessee Code Annotated*, Title 55, Chapter 20, by adding a new Part 3 creating a yellow dot motor vehicle medical information program. This voluntary program authorizes the Department of Transportation to provide a yellow dot decal to seniors and other persons whereby medical information on file with the Department can be readily transmitted to emergency responders.  
*Effective April 23, 2012*

**Chapter No. 834 (HB3207/SB3604). Towing entity to notify law enforcement when towing vehicle pursuant to ULTA.** Amends T.C.A. § 66-28-519 by requiring the person, firm or entity actually towing a vehicle pursuant to the Uniform Landlord Tenant Act to notify local law enforcement when owner is not present. Local law enforcement must keep a record of such and make it available for public inspection.  
*Effective July 1, 2012*

**Chapter No. 859 (HB3146/SB3602). Retired officers authorized to direct traffic.** Amends T.C.A. §55-8-109 by authorizing a retired POST-certified law enforcement officer to direct traffic.  
*Effective May 1, 2012*

**Chapter No. 907 (HB0153/SB0074). Child motorcycle passenger must have feet on footpegs.** Amends T.C.A. § 55-8-164 by making it an offense for the operator of a motorcycle to carry a child, whose feet are not on footpegs, as a passenger. Violation is Class C misdemeanor. Violator may pay a \$50 fine in lieu of appearance in court. No litigation tax or other fee may be assessed. Revenue is allocated to the state general fund and child safety fund.  
*Effective July 1, 2012*

**Chapter No. 948 (HB3504/SB3403). Mini-trucks included as medium-speed vehicles.** Amends T.C.A. § 55-1-125 by including mini-trucks in the definition of medium-speed vehicles that can be titled and registered.  
*Effective May 10, 2012*

**Chapter No. 1071 (HB2287/SB2267). Persons 60 or older may obtain non-photo driver license.** Amends T.C.A. 55-50-323(c)(2) by clarifying that no person 60 years of age or older seeking to renew a non-photo license shall be required to obtain a license with color photo.  
*Effective January 1, 2013*

## **PERSONNEL**

**Chapter No. 682 (HB0984/SB0884). Military spouses eligible for unemployment for spouse's reassignment.** Amends T.C.A. § 50-7-303 by making a military spouse eligible for unemployment insurance based solely upon the reassignment of his or her spouse. Such payments to be paid from state general fund and shall not impact the employer's experience rating.  
*Effective April 4, 2012*



**Chapter No. 803 (HB2295/SB3282). State guard and civil air patrol leave protections expanded.**

Amends T.C.A. § 8-33-110 by expanding protections for public and private sector employees who on competent orders with Tennessee army and air national guard or Tennessee state guard and civil air patrol to include unpaid leave of absence from duties without loss of time, pay specifically related to leave of absence time, regular leave or vacation or impairment of efficiency rating.

*Effective April 23, 2012*

**Chapter No. 1069 (HB2350/SB2212). Local government insurance committee and local education insurance committee to finance health insurance plans.**

Amends T.C.A. §§ 8-27-207 and 303 by requiring the local government insurance committee and the local education insurance committee to finance their respective health insurance plan and to determine premiums, co-payments, benefit levels and disposition of grants for enrolled individuals. Charges participating local governments and LEAs to cooperate. Authorizes committees to assess and collect costs related to a local government entity's failure to cooperate or to terminate the entity's participation in the plan.

*Effective May 21, 2012*

**PLANNING AND ZONING**

**Chapter No. 863 (HB3593/SB3165). Authority to expand UGB to include certain tracts 10 acres or smaller extended.**

Amends T.C.A. § 6-58-104 by extending to July 1, 2014, the authority of a municipality to, without reconvening the coordinating committee, expand its urban growth boundary (UGB) to include a tract of land 10 acres or smaller. Only applicable where:

- 1) tract is contiguous to another tract of land with the same owner that has already been annexed;
- 2) tract is currently receiving water and sewer services; and
- 3) owner consents to inclusion.

*Effective May 1, 2012*

**Chapter No. 1023 (HB3697/SB3649). Planning commission members to file conflict of interest disclosure statements.**

Amends T.C.A. § 8-50-501(a) by requiring members of any local or regional planning commission to file a conflict of interest disclosure statement with the Tennessee Ethics Commission.

*Effective July 1, 2012*

**PURCHASING**

**Chapter No. 600 (HB2427/SB2291). Cooperative purchasing language made consistent.**

Amends T.C.A. § 12-3-1004 by clarifying that a local government can purchase goods or equipment, as opposed to only goods, when purchasing off of the legal bid or contract of another governmental entity.

*Effective March 21, 2012*

**RECORDS**

**Chapter No. 577 (HB2335/SB2198). Public employee emergency contact information deemed confidential.**

Amends T.C.A. § 10-7-504(f)(1) by expanding the scope of confidentiality afforded to current and former public employees, including municipal employees, to include emergency contact information.

*Effective March 12, 2012*

**Chapter No. 648 (HB2618/SB2885). Unpublished telephone numbers in possession of an ECD are confidential.**

Amends T.C.A. § 10-7-504 by making an unpublished telephone number in the possession of an emergency communications district or its agent confidential and not open to public inspection.

*Effective March 30, 2012*



**Chapter No. 651 (HB3053/SB2598). Records of any cable or video service provider in possession of a local government deemed confidential.**

Amends T.C.A. § 7-59-306(d)(1) by extending current confidentiality afforded to records of the holder of a state-issued franchise in the possession of a local government for audit or review purposes to also include such records of any other cable or video service provider.

*Effective March 30, 2012*

**Chapter No. 877 (HB3608/SB3758). Consumer-specific energy use data made confidential.**

Amends T.C.A. § 10-7-504 by classifying consumer-specific energy use data in the possession of a utility as confidential. Aggregate monthly billing information is still open.

*Effective July 1, 2012*

**STATE GOVERNMENT**

**Chapter No. 519 (HB0740/SB0551). License revocation for failure to pay student loans.**

Amends Titles 3, 49, and 55 by requiring a state licensing authority, upon receipt of a final order from TSAC or a guarantee agency, to suspend, deny, or revoke the license of any person who has defaulted on a repayment or service obligation.

*Effective January 1, 2013*

**Chapter No. 548 (HB2397/SB2259). Comptroller fraud, waste and abuse hotline to accept notifications via electronic means.**

Amends *Tennessee Code Annotated*, Title 8, Chapter 4, Part 4, by requiring the office of the comptroller to develop a method to receive electronic notifications from the public concerning fraud, waste and abuse by governmental entities, including municipalities. This expands the current program consisting of a toll-free telephone hotline.

*Effective March 8, 2012*

**Chapter No. 1067 (HB1384/SB1878). New or increased agency fee to take effect on the July 1 following expiration of 90 days after rule promulgated.**

Amends *Tennessee Code Annotated*, Title 4, Chapter 5, Part 2, by stating that any new fee or fee increase promulgated by a state agency rule takes effect on the July 1st following the expiration of 90 days from the rule's promulgation. Not applicable to emergency rules or to an agency that during the two previous years failed to collect fee revenue sufficient to pay operating costs.

*Effective July 1, 2013*

**TAXES – HALL INCOME**

**Chapter No. 667 (HB2947/SB3539). Income from trust for perpetual care of a cemetery exempted from Hall Income Tax.**

Amends T.C.A. 67-2-104(e) by making the income derived from the trust funds in a trust created for the perpetual care of a cemetery exempt from the Hall Income Tax.

*Effective July 1, 2012*

**TAXES – HOTEL/MOTEL**

**Chapter No. 975 (HB3102/SB3458). Occupancy tax authorized for Newport.**

Amends T.C.A. § 67-4-1425 by authorizing an occupancy tax in Newport not to exceed 5 percent. Must be levied via ordinance passed by a two-thirds majority vote. All proceeds of such tax must be allocated to tourism development.

*Effective May 10, 2012*

**TAXES – PROPERTY**

**Chapter No. 571 (HB2398/SB2260). Forced assessment reduction standard created.**

Amends *Tennessee Code Annotated*, Title 67, Chapter 5, by creating a standard for reducing the amount of a forced assessment. A taxpayer can request the assessor to reduce the forced assessment to the standard depreciation value of the tangible personal property plus 25 percent.

*Effective March 13, 2012*



## TAXES – SALES

**Chapter No. 624 (HB2370/SB2232). Nexus for sales tax purposes established.** Amends *Tennessee Code Annotated*, Title 67, Chapter 6, Part 5, by enacting what is commonly referred to as the Amazon bill. Effectively, this bill allows an entity to make sales in Tennessee without collecting sales taxes, provided that the entity does the following between January 1, 2011 and January 1, 2014:

1. place a distribution center in the state;
2. make an investment of at least \$350,000,000;
3. create at least 3,500 qualified jobs; and
4. maintain those jobs until January 1, 2016

The exemption from collecting sales taxes is repealed on January 1, 2014; when the entity fails to meet the aforementioned requirements; or the U.S. Congress passes a law to the contrary, whichever occurs first.

*Effective March 8, 2012*

**Chapter No. 1013 (HB2889/SB2701). Sales tax refund on purchases of replacement items resulting from natural disaster.** Amends T.C.A. § 67-396 by entitling a claimant to a sales tax refund on appliances, residential furniture, or residential building supplies used in a primary residence to replace items damaged or destroyed during a natural disaster. Contains hold harmless clause for local governments.

*Effective January 1, 2012*

**Chapter No. 1058 (HB3761/SB3763). Sales tax on food reduced to 5.25 percent.** Amends T.C.A. § 67-6-228(a) by lowering the sales tax on the retail sale of food and food ingredients for human consumption to 5.25 percent.

*Effective July 1, 2012*

**Chapter No. 1078 (HB2251/SB2560). Sales tax exemption on airplane repair and refurbishment services extended.** Amends T.C.A. § 67-6-313(h)(1)(D) by extending the sales tax exemption on airplane repair and refurbishment services in Tennessee that have their situs outside of Tennessee and are removed from Tennessee within 15 days of completion.

*Effective May 21, 2012*

## TORT LIABILITY

**Chapter No. 844 (HB2215/SB2480). Civil immunity afforded to first responder for forcible entry.** Adds a new T.C.A. § 29-34-208 granting civil immunity to a first responder and the responder's supervisor, agency, employer or supervising entity for a forcible entry in response to a 911 call. First responder must make reasonable effort to summon occupant prior to forcible entry.

*Effective April 27, 2012*

## UTILITIES

**Chapter No. 596 (HB2770/SB2652). Notification required prior to filling utility district board vacancy.** Amends T.C.A. § 7-82-307 by requiring a utility district board of commissioners to notify its customer in writing at least two weeks prior to selecting nominees to fill a vacancy on the board. Notice must be provided in a written notice separate from the bill and published in a newspaper of general circulation.

*Effective January 1, 2013*





**Chapter No. 748 (HB3094/SB3334). Municipal electric or other governmental utility system established by private act may enter into an employment contract with CEO.** Amends *Tennessee Code Annotated*, Title 7, Chapter 52, Part 1, by authorizing a municipal electric system or other governmental utility operating an electric system to enter into an employment contract with superintendent, general manager or chief executive officer. Term may not exceed five years and must be terminable for cause.

*Effective April 16, 2012*

**Chapter No. 777 (HB3558/SB3394). Initiation or termination of fluoridation notice amended.** Amends T.C.A. § 68-221-708(c) by requiring a public water system or waterworks system to notify the Department of Environment and Conservation and the Department of Health of the intention at least 30 days prior to any such vote. Customers of the system must also be noticed at least 30 days prior to such vote in a general mailing.

*Effective April 19, 2012*

## **WORKERS COMPENSATION**

**Chapter No. 1030 (HB2808/SB2923). Suit may be brought in county where employee resided at time of injury.** Amends *Tennessee Code Annotated*, Title 50, Chapter 6, by clarifying that when issues remain after the benefit review conference a party may bring suit in a workers compensation case in the county where the employee resided at the time of injury.

*Effective May 21, 2012*



# THE UNIVERSITY of TENNESSEE

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## MUNICIPAL TECHNICAL ADVISORY SERVICE

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The university does not discriminate on the basis of race, sex or disability in its education programs and activities pursuant to the requirements of Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act (ADA) of 1990.

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