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## Tennessee Public Acts 2010: Summaries of Interest to Municipal Officials

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# TENNESSEE PUBLIC ACTS 2010

## *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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Users of this publication are cautioned that much judgment is involved in determining which Public Acts to summarize and how to summarize them. Before taking action or giving advice based upon any Public Act summarized here, one should consult the Act itself and not rely on the summary.



# TENNESSEE PUBLIC ACTS 2010

## *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 2010

## *Summaries of Interest to Municipal Officials*

### ALCOHOLIC BEVERAGES

**Chapter No. 622 (HB2571/SB2571). Alcoholic beverages may be sold at Oak Ridge Playhouse.**

Amends T.C.A. § 57-4-102(12) by authorizing the sale of alcoholic beverages at the Oak Ridge Playhouse at up to five special events annually.

*Effective March 2, 2010.*

**Chapter No. 623 (HB2758/SB2492). Alcoholic beverages may be sold at Roxy Regional Theatre.**

Amends T.C.A. § 57-4-102(12) by authorizing the sale of alcoholic beverages at the Roxy Regional Theatre in Clarksville.

*Effective March 2, 2010.*

**Chapter No. 647 (HB3243/SB2496). Alcoholic beverages may be sold at Clayton Arts Center.**

Amends T.C.A. Title 57, Chapter 4 by authorizing the sale of alcoholic beverages at the Clayton Arts Center in Blount County.

*Effective March 22, 2010.*

**Chapter No. 649 (HB2580/SB2731). Alcoholic beverages may be sold at Majestic Theater in Chattanooga.** Amends T.C.A. § 57-4-102 by authorizing the sale of alcoholic beverages at the Majestic Theater in Chattanooga.

*Effective March 22, 2010.*

**Chapter No. 664 (HB3354/SB3464). Alcoholic beverages may be served at Sewanee Inn.**

Amends T.C.A. § 57-4-102 by authorizing the sale of alcoholic beverages at the Sewanee Inn.

*Effective July 1, 2010.*

**Chapter No. 788 (HB3522/SB3610). Referendum on retail liquor license for manufacturer.** Amends T.C.A. Title 57, Chapters 2 and 3 by authorizing, as an alternative to a special election, a referendum on the availability of a retail liquor license for a manufacturer of alcoholic beverages. Only applies in jurisdiction where voters have by local option approved the issuance of a special retail license. Also expands where manufacturers can distribute free samples to include any location on the premises allowed by federal law.

*Effective April 19, 2010.*

**Chapter No. 1002 (HB3355/SB3330). FBI background checks for beer permit applicants authorized.** Amends T.C.A. § 57-5-103 by authorizing a local government to enter into an agreement with the FBI, in addition to the TBI, for background and fingerprint checks on applicants for beer permits.

*Effective July 1, 2010.*

**Chapter No. 1133 (HB0499/SB0274). Limited service restaurants.** Amends T.C.A. Title 57 by creating a new class of establishments, limited service restaurants, for purposes of licensing by the Alcoholic Beverage Commission. Available to establishments that make less than fifty percent (50%) of their gross revenues from the sale of prepared food. Also authorizes liquor stores operating in Lakewood to continue in operation if the city surrenders its charter as a separate municipality within Metropolitan Nashville-Davidson County.

*Effective June 30, 2010.*



## ANIMALS

**Chapter No. 615 (HB0539/SB0675). Forfeited deposits must be used to conduct spay and neuter programs.** Amends T.C.A. § 44-17-503 by requiring forfeited deposits paid to animal control agencies to be used solely for conducting spay and neuter programs in the community where the agency is located.

*Effective March 2, 2010.*

**Chapter No. 775 (HB3749/SB2796). Animal control agency employees receive immunity when rendering emergency care.** Amends T.C.A. Title 39, Chapter 14, Part 2 by granting immunity from civil liability to any person who renders or obtains emergency care for a non-livestock animal that is running at large, abandoned, injured or in distress. Individual must take reasonable steps to locate owner of such animal. Provides immunity from owner for veterinarians and persons working under veterinarians who provide emergency care to a non-livestock animal at the request of someone other than the owner. Grants immunity to animal control agencies and employees acting within scope of employment who provide care or shelter to a stray or abandoned non-livestock animal.

*Effective April 16, 2010.*

**Chapter No. 882 (HB3383/SB3715). Nashville and Memphis may petition for destruction of dogs without district attorney.** Amends T.C.A. § 44-17-120 by authorizing Davidson and Shelby counties and the municipalities therein to, upon passage of an ordinance, petition a general sessions court for destruction of a dangerous dog. Other cities must go through district attorney.

*Effective May 5, 2010.*

## ANNEXATION

**Chapter No. 917 (HB2713/SB2581). Annexation outside of an urban growth boundary.** Amends T.C.A. § 6-58-111 by requiring a municipality seeking to annex territory outside its existing urban growth boundary by ordinance to actually adopt an amendment to the growth plan. This is accomplished by having its desired change to the urban growth boundary submitted to the coordinating committee and receiving a recommendation for or against. The committee must submit the proposed amendment with its recommendation to all involved local legislative bodies for approval. If the amendment is approved, granted by all bodies or by the dispute resolution panel, it is then submitted to the local government planning advisory committee for approval. A municipality may also annex within a county's planned growth area or rural area, but only by referendum.

*Effective May 26, 2010.*

**Chapter No. 1026 (HB3864/SB3489). Expansion of urban growth boundary to include certain tracts.** Amends T.C.A. § 6-58-104 by authorizing a municipality to expand its urban growth boundary (UGB) to include a tract of land that is ten (10) acres or smaller; is contiguous to a tract of land that has the same owner and has already been annexed by the municipality; is being provided water and sewer; and where the owner consents. Does not require coordinating committee to reconvene nor approval from the county or any other municipality. Only governing body of expanding city need approve.

*Effective June 9, 2010.*

## BOARDS, AUTHORITIES AND COMMISSIONS

**Chapter No. 723 (HB3341/SB2975). Build America Bonds interest rate formula developed.** Amends T.C.A. Title 7, Chapter 89 and Title 47, Chapter 14 by specifying the formula for the rate of interest on Build America Bonds issued on or before June 30, 2012 by convention center authorities.

*Effective April 9, 2010.*



**Chapter No. 802 (HB3309/SB3399). Airport authorities may be created jointly with out-of-state local governments.** Amends T.C.A. Title 42, Chapter 3, Part 1 by authorizing a new method for creating an airport authority. Authorizes the creation of a regional airport authority when three (3) or more Tennessee cities and counties and at least one (1) political subdivision of another state create a regional airport commission and a majority of such entities, by resolution, recommend the creation of a regional airport authority and enter into an interlocal agreement approved by the attorney general. Each entity appoints the same number of commissioners.

*Effective July 1, 2010.*

**Chapter No. 970 (HB3598/SB3335). Membership on Regional Megasite Authorities.** Amends T.C.A. § 64-6-110 by changing the membership of a regional megasite authority and giving the governor three (3) additional appointments. These appointees must reside in counties that are contiguous to the county in which the megasite is located and not otherwise represented. These members shall serve without reimbursement for travel expenses.

*Effective May 26, 2010.*

**Chapter No. 1078 (HB0193/SB0131). Medical school authorities.** Amends T.C.A. Title 7 by enacting the Medical School Authorities Act of 2010. Authorizes, in a city with a population of not less than ninety-one thousand eight hundred (91,800), the creation of a medical school authority upon the petition of three (3) qualified voters. Municipality must approve the applicant's submitted charter via resolution. Grants broad power to authority including power to issue bonds for the purpose of facilitating the creation of new medical schools.

*Effective June 23, 2010.*

**Chapter No. 1126 (HB3443/SB3415). Development authorities may be considered housing authority.** Amends T.C.A. Title 13, Chapter 20 by authorizing a development authority created by private act, if so designated by its municipal housing and development authority, to be considered a housing authority for purposes of entering into economic development agreements containing tax increment financing provisions. Removes similar authority specific to Johnson City. Municipality must obtain the consent of the housing authority, if any, created by the municipality before designating a development authority as a housing authority for purposes of redeveloping blighted areas.

*Effective June 29, 2010.*

## **BUILDING, HOUSING AND UTILITY CODES**

**Chapter No. 630 (HB0378/SB0670). Construction of school may begin while awaiting state fire marshal approval.** Amends T.C.A. § 68-120-101 by authorizing the construction of a school to begin upon the approval of building plans by a local government, while awaiting final approval of state fire marshal, where the city enforces its own codes and whose codes are the same as or more stringent than those adopted by the state fire marshal. In a conflict between the local government and state fire marshal regarding the sufficiency of local codes, the determination of the state fire marshal shall prevail.

*Effective March 10, 2010.*

**Chapter No. 749 (HB2767/SB2645). Unlicensed contractors may not obtain lien.** Amends T.C.A. Title 66, Chapter 11, Part 1 by stating that an unlicensed contractor may not obtain a lien on residential property if the jurisdiction where the work was performed requires the contractor to be licensed.

*Effective July 1, 2010*

*and applicable to liens filed for residential construction performed on or after that date.*





**Chapter No. 850 (HB3156/SB3019). Swimming pool alarms required.** Amends T.C.A. Title 68, Chapter 14 by requiring a pool alarm on any swimming pool installed after the effective date of this bill. Requires dealers or installers of swimming pools to post notice of this requirement in place of business. Municipality cannot issue a permit for construction or substantial alteration of a swimming pool unless the project includes a pool alarm. Makes violation a criminal offense. Requirements not applicable to public swimming pools.

*Effective January 1, 2011.*

**Chapter No. 923 (HB2827/SB2983). Community groups may remedy overgrown lots in Shelby County.** Amends T.C.A. § 6-54-113 by authorizing a municipality in a county with a population in excess of eight hundred thousand (800,000) to, via resolution passed by a two-thirds (2/3) vote of the governing body, allow a community organization to remedy overgrown vacant lots. City must contract with community group. Purports to relieve municipality from liability for injury to or actions of community group and its members.

*Effective July 1, 2010.*

## **BUSINESS REGULATIONS**

**Chapter No. 614 (HB0950/SB1092). Local regulation of nutritional information posting prohibited.** Amends T.C.A. § 68-14-303 by prohibiting a non-elected body of any city, county or metropolitan government from enacting any legislation, rule or regulation pertaining to the nutritional information or menu of any food service establishment. States that the Department of Health is responsible for implementing any subsequent federal legislation regarding nutritional information at food service establishments.

*Effective February 8, 2010*

*(Vetoed by the Governor on July 1, 2009 and subsequently passed by both houses over the veto).*

**Chapter No. 871 (HB3770/SB3706). Revocation of massage license.** Amends T.C.A. § 63-18-108 by adding mental incompetence and being found guilty of unethical or unprofessional conduct to list of grounds for revocation, suspension or denial of massage license.

*Effective May 13, 2010.*

**Chapter No. 939 (HB3167/SB3608). Blasters must notify Department of Commerce and Insurance.** Amends T.C.A. § 68-105-103 by requiring a person who conducts a blasting operation to notify the Department of Commerce and Insurance at least seventy-two (72) hours prior to the commencement of the operation. Creates civil penalty for failure to comply.

*Effective May 26, 2010*

*for purposes of promulgating procedures.*

*Effective July 1, 2010 for all other purposes.*

**Chapter No. 963 (HB3191/SB3155). Tennessee Appraisal Management Company Registration and Regulation Act.** Amends T.C.A. Title 62, Chapter 39 by enacting the Tennessee Appraisal Management Company Registration and Regulation Act. Prohibits a person from engaging in the practice of appraisal management without registration with the Real Estate Appraisal Commission. Appraisal management services include: administering or staffing an appraisal panel; delivering or tracking appraisals; and providing completed appraisals. Not applicable to banks, savings institutions, state or local governments who order appraisals for tax purposes, licensed attorneys or accountants.

*Effective May 26, 2010 for the purposes of promulgating rules and regulations.*

*Effective July 1, 2011 for all other purposes.*



**Chapter No. 1038 (HB1323/SB0954). Regulation of automotive mobility dealers.** Amends Title 55 by requiring a person engaged in the business of an automotive mobility dealer on or after March 1, 2011, to obtain a license from the Motor Vehicle Commission. This includes selling, offering or installing adapted vehicles or components for use by aging or disabled persons. Also amends provision regulating automobile clubs and associations.

*Effective June 11, 2010.*

**Chapter No. 1076 (HB1323/SB3851). State regulation of locksmith businesses.** Amends T.C.A. Title 62, Chapter 11, Part 1 by expanding state regulation to also require registration of any business engaged in locksmith activity. Requires registration and licensure of locksmith apprentices. Makes other various changes to locksmith provisions.

*Effective July 1, 2010.*

**Chapter No. 1107 (HB3923/SB3644). Locksmith licensing updated.** Amends T.C.A. Title 62, Chapter 11, Part 1 by updating the requirements for obtaining locksmith licensure. Creates civil penalties for violation.

*Effective July 1, 2010.*

## **CHARTERS**

**Chapter No. 999 (HB2866/SB2702). Referendum on term limits in city within a county with charter form of government authorized.** Amends T.C.A. Title 6, Chapter 3 by authorizing the governing body of a municipality located within a county with a charter form of government, who has passed an ordinance by a two-thirds (2/3) vote at two (2) meetings to establish term limits for the mayor and board members of the municipality. Ordinance must be approved by referendum.

*Effective June 2, 2010.*

## **CIVIL PROCEDURE**

**Chapter No. 761 (HB3103/SB3030). Service of garnishment summonses.** Amends T.C.A. § 26-2-203 by requiring a garnishment summons to be served on an employee other than the garnishee. Service upon the garnishee is voidable by the court.

*Effective July 1, 2010.*

**Chapter No. 900 (HB3300/SB3589). Foreign defamation judgments.** Amends T.C.A. Title 26, Chapter 6, Part 1 by limiting the authentication of a non-U.S. judgment for defamation. No such judgment can be authenticated by a court of this state if: rendered by a court that does not provide impartial tribunals or procedures substantially compatible with due process required by Tennessee law; the court issuing the judgment did not have personal jurisdiction over the defendant in accordance with principles applicable under Tennessee law; the court did not have subject matter jurisdiction over the action; or if established by a preponderance of the evidence that the defamation law applied in the foreign court provides less free speech protection than the Tennessee and United States Constitutions.

*Effective July 1, 2010*

*and applicable to foreign judgments filed for enforcement on or after July 1, 2010.*

**Chapter No. 902 (HB3651/SB2817). Uniform Unsworn Declarations Act.** Amends T.C.A. Title 24, Chapter 9 by enacting the Uniform Unsworn Declarations Act. This uniform act creates a procedure for entering an unsworn declaration of a party located outside of the boundaries of the United States as admissible evidence in a Tennessee court of law.

*Effective July 1, 2010.*



**Chapter No. 908 (HB0185/SB0744). Unclean hands doctrine codified.** Amends T.C.A. Title 16 by codifying Tennessee's equitable and common law defense of unclean hands with respect to commercial transactions. Essentially, this doctrine precludes a person or such person's predecessor-in-interest from enforcing any claim where he or she has acquired right to such claim by means of fraud, deceit, misrepresentation, etc.

*Effective May 12, 2010.*

**Chapter No. 983 (HB3768/SB3740). Weight of foreign decisions.** Without reference to any specific section of the T.C.A. this bill states that when a court, administrative agency, or other entity acting under authority of state law is considering granting comity to a foreign legal decision, the primary factor in determining whether to grant weight to such decision is whether the decision violated or would violate any right of a natural person under the Tennessee or United States Constitution. States similar policy as related to contracts with a choice of venue clause.

*Effective May 27, 2010.*

## CODE ENFORCEMENT

**Chapter No. 1128 (HB3659/SB3428). Administrative hearing officer programs authorized.** Amends T.C.A. Title 6, Chapter 54 by authorizing a municipality, via ordinance, to create the office of administrative hearing officer to hear building and property maintenance code violations. Ordinance must reference code sections subject to administrative jurisdiction. Administrative jurisdiction cannot include codes adopted by the State Fire Marshal pursuant to T.C.A. § 68-120-101(a) and enforced by a deputy building inspector pursuant to T.C.A. § 68-120-101(f). Decisions of hearing officer are not subject to the fifty dollar (\$50) constitutional limitation on fines levied without a jury. Authorizes penalties of five hundred dollars (\$500) per day for violations on commercial

properties and five hundred dollars (\$500) cumulatively for violations on residential properties. Alleged violator must be provided reasonable time to remedy before fine imposed.

Administrative hearing officer must be licensed building, plumbing, or electrical inspector; attorney; architect; engineer; or an administrative law judge with the Administrative Procedures Division. Hearing officer must, within six (6) months of appointment, complete Municipal Technical Advisory Service (MTAS) training program. Hearing officers also must annually complete six (6) hours of continuing education.

*Effective July 1, 2010.*

## CONTRACTS

**Chapter No. 755 (HB2754/SB3070). Construction management services.** Amends T.C.A. § 49-2-203 by expanding the prerequisites of a contract manager who provides construction management services for the construction of school buildings or additions. This work may be done by a general contractor so long as no services involve architectural or engineering services, unless the contractor is an engineer or architect. Alternatively, this work may be performed by a licensed engineer or architect so long as no services involve general contracting, unless the engineer or architect is also a contractor.

*Effective April 13, 2010.*

**Chapter No. 768 (HB2794/SB2722). Masonry contractor information required on outside of bid.** Amends T.C.A. § 62-6-119 by expanding requirements on outside of a bid envelope to include requiring masonry contractor information where the total cost of the masonry portion of the contract exceeds one hundred thousand dollars (\$100,000).

*Effective July 1, 2010.*

*\*Will be codified into T.C.A. § 62-6-119 as amended by Chapter No. 801, infra.*



**Chapter No. 801 (HB3158/SB3607). Requirements for bid documents.**

Amends T.C.A. § 62-6-119 by requiring submitted bid documents, including those submitted electronically, to reference T.C.A. Title 62, Chapter 6 and contain a statement noting the requirement of bidder to provide evidence of compliance with its provisions. For bids of twenty-five thousand dollars (\$25,000) or more the name, license number, expiration date and license classification of the contractor(s) applying for the prime contract and for electrical, plumbing, heating, ventilation and air conditioning contracts must appear on the outside of the bid envelope or in the submission of the electronic bid. Prime contractors who perform the electrical, plumbing, heating, ventilation or air conditioning contracts must be so designated. Failure to comply renders bid void. Names on outside of envelope or in electronic bid must be read aloud before bid documents opened at official bid opening. Entity or person awarding contract has duty to verify information. No invitation to bid may require a subcontractor to be identified until the final bid submission or any prime contractor to accept the bid of a subcontractor before the final bid submission. Creates civil penalty for non-compliance.

*Effective April 19, 2010.*

**Chapter No. 875 (HB3159/SB3604). Penalty for failing to deposit escrow funds.**

Amends T.C.A. § 66-34-104 by specifying that a party withholding retained funds for escrow in a construction contract are subject to a fine of three hundred dollars (\$300) for every day such funds are not deposited into the escrow account. Failure to deposit the retained funds into an escrow account within seven (7) days of receipt of written notice of failure is a Class A misdemeanor.

*Effective May 3, 2010.*

*\*The Public Chapter is broader than the caption of bill as introduced making the constitutionality of the bill questionable. See Tenn. Const. Art. 2, § 17.*

**Chapter No. 897 (HB2766/SB2688). Contracts for fuel stabilization.**

Amends T.C.A. § 7-5-911 by removing the sunset provision on and thus making permanent the authorization for contracts entered into by municipalities to stabilize the price of fuel. Limits the term of those contracts to a maximum of twenty-four (24) months.

*Effective May 10, 2010.*

**COURTS**

**Chapter No. 1019 (HB3537/SB2902). Fee for forfeiture of cash bond allocated to TBI.**

Amends T.C.A. § 39-6-103 by instituting a fee of thirteen dollars and seventy-five cents (\$13.75) for every forfeiture of a cash bond or other surety entered as a result of a municipal traffic citation. Municipal court clerk shall retain five percent (5%) of the fee for processing and remit the remainder to the state treasury where it will be allocated to the Tennessee Bureau of Investigation.

*Effective July 1, 2010.*

**CRIMES AND CRIMINAL PROCEDURE**

**Chapter No. 663 (HB2581/SB2561). Medical personnel required to report drug-seeking behavior.**

Amends T.C.A. Title 53, Chapter 11 by requiring licensed medical and veterinary personnel to report criminal drug-seeking behavior to law enforcement within five (5) days of obtaining such knowledge. Inexplicably does not apply to cases where the patient is covered by TennCare.

*Effective March 30, 2010.*

**Chapter No. 750 (HB3263/SB2988). Sexual offenders who are parents or legal guardians to provide notice to school.**

Amends T.C.A. § 40-39-211 by stating that a registered sex offender must provide notice to principal upon their child's enrollment if the sexual offender is to pick the child up on school grounds. Other various changes to sexual offender provisions.

*Effective July 1, 2010.*



**Chapter No. 816 (HB3913/SB3540). Offense of violating restriction for animal cruelty.**

Amends T.C.A. § 39-14-202 by making it a Class A misdemeanor to violate a prohibition or restriction imposed by a sentencing court upon a person convicted of animal cruelty.

*Effective July 1, 2010.*

**Chapter No. 873 (HB2762/SB3008). Sale of synthetic urine prohibited.**

Amends T.C.A. § 39-17-437 by creating the offense of selling synthetic urine. Exception made for bona fide educational, medical or scientific purposes.

*Effective July 1, 2010.*

**Chapter No. 899 (HB3270/SB2969). Trespassing on property quarantined due to production of methamphetamine.** Amends T.C.A. § 68-212-503 by expanding the prohibition governing property quarantined due to production of methamphetamine to also make it a separate offense to trespass upon such property.

*Effective July 1, 2010.*

**Chapter No. 904 (HB3369/SB3362). Revocation of license to practice medicine for sex offenders.**

Amends T.C.A. Title 63, Chapter 6, Part 2 by giving the Board of Medical Examiners power to discipline, up to and including license revocation, licensee who is required to register as a sex offender. Requires registering agency to forward the registration of any sex offender they have reason to believe is licensed to practice medicine.

*Effective July 1, 2010 and applies to any person licensed to practice in this state regardless of when license was issued and to any person applying to practice medicine in this state regardless of when application was filed.*

**Chapter No. 918 (HB3018/SB2712). Prohibition on selling international drivers' licenses.** Amends T.C.A. § 47-18-104(b) by making it a civil offense to sell or offer for sale international drivers' licenses or other non-governmental documents that purport to confer driving privileges in this state.

*Effective July 1, 2010.*

**Chapter No. 921 (HB2768/SB2965). Ignition interlock devices for DUI offenders.**

Amends T.C.A. Titles 40 and 55 by requiring certain DUI offenders to drive only vehicles equipped with an ignition interlock device. Applies to offenders who have BAC of 0.15% or higher; are accompanied by a minor; cause bodily injury or death; or violate implied consent law. Creates Interlock Assistance Fund (IAF) to assist indigent DUI offenders. IAF is funded by fees collected from violators. Makes other various changes to DUI law.

*Effective May 26, 2010 for the purposes of promulgating rules and regulations.*

*Effective July 1, 2010 for purposes of implementing new fines and creation of IAF.  
Effective January 1, 2011 for all other purposes.*

**Chapter No. 922 (HB2968/SB2982). Synthetic cannabinoids illegal.**

Amends T.C.A. § 39-17-438 by making illegal the production, distribution or possession of the hallucinogen salvia divinorum and certain synthetic cannabinoids. Not applicable to cannabinoids lawfully prescribed or to drugs or substances approved by the federal Food and Drug Administration.

*Effective July 1, 2010.*

**Chapter No. 929 (HB3874/SB3246). Parents of truants may attend parent education.**

Amends T.C.A. § 49-6-3009 by allowing, at the prosecutor's discretion, parents of students against whom a petition for truancy has been filed to participate in parent education training and parent-teacher conferences in lieu of criminal prosecution.

*Effective July 1, 2010.*





**Chapter No. 953 (HB2506/SB2545). Offense of intercepting radio frequency.**

Amends T.C.A. Title 39, Chapter 13, Part 6 by creating the criminal offense of knowingly intercepting a radio frequency transmission made by law enforcement, fire, or other emergency governmental agency to commit, facilitate or aid in the flight from another criminal offense.

*Effective July 1, 2010.*

**Chapter No. 964 (HB3196/SB3169). DNA registry for certain juvenile sexual offenders.**

Amends T.C.A. Titles 38 and 40 by expanding the list of offenses for which a juvenile, if convicted, is required to submit a DNA sample for preservation in the TBI centralized databank to include aggravated rape of a child or attempt of such.

*Effective July 1, 2010.*

**Chapter No. 979 (HB3412/SB3267). Reporting of child abuse.**

Amends T.C.A. Titles 37, 39 and 40 by requiring the telephone number of the person responsible for the care of the child be included in reports of child abuse. Requires Department of Children's Services to transmit reports of human trafficking, child pornography and severe child abuse to appropriate law enforcement agencies. Both the department and law enforcement agency must keep a log of these reports. Also requires any school employee, administrator or board member with knowledge of an investigation of a school system employee for any child abuse or neglect offense to report that information to the Department of Children's Service, the judge with juvenile jurisdiction in the county, the sheriff of the county or the chief law enforcement official of the municipality where the child resides.

*Effective May 27, 2010.*

**Chapter No. 1015 (HB3280/SB2970). DUI substances broadened.**

Amends T.C.A. § 55-10-401 by broadening the definition of substances for purposes of the DUI statutes to include any intoxicant, marijuana, controlled substance, drug, substance affecting the central nervous system or combination thereof that impairs the driver's ability to safely operate a motor vehicle.

*Effective January 1, 2011.*

**Chapter No. 1099 (HB3376/SB3459). Offense of harboring a runaway.**

Amends T.C.A. Title 39, Chapter 15, Part 4 by creating the offense of harboring a runaway minor child. Harboring consists of concealing the whereabouts of the child or harboring the child and failing to notify the parent or legal guardian within a reasonable amount of time.

*Effective June 23, 2010.*

**Chapter No. 1120 (HB2872/SB2882). Rachel Clawson Act of 2010.**

Amends T.C.A. § 39-12-213 by making the reckless killing of an employee of the Department of Transportation or a highway construction worker in a posted construction zone vehicular homicide and a Class D felony.

*Effective July 1, 2010.*

**Chapter No. 1124 (HB3277/SB3219). Offense of unlawful photographing.**

Amends T.C.A. Title 39, Chapter 13, Part 6 by removing the requirement that the individual photographed be readily identifiable in the photograph from the offense of unlawful photographing.

*Effective January 1, 2011.*



**Chapter No. 1138 (HB2788/SB2724). Sexual offender registry provisions amended.** Amends T.C.A. Title 40 by adding trafficking for sexual servitude to the list of violent sexual offenses requiring registration. Clarifies that kidnapping is an offense requiring registration only where the victim is a minor and the violator is not a parent or legal guardian. Makes other various changes to these provisions.

*Effective July 1, 2010.*

**Chapter No. 1145 (HB3181/SB3290). Sexual offender cohabitation regulated.** Amends T.C.A. Title 40, Chapter 39 by prohibiting a registered sexual offender from establishing a primary or secondary residence with two (2) or more other such offenders. Prohibits any person from knowingly permitting more than three (3) sexual offenders from establishing primary or secondary residences on property the person owns or controls. Exception for residential treatment facilities.

*Effective July 1, 2010.*

## **ECONOMIC DEVELOPMENT**

**Chapter No. 619 (HB2806/SB2637). Membership of Four Lake Regional Industrial Development Board amended.** Amends T.C.A. § 64-5-203(a) by providing that in a county adopting a metropolitan form of government, the county mayor must appoint a citizen to serve on the industrial development board.

*Effective March 2, 2010.*

**Chapter No. 730 (HB0187/SB0135). Development district authorized to construct a building for its own use.** Amends T.C.A. § 13-14-107 by authorizing a development district to borrow funds to construct a building for its own use.

*Effective April 9, 2010.*

**Chapter No. 800 (HB3044/SB3050). Industrial Development Corporation project expansion.** Amends T.C.A. Title 7, Chapter 53 by expanding the definition of project for the provisions governing Industrial Development Corporations to include in any city that has created a central business improvement district any public infrastructure, public improvement, or public facilities in an area designated as a center city area. Authorizes such a city to provide aid or assistance, including without limitation, granting, contributing or pledging revenues, except property tax revenues, to Industrial Development Corporation projects.

*Effective April 19, 2010.*

**Chapter No. 940 (HB3417/SB3622). Industrial development corporation projects for mixed-use developments in impoverished areas.** Amends T.C.A. § 7-53-312 by expanding the definition of project in industrial development corporation statutes to include a mixed-use development in a county where, as of 2008, at least thirty-one and one-half percent (31.5%) of that county's population between the ages five (5) and seventeen (17) live in poverty.

*Effective May 26, 2010.*

## **EDUCATION**

**Chapter No. 715 (HB3100/SB3031). Longer school days for credited instructional time authorized.** Amends T.C.A. § 49-6-3004 by authorizing a local board of education to extend the school day by at least a half an hour daily and save up to thirteen (13) hours of credited instructional time that can be applied to days lost because of dangerous or extreme weather conditions.

*Effective July 1, 2010.*



**Chapter No. 721 (HB3105/SB2480). Multiple birth siblings cannot be separated solely on basis of relationship.** Amends T.C.A. § 49-6-3102 by prohibiting a school or school board from separating multiple birth siblings solely on the basis of the students being siblings.

*Effective July 1, 2010.*

**Chapter No. 735 (HB3148/SB3124). LEAs to document student withdrawal and transfer.**

Amends T.C.A. Title 49, Chapter 6 by requiring an LEA to document a student's withdrawal or transfer using the best information available. Also allows a high school to count students who obtain general equivalency development credentials (GED) as graduates in determining graduation rates.

*Effective July 1, 2010.*

**Chapter No. 737 (HB3168/SB3022). LEA may award diploma to veteran who failed to obtain diploma due to military service.** Amends

T.C.A. § 49-2-119 by authorizing an LEA to award a high school diploma to a veteran who failed to receive diploma due to service in Vietnam. Current provisions allow such awards to veterans of World War I, World War II and the Korean War.

*Effective April 9, 2010.*

**Chapter No. 759 (HB3107/SB2630). Approval of teacher leave.** Amends T.C.A. § 49-5-711 by

expanding the requirement of director of school or designee's approval to situations where teacher requests leave on day where in-service, professional or parent-teacher conference was scheduled by local board of education prior to commencement of the school year.

*Effective July 1, 2010.*

**Chapter No. 762 (HB3411/SB3276). LEAs encouraged to consider working parents.** Amends

T.C.A. § 49-6-7002 by encouraging LEAs to consider the schedules of working parents when scheduling parent-teacher meetings.

*Effective April 14, 2010.*

**Chapter No. 798 (HB2772/SB3067). Date by which teachers must be notified of dismissal.**

Amends T.C.A. § 49-5-409 by extending from April 15 to May 15 the date by which a teacher must be notified in writing of his or her dismissal or failure for reelection for the following school year.

*Effective April 19, 2010.*

**Chapter No. 819 (HB3250/SB2505). AED placement in schools.** Amends T.C.A. § 49-2-122

by requiring a school, upon receipt of its first Automated External Defibrillator (AED), to place the device in the gymnasium or if there is no gymnasium in an area used for physical activity.

*Effective April 23, 2010.*

**Chapter No. 854 (HB3416/SB3321). LEAP programs complementary to school curricula encouraged.** Amends T.C.A. § 49-6-702 by

encouraging LEAP after-school programs complementary to school curricula.

*Effective April 30, 2010.*

**Chapter No. 855 (HB3762/SB3432). Civics courses encouraged.** Amends T.C.A. Title 49, Chapter 6 by

encouraging a course of instruction in civics in public high schools.

*Effective July 1, 2010.*

**Chapter No. 856 (HB3161/SB3583). School resource officers may take special education**

**students into custody.** Amends T.C.A. § 49-10-1304 by authorizing a school resource officer (SRO) who witnesses an offense by a student receiving special education to take that student into custody.

*Effective April 30, 2010.*

**Chapter No. 869 (HB3711/SB3311). Students permitted to take textbooks home.** Amends

T.C.A. Title 49, Chapter 6, Part 22 by requiring that every student be permitted to take any textbook assigned to the student home for purposes of study.

*Effective July 1, 2010.*





**Chapter No. 878 (HB1873/SB1321). Parental involvement plans.** Amends T.C.A. § 49-2-305 by requiring a parental involvement plan to include parent and teacher cooperation with regards to a student's higher education planning.

*Effective July 1, 2010.*

**Chapter No. 883 (HB3867/SB3255). LEA pamphlet updates.** Amends T.C.A. § 49-2-207 by requiring every LEA policy pamphlet to be updated every two (2) years.

*Effective July 1, 2010.*

**Chapter No. 886 (HB2805/SB2726). LEA may donate food.** Amends T.C.A. § 53-13-102 by providing immunity from civil and criminal liability for an LEA who donates apparently wholesome food to a county jail or charitable or nonprofit organization for free distribution.

*Effective April 22, 2010.*

**Chapter No. 910 (HB0564/SB0769). POST report on violent school incident responses required.**

Amends T.C.A. Title 49 by requiring the Peace Officers Standards and Training (POST) Commission to report to the Select Committee on Education Oversight on current law enforcement training and procedures for responding to violent school incidents in elementary and secondary schools and in post-secondary institutions.

*Effective May 26, 2010.*

**Chapter No. 911 (HB1371/SB1075). Foreign language instruction guidelines to be developed.**

Amends T.C.A. § 49-1-302 by requiring the state board of education to develop guidelines and criteria for the inclusion of foreign language instruction in grades kindergarten through six (K-6).

*Effective July 1, 2010.*

**Chapter No. 916 (HB3130/SB2416). Teacher code of ethics adopted.** Amends T.C.A. Title 49, Chapter 5 by adopting a teacher code of ethics requiring teachers to abide by standard ethical provisions including non-discrimination, taking reasonable efforts to protect students, refraining from embarrassing students, honesty in representation of qualifications, etc. Makes violation of its provisions conduct unbecoming of a teacher and thus subjecting violator to disciplinary measures.

*Effective July 1, 2010.*

**Chapter No. 925 (HB3133/SB3053). Appeal process for dismissed tenured teachers.** Amends T.C.A. Title 49, Chapters 1 and 5 by stating that a tenured teacher dismissed by the local board of education has the right to appeal to chancery court in the county where the school system is located within thirty (30) days after the receipt of the board's decision. Board has duty to provide entire record to the court.

*Effective May 26, 2010.*

**Chapter No. 930 (HB3875/SB3257). Charter school task force created.**

Amends T.C.A. § 49-13-129 by creating a task force to comprehensively study charter schools in Tennessee.

*Effective July 1, 2010.*

**Chapter No. 931 (HB2947/SB3304). International Baccalaureate Programme funds.**

Amends T.C.A. Title 49, Chapter 2, Part 1 by authorizing a school to establish an International Baccalaureate Programme or Advanced Placement fund to receive donations or grants supporting these programs.

*Effective July 1, 2010.*

**Chapter No. 935 (HB3544/SB3245). LEAs may donate computers.** Amends T.C.A. § 49-6-2007 by authorizing an LEA to donate computers removed from their inventory to low-income families of students attending their schools.

*Effective July 1, 2010.*



**Chapter No. 943 (HB3589/SB3693). Maximum interest rate on Build America Bonds.**

Amends T.C.A. § 49-3-1207 by stating that when a local government is applying for the maximum interest rate for bonds issued by the state school bond authority and the local government has elected to have the federal Build America Bonds program apply, the rate is determined by reducing the interest payable by the authority with respect to such bond by the amount of payments from the U.S. treasury that the authority expected at the time of issuance of such bond as a result of the foregoing elections. This provision expires June 30, 2012.

*Effective July 1, 2010.*

**Chapter No. 1046 (HB0782/SB0942). Credit for JROTC instruction.**

Amends T.C.A. § 49-5-402 by crediting military personnel who have served as Junior Reserve Officers Training Corps (JROTC) instructors for not less than two (2) years and who currently teach in subject areas other than JROTC or military science and for which they are properly licensed, with their years of experience in teaching JROTC for purpose of determining salary ratings.

*Effective July 1, 2010.*

**Chapter No. 1082 (HB1911/SB1997). Interstate Compact on Educational Opportunities for Military Children.**

Amends T.C.A. Title 49 by enacting the Compact on Educational Opportunities for Military Children. Sets out eligibility requirements for students and duties of member states. Prohibits an LEA from charging tuition to a transitioning student who is in the custody of a non-custodial parent or whose address is outside the LEA jurisdiction. Provides other protections for children of military service persons. Compact does not become binding until ten (10) states have passed the legislation.

*Effective July 1, 2010.*

**Chapter No. 1097 (HB3334/SB3234). Financial Literacy Program Act.**

Amends T.C.A. Title 49 by enacting the Financial Literacy Program Act of 2010. Creates a commission for the purpose of creating financial literacy programs for students. Commission may enter into agreements with local governments for use of facilities or rendering of services.

*Effective June 23, 2010.*

**Chapter No. 1127 (HB3545/SB3427). TCAP score must comprise percentage of final grade.**

Amends T.C.A. Title 49, Chapter 1, Part 6 by requiring the final grade awarded to a student in the spring semester of grades three through eight (3-8) be comprised of a percentage of the student's score on the Tennessee Comprehensive Assessment Program (TCAP) achievement tests. Percentage shall be no less than fifteen percent (15%) and no more than twenty-five percent (25%) and determined by the local board of education. Also specifies that TCAP tests will be administered no earlier than the first Monday occurring on or after April 22; provided, however, that tests are not administered prior to the completion of one hundred fifty (150) days of instruction.

*Effective July 1, 2010.*

**Chapter No. 1135 (HB2556/SB2616). BEP funding for capital outlay reduced.**

Amends T.C.A. Title 49 by reducing the capital outlay component, in the 2010-2011 fiscal year and all subsequent years, of the state share of BEP funding by fourteen dollars (\$14.00) per square foot for kindergarten through fourth grade (K-4) classrooms and by twelve dollars (\$12.00) per square foot for all other classrooms. Makes other various changes throughout the code.

*Effective June 30, 2010.*



**Chapter No. 1136 (HB3200/SB2621). Drug testing for students authorized.**

Amends T.C.A. § 49-6-4213 by authorizing an LEA to test a student for drug use where reasonable indications exist that the student has used drugs. The following standards must be met: the student violated school policy; the test will yield evidence of the violation of school policy or establish that a student was impaired due to drug use or did not use drugs; the test is in pursuit of legitimate interests of the school; test is conducted in the presence of a witness. Authorizes testing without reasonable suspicion of students participating in voluntary extracurricular activities. Requires an LEA participating in drug testing its students to adopt policies. Parents of students participating in extracurricular activities must sign consent forms.

*Effective July 1, 2010.*

**Chapter No. 1144 (HB3193/SB3125). Insurance premium payments for LEA instructional employees.**

Amends T.C.A. Title 8, Chapter 27, Part 3 by authorizing the Local Education Insurance Committee to institute a plan to pay a portion of the insurance premium paid by LEA instructional employees.

*Effective June 30, 2010.*

**ELECTIONS**

**Chapter No. 685 (HB2673/SB2556). Campaign financial disclosure statement due date extended.**

Amends T.C.A. § 2-10-105(c)(3) by changing from January 1 to January 16 the filing date a candidate or campaign committee has to certify the name and address of the candidate's or committee's political treasurer to the Registry of Election Finance.

*Effective March 31, 2010.*

**Chapter No. 1008 (HB3404/SB3526).**

**Election date changes via ordinance.** Amends T.C.A. Title 6 by authorizing municipalities with general law and private act charters to, via ordinance, change their election date to coincide with the August or November general election. Authorizes the extension of terms necessary to meet the election date, however, no term may be extended more than two (2) years. A municipality may change the election date back to the original date one time under these provisions.

*Effective June 3, 2010.*

**EMERGENCY SERVICES**

**Chapter No. 618 (HB2576/SB2613). Crisis intervention testimonial privilege clarified.**

Amends T.C.A. § 24-1-204(d)(2) to clarify that the testimonial privilege between a crisis intervention team member and person served does not apply where there is evidence of past or present child abuse or neglect, adult abuse or domestic violence.

*Effective March 2, 2010.*

**Chapter No. 745 (HB3810/SB3852). Disaster compacts may be entered into with any state.**

Amends T.C.A. Title 58, Chapter 2, Part 4 by clarifying that the Governor can enter into civil defense and disaster compacts with any state, as opposed to just contiguous states. Renames such compact as emergency management assistance compact.

*Effective April 9, 2010.*

**Chapter No. 773 (HB3833/SB3866). EMS personnel subject to discipline.**

Amends T.C.A. Title 68, Chapter 140, Part 5 by subjecting emergency medical services personnel to discipline by licensing agency for violating, or attempting to violate a criminal statute in any U.S. state or Canada, if the statute involves moral turpitude or reflects upon the person's ability to fulfill his or her duties. Also removes twenty-five dollar (\$25.00) limit on reinstatement fees.

*Effective April 16, 2010.*



**Chapter No. 1091 (HB2822/SB2839). National Flood Insurance Program participation required.**

Amends T.C.A. Title 6, Chapter 58 by requiring all counties and municipalities with a flood insurance rate map or flood hazard boundary map that identifies a special flood hazard area within its boundaries to meet the requirements for participation in the National Flood Insurance Program (NFIP) on or before June 30, 2012. A county or municipality without such a map must, within twenty four (24) months from the effective date of any such map published by the Federal Emergency Management Agency (FEMA), meet the requirements for participation in the NFIP.

*Effective June 23, 2010.*

**ENVIRONMENT**

**Chapter No. 716 (HB2991/SB3295). Technical correction made on storm water bills.**

Amends T.C.A. § 68-221-1112 by amending the required language on a bill for storm water fees. The word “TAX” is replaced with “FEE” so the new language reads, “THIS FEE HAS BEEN MANDATED BY CONGRESS”. Current supply of bills with existing printed language may be exhausted.

*Effective April 5, 2010.*

**Chapter No. 840 (HB3218/SB2403). Mercury Product Disposal Control Act.**

Amends T.C.A. Title 68, Chapter 211 by enacting the Mercury Product Disposal Control Act. Requires certain entities to ensure that discarded mercury-added consumer products are handled in accordance with hazardous waste regulations and shipped to a universal waste destination facility or hazardous waste management facility.

*Effective April 30, 2010.*

**Chapter No. 903 (HB3842/SB3854). Tennessee Underground Petroleum Storage Tank Act amended.**

Amends T.C.A. Title 68, Chapter 215, Part 1 by expanding the use of petroleum underground storage tank funds to include investigation, identification and reasonable cleanup of locations where tanks have been removed. Expands who is a “responsible party” and thus liable under the statute to include a person other than an employee, officer, director, principal or shareholder whose negligent actions directly cause the release of petroleum. States that a “responsible party” does not include a unit of state or local government who becomes an owner or operator of a site through bankruptcy, tax delinquency, abandonment or other circumstances where title is acquired by virtue of its function as sovereign. Makes other various changes to the statute.

*Effective May 11, 2010.*

**Chapter No. 1143 (HB3232/SB3052). Stormwater fees.**

Amends T.C.A. Titles 68 and 70 by expanding the exemption from stormwater fees for agricultural uses to include any person who meets the definition of qualified farmer or nurseryman, regardless of how stormwater is discharged on the property.

*Effective July 1, 2010.*

**FINANCE**

**Chapter No. 728 (HB3327/SB3807). Electronic funds transfer required for Local Government Investment Pool monies.**

Amends T.C.A. Title 9, Chapter 4, Part 7 by requiring participating local governments to electronically transfer to the Local Government Investment Pool any funds for investment or reinvestment. Also requires electronic filing for any report or other document associated with such investment. State Treasurer can waive requirements upon written showing of extenuating circumstances.

*Effective April 9, 2010.*



**Chapter No. 982 (HB3601/SB3692).** **Authorization for sale of bonds at private sale extended.** Amends T.C.A. Title 9, Chapters 9 and 21 by extending the authority of Knox, Davidson and Shelby counties and the county seat of those counties to sale bonds at private sale until June 30, 2012. Also changes the composition of the state funding board. Extends the authority of the State Funding Board to sell bonds at private sale until June 30, 2012.

*Effective May 27, 2012.*

## **FIRE**

**Chapter No. 1028 (HB3890/SB2411).** **Certain exemptions for firefighter training requirements removed.** Amends T.C.A. § 4-24-112 by removing the exemption from minimum training for firefighters in the following counties: Campbell, Washington, Weakley, Henry, Bradley, Greene, Stewart, Cocke, Hamblen, Jefferson and Jackson.

*Effective June 11, 2010.*

**Chapter No. 1039 (HB2492/SB2487).** **Smith County exempted from firefighter training requirements.** Amends T.C.A. § 4-24-112 by exempting firefighters in Smith County and the municipalities therein from minimum training requirements unless the governing body of the municipality or county institutes them via resolution. Pay supplements not available unless firefighters meet minimum standards.

*Effective June 11, 2010.*

**Chapter No. 661 (HB2491/SB2410).** **Certain firefighters exempted from minimum training requirements.** Amends T.C.A. § 4-24-112 by exempting firefighters in Grainger and Claiborne counties and the municipalities therein from the minimum training requirements for firefighters unless the governing body of the city or county passes a resolution making the requirements applicable. A county resolution does not apply in a city therein. Firefighters in those counties and the cities therein must nonetheless meet the minimum training requirements to become eligible for the pay supplement.

*Effective March 30, 2010.*

## **FIREARMS**

**Chapter No. 621 (HB0770/SB0842).** **Handgun carry permit holders may carry while bow hunting.** Amends T.C.A. § 70-4-123 by authorizing handgun carry permit holders to carry a handgun while big game hunting with a bow and arrow during the archery-only deer season.

*Effective March 2, 2010.*

**Chapter No. 793 (HB2567/SB2390).** **Handgun carry permit holders may transport rifle or shotgun in vehicle.** Amends T.C.A. § 39-17-1307 by authorizing a handgun carry permit holder to transport a loaded shotgun or rifle in a privately-owned vehicle for the purposes of self-defense. Authorizes a person who is not a handgun carry permit holder to transport a rifle or shotgun in a privately-owned vehicle so long as there is no ammunition in the chamber or cylinder and no clip or magazine containing ammunition is in proximity to both the weapon and the person.

*Effective July 1, 2010.*





**Chapter No. 885 (HB3240/SB2391). Emergency management powers of the Governor.**

Amends T.C.A. § 58-2-107 by specifying that the emergency management powers of the Governor do not include the authority to commandeer or suppress the sale of firearms, ammunition or firearm or ammunition components.

*Effective May 10, 2010.*

**Chapter No. 1006 (HB2719/SB3753). Greenways considered part of parks they transverse.**

Amends T.C.A. § 39-17-1311 by defining a greenway for purposes of determining where handgun carry permit holders can lawfully carry a handgun. Defines greenway as an open-space area following a natural or man-made linear feature designed to be used for recreation, transportation, conservation and to link service and facilities. Also, a greenway is a paved, gravel-covered, woodchip-covered or wood-covered path that connects one greenway entrance to another. States that when a greenway traverses a park that is owned or operated by a local government, the greenway is considered a portion of that park, unless designated otherwise by the local legislative body.

*Effective May 20, 2010.*

**Chapter No. 1009 (HB3215/SB3012). Handgun carry permit holders may carry firearms in establishments that serve alcoholic beverages.**

Amends T.C.A. Titles 39 and 57 by authorizing a handgun carry permit holder to possess a firearm in an establishment where alcohol is sold for on-premises consumption. Permit holder is in violation if consuming alcohol while in possession of a firearm. Owner of an establishment where alcohol is served can prohibit any person, including permit holders, from possessing a firearm in the establishment by the posting of signage.

*\*Effective June 4, 2010.*

*Vetoed by the Governor on May 18, 2010.*

*Veto overridden on May 20, 2010.*

**FIREWORKS**

**Chapter No. 853 (HB3641/SB3277). Requirements for public fireworks display.**

Amends T.C.A. § 68-104-211 by removing police department approval as a requirement for a public fireworks display within the boundaries of a municipality. Fire department approval still required. Permit holder must send written notification to chief municipal law enforcement officer of public fireworks display held within the boundaries of a municipality. Permit holder must send written notification to chief law enforcement officer of the county for a public fireworks display held outside the limits of a municipality.

*Effective April 30, 2010.*

**GENERAL GOVERNMENT**

**Chapter No. 784 (HB 3611/SB3682). Local governments to investigate fraud and waste calls.**

Amends Title 8, Chapters 4 & 19 by including local governments, public utilities and utility districts as entities who must investigate fraud and waste hotline calls. Investigation findings must be sent to comptroller. These findings are to be retained by the local entity and are not public records.

*Effective April 16, 2010.*

**Chapter No. 847 (HB2842/SB2933). Exclusive use of municipal names, symbols and logos.**

Amends T.C.A. Title 6, Chapter 54, Part 1 by granting a municipality exclusive use of its full corporate name and any seal, insignia, flag, coat of arms, emblem, sign, logo or other visual image that it has formally adopted. Creates a cause of action against any party who violates this provision by using such without written permission. However, organization composed of or representing municipal employees may use formal name of the city. Business or other entity using the corporate name of the municipality as of July 1, 2010 may continue to do so.

*Effective July 1, 2010.*



## LAW ENFORCEMENT

**Chapter No. 613 (HB1257/SB1529). Subpoenas for internet records in child exploitation cases allowed.** Amends T.C.A. Title 40, Chapter 17, Part 1, by authorizing a district attorney to subpoena internet service account records where reasonable cause to believe the account was used in the exploitation or attempted exploitation of a minor exists.

*Effective February 1, 2010.*

**Chapter No. 629 (HB2376/SB2334). Confiscated weapons to be sold or retained for law enforcement purposes.** Amends T.C.A. § 39-17-1317 by removing initial authorization to destroy confiscated weapons. Confiscated weapons may only be destroyed if chief of police, sheriff, commissioner of safety or director of the Tennessee Bureau of Investigation determines the weapon is inoperable or unsafe.

*Effective July 1, 2010.*

**Chapter No. 703 (HB2769/SB2860). Law enforcement officers must be trained in use of radar guns and breathalyzers.** Amends T.C.A. Title 24, Chapter 7, Part 1 by requiring a law enforcement officer using radar, laser or other similar device to measure the speed of a vehicle to be trained pursuant to National Highway Traffic Safety Administration or the Tennessee Peace Officer Standards and Training (POST) Commission. Also requires a law enforcement officer operating a breathalyzer or similar device to measure alcohol content in a person's blood to be trained by a recognized organization in the use of the device. Evidence obtained by non-certified law enforcement officer operating a device is inadmissible in any judicial or administrative proceeding.

*Effective July 1, 2010.*

**Chapter No. 733 (HB2941/SB2903). Missing senior alert program amended.** Amends T.C.A. § 38-6-121 by expanding the current missing senior alert program to cover individuals of any age suffering from dementia. Removes requirement that missing person's family or caregiver provide documentation of condition. Makes other various changes to the provisions.

*Effective April 9, 2010.*

**Chapter No. 895 (HB1665/SB1912). Reserve and auxiliary officers can carry firearms.** Amends T.C.A. § 39-17-1350 by authorizing commissioned reserve deputy sheriffs as authorized in writing by the sheriff, or a commissioned reserve or auxiliary police officer as authorized in writing by the chief of police to carry firearms in the same manner and to the same extent as a law enforcement officer.

*Effective May 10, 2010.*

**Chapter No. 937 (HB3691/SB3439). Arrestees with mental health issues.** Amends T.C.A. Title 40, Chapter 11 by authorizing an arresting officer who has reason to believe that an arrestee poses harm to himself or others to recommend a mental health assessment by community mental health crisis response service. This assessment must occur within twelve (12) hours from initial custody. Also sets procedures for setting and posting bail for arrestees with mental health issues.

*Effective July 1, 2010.*



**Chapter No. 1000 (HB2952/SB2703). Quotas for traffic citations prohibited.**

Amends T.C.A. § 39-16-516 by prohibiting a local government from having a formal or informal plan to evaluate, compensate, promote or discipline a law enforcement officer solely based upon a pre-determined or specified number and/or type of traffic citation issued. Prohibits any local government from requiring or suggesting that a law enforcement officer is required or expected to issue a pre-determined or specified number of any type or combination of types of traffic citations within a specified period. Specifically does not prohibit a local government from establishing performance standards for law enforcement officers that include issuance of traffic citations, but do not require issuance of a pre-determined or specified number or any type or combination of types of citations as the sole means of meeting such performance standards.

*Effective July 1, 2010.*

**Chapter No. 1112 (HB0670/SB1141). Jails to notify federal authorities of incarcerated persons who are in the country illegally.**

Amends T.C.A. Title 40, Chapter 7, Part 1 by requiring the keepers of a city or county jail to verify the immigration status of persons detained in their facility. Persons found to be in violation of the Immigration and Naturalization Act (U.S.C. § 1101, *et seq.*) must be reported to the appropriate Immigration and Customs Enforcement Detention and Removal Operations field office. Charges Police Officer Standards and Training (POST) Commission to develop a standardized written procedure for process. Requirements do not apply to city or county that has entered into and is operating under a memorandum of understanding (MOU) with the Department of Homeland Security or who is participating in the U.S. Immigration and Customs Enforcement Criminal Alien Program (CAP).

*Effective January 1, 2011.*

**MOTOR VEHICLES AND TRAFFIC**

**Chapter No. 628 (HB2069/SB2101). Pilot project to allow golf carts on public streets established.**

Amends T.C.A. Title 55, Chapters 1 and 8 by creating a pilot project allowing the following municipalities to allow golf carts on public streets: Graysville, Lakeland, McEwen, New Johnsonville, Ridgely, Soddy-Daisy, Spring City, and Waverly. To participate a municipality must pass an ordinance by a two-thirds (2/3) majority. Ordinance must state each roadway that is open for golf cart use and require permits and inspections. Golf carts only allowed on roads where posted speed limit is no more than thirty (30) miles per hour. Furthermore, operators of golf carts may not cross a road with a posted speed limit over thirty (30) miles per hour. Participating municipalities must submit monthly reports to Departments of Safety and Transportation.

*Effective July 1, 2010.*

**Chapter No. 640 (HB3131/SB3057). Bicycles may proceed through certain intersections after complete stop.**

Amends T.C.A. § 55-8-110 by allowing a bicycle to proceed through an intersection controlled by a traffic-control signal using a vehicle detection device that is not triggered by the weight of the bicycle. Rider must come to full and complete stop and proceed with due caution.

*Effective July 1, 2010.*

**Chapter No. 859 (HB3828/SB3871). Weight limit on interstate highways increased.**

Amends T.C.A. § 55-7-203 by increasing the maximum weight limit on interstate highways to eighty thousand pounds (80,000 lbs.).

*Effective April 30, 2010.*





**Chapter No. 938 (HB3489/SB3457). Highway maintenance and utility vehicles can operate with white and amber light systems.** Amends T.C.A. § 55-9-402 by removing the prohibition on amber and/or white light systems on highway maintenance or utility vehicles.

*Effective May 26, 2010.*

**Chapter No. 966 (HB3267/SB3044). Municipalities may adopt complete Rules of the Road.** Amends T.C.A. Title 55, Chapter 10, Part 3 by clarifying that a municipality may adopt via ordinance all of the Rules of the Road, including those previously not explicitly authorized.

*Effective May 26, 2010.*

**Chapter No. 984 (HB1561/SB1678). Notice to owner of towed abandoned car shortened.** Amends T.C.A. § 55-16-105 by reducing the time frame within which a tow company or law enforcement agency has to notify the last registered owner of an abandoned or unclaimed vehicle after towing it.

*\*Unsigned by Governor and purportedly withdrawn by the House on May 27, 2010.  
Effectiveness indeterminable.*

**Chapter No. 991 (HB2797/SB2704). Restrictions on certain vehicles operated for commercial whitewater rafting purposes lifted.** Amends T.C.A. Titles 55 and 65 by lifting the height and length restrictions on vehicles operated for commercial whitewater rafting purposes. Restrictions are lifted between the first Friday in March until the first Sunday in November each year on certain portions of State Route 40 in Polk and Cocke counties.

*Effective June 2, 2010.*

**Chapter No. 1010 (HB2486/SB2699). Additional lighting requirements for vehicles transporting logs or poles.** Amends T.C.A. § 55-9-405 by requiring, from one half (1/2) hour before sunset to one half (1/2) hour after sunrise, any vehicle or trailer on a highway transporting intrastate a load of logs, long pulpwood, poles or posts that project four feet (4') or more beyond the rear of the vehicle must have the following securely affixed to the end of the projecting load: one (1) amber strobe lamp and one amber LED light. Creates misdemeanor offense for violation.

*Effective July 1, 2010.*

**Chapter No. 1037 (HB3791/SB3907). Requirements for traffic citations.** Amends T.C.A. Title 55 by establishing minimum requirements for traffic citations issued in Tennessee. These include: citation number; violator's full name and date of birth; CDL status; vehicle make, model, year, color and owner; plate number and state of issuance; commercial status of vehicle; hazardous materials status; whether vehicle can transport sixteen (16) or more persons; offense committed and date and time; location of offense; issuing officer's name, rank, badge number and employing agency; and time, date, location and court where offense will be heard.

Also establishes separate requirements for abstracts forwarded to the Department of Safety as a result of CDL violations. These requirements include the aforementioned citation requirements and: the plea, the judgment or whether bail was forfeited; the number of the offense; the blood alcohol content if applicable; amount of any fine or cost assessed; whether a driver education course was completed; name of arresting agency; name of the county and court where conviction occurred; and whether at the time of the violation an automobile liability policy or bond was in effect.



Also removes provision allowing over-the-counter issuance and renewal for all licenses. Establishes civil penalty for violating an out-of-service order placed upon a commercial vehicle. Failure to pay penalty will result in CDL revocation. Beginning January 1, 2011, all persons holding a CDL issued by this state are required to maintain a valid medical card and provide the Department of Safety with a copy of the card of evidence of exemption. Violators are subject to license revocation.

*Effective September 1, 2010.*

## PERSONNEL

**Chapter No. 1089 (HB2685/SB2753). Absences due to rescue squad obligations excused.** Amends T.C.A. § 4-21-401 by prohibiting an employer from terminating an employee who is a volunteer rescue squad worker when the employee is absent or late due to the employee's activity in responding to an emergency. Employer may charge against pay for time missed. Employer may require written statement of proof from rescue squad supervisor. Creates cause of action for violation.

Also states that it is not a discriminatory practice for an employer to institute an English-only policy at certain times when a legitimate business necessity exists.

*Effective June 23, 2010.*

## PERSONNEL – BENEFITS

**Chapter No. 777 (HB3088/SB3138). TCRS provisions amended.** Amends T.C.A. Title 8, Chapter 34 by amending various provisions regarding membership and benefits in TCRS. Authorizes a local government who joins TCRS on or after July 1, 2010 to reserve via resolution the right to discontinue non-contributory provisions for all current and future employees. Discontinuance requires a resolution passed by a two-thirds (2/3) vote of the governing body. Changes interest rate for employee buying into TCRS from seven and one-half percent (7.5%) to the assumed actuarial

interest rate of return established by the board of trustees at the time payment is made. Revises terms and conditions for withdrawal from TCRS. Other various changes.

*Effective July 1, 2010  
for purposes of enacting local government resolutions.  
Effective April 18, 2010 for all other purposes.*

**Chapter No. 806 (HB3090/SB3140). Local government participation in state employee deferred compensation program.** Amends T.C.A. Title 8, Chapter 25, Parts 1 and 3 by authorizing a local government eligible to participate in the Tennessee Consolidated Retirement System (TCRS) to participate in any deferred compensation program for state employees. Participation is subject to approval of TCRS chair. Participating entities can provide matching employer contributions up to the maximum allowable by federal tax code.

*Effective April 20, 2010.*

**Chapter No. 919 (HB2975/SB2908). Long-term care benefits for local government and LEA employees.** Amends T.C.A. §§ 8-27-302 and 8-27-207 by requiring the state insurance committee to develop programs providing an opportunity for local government and LEA employees to participate in the state's long-term disability benefits program.

*Effective July 1, 2010.*

## PLANNING AND ZONING

**Chapter No. 625 (HB2710/SB2577). Secretary of a municipal planning commission can approve the subdivision of a tract.** Amends T.C.A. § 13-4-302(a) by correcting a previous error and thus allowing a secretary of a municipal planning commission to approve the subdivision of a tract into no more than two lots without the approval of the entire commission.

*Effective March 3, 2010.*



**Chapter No. 648 (HB2709/SB2576). Decisions of Boards of Zoning Appeals must be consistent with general plan.**

Amends Title 13, Chapters 3 and 4 by requiring decisions of a board of zoning appeals to be consistent with an adopted general plan when the board is hearing matters other than variances.

*Effective July 1, 2011.*

**Chapter No. 701 (HB2712/SB2580). Planning commission provisions amended.**

Amends T.C.A. §§ 13-4-102 and 13-3-103 by requiring a municipal planning commission to elect a chair from among its members and to adopt rules for the transaction of business. Existing rules for electing a chair contained in a local charter or private act must be used. If no such provision exists, the chief executive officer (city manager or administrator if one exists, otherwise mayor) of the municipality is granted authority to appoint and fix the compensation of a planning director. Salary must be fixed within funds appropriated by the governing body. Requires planners not serving upon effective date of this bill to either have membership in American Institute of Certified Planners (AICP), experience in city, regional or state planning or education in a related academic field. States powers of planning director and planning commission that may be authorized by the prevailing local authority.

*Effective March 31, 2010.*

**Chapter No. 936 (HB3956/SB3430). Multi-family properties continue to operate after zoning change.**

Amends T.C.A. § 13-7-208 by stating that multi-family residential properties that were permitted to operate under zoning regulations or exceptions thereto immediately preceding a change in zoning shall be allowed to reconstruct new facilities necessary to the conduct of such multifamily property, where such property was damaged or destroyed by involuntary fire, wind damage or other natural disaster.

Rebuilt structure must not exceed the original height, density, setback or square footage of the

original, or else lose these protections. Ordinance provisions with stricter terms regarding the amount of partial damage will govern. New facilities must comply with architectural design standards of current zoning ordinance.

*Effective May 26, 2010.*

**PURCHASING**

**Chapter No. 955 (HB2552/SB2608). Purchase of secondhand goods.**

Amends T.C.A. § 12-3-1003 by changing the price range within which a local government may purchase secondhand goods to no more than five percent (5%) higher than the highest value of the documented range.

*Effective May 26, 2010.*

**Chapter No. 1067 (HB3175/SB3194). Cooperative purchasing agreements.**

Amends T.C.A. Title 12, Chapter 3, Part 10 by authorizing a municipality to participate in, sponsor, conduct or administer a cooperative purchasing agreement for procurement of any supplies or services other than construction, engineering or architectural service or construction materials. Agreement may be entered into with one (1) or more local governments in or outside of Tennessee via resolution. Where a participating municipality is required to advertise and receive bids it is sufficient that the purchasing entity that procured the bid complied with its own purchasing requirements. Where a municipality is required to purchase via competitive bidding, the price obtained via the cooperative purchasing agreement may be considered as one of the required bids. Also authorizes a municipality, county, utility district or other local government unit to purchase equipment, where the price does not exceed ten thousand dollars (\$10,000), under the same terms of a legal bid initiated by any other municipality, county, utility district or other local governmental unit. Originating entity assumes no responsibility or liability for purchases made by another entity.

*Effective June 21, 2010.*



## RECORDS

### **Chapter No. 797 (HB2670/SB2667).**

#### **Confidentiality of military discharge records.**

Amends T.C.A. Title 8, Chapter 13 and § 10-7-513 by stating that a military discharge record that comes into possession of a governmental entity is confidential and not subject to public inspection for seventy-five (75) years from that date. Inspection and duplication allowed pursuant to court order or for the following persons upon presentation of proper identification: the veteran; legal guardian of veteran; spouse or child of veteran, or if none, closest living relative; person named veteran's power of attorney; another governmental body; authorized representative of a funeral home assisting in veteran's burial. Governmental entity who receives discharge record from another governmental entity must limit further disclosure.

*Effective April 19, 2010.*

### **Chapter No. 1101 (HB3631/SB3480).**

#### **Archives record management fees.**

Amends T.C.A. § 6-54-136 by expanding a city's authority to charge a five dollar (\$5.00) archives record management fee to also allow a clerk of court to impose such a fee for records created for the purpose of instituting a legal proceeding.

*Effective July 1, 2010.*

## SPECIAL ASSESSMENTS

### **Chapter No. 958 (HB2703/SB2565). Special assessment on horizontal properties.**

Amends T.C.A. Title 7, Chapters 32 and 33 by authorizing the officers of a group representing the property owners of a horizontal property, condominium, vacation club or time-share regime to enter into an agreement to pay a special assessment by installments. Agreement is binding on all owners of interests in the property represented by the organization. Also revises the formula for determining the formula rate applicable to municipal improvement bonds.

*Effective May 26, 2010.*

## STATE GOVERNMENT

### **Chapter No. 758 (HB3938/SB3270). Secretary of State notifications of private acts.**

Amends T.C.A. Title 8, Chapter 3, Part 2 by clarifying that the Secretary of State only has to give notice to the pertinent local government when an act does not amend the general law; names and applies only to a specific local government; and requires a two-thirds (2/3) local approval.

*Effective April 13, 2010.*

### **Chapter No. 868 (HB3604/SB3689). Divisions of Local Finance and Bond Finance abolished.**

Amends T.C.A. Titles 3, 4, 5, 6, 7, 8, 9, 12, 49, 58, 64, and 68 by abolishing the Divisions of Local Finance and Bond Finance and assigning their responsibilities and functions to the comptroller's office.

*Effective April 30, 2010.*

### **Chapter No. 1070 (HB3351/SB3549). Financial impact of pending rules required.**

Amends T.C.A. Title 4, Chapter 5, Part 2 by requiring an agency proposing a rule or regulation to state whether the proposed rule or regulation will have a projected financial impact on local governments, and if so describe such impact. These pending rules and regulations and accompanying financial impact statements must be posted on the Secretary of State's website as a table. A proposed rule must be included within five (5) days of filing.

*Effective July 1, 2010.*

### **Chapter No. 1098 (HB3353/SB3598). State Procurement Commission created.**

Amends T.C.A. Title 4, Chapter 12 by creating a State Procurement Commission and State Protest Committee to replace the Board of Standards. These entities will regulate the procurement, management, contracting and disposal of goods and services by the state.

*Effective October 11, 2011.*



### **Chapter No. 1125 (HB3475/SB3385).**

**Hearing required for emergency rules.** Amends T.C.A. § 4-5-203 by requiring a public hearing prior to the adoption of a permanent rule where the rule was previously filed as an emergency rule. Hearing not required where the rule was required by an agency of the federal government and adoption through ordinary processes might jeopardize federal funds.

*Effective July 1, 2010.*

### **STREETS, ROADS AND HIGHWAYS**

#### **Chapter No. 727 (HB3876/SB3671). Guidelines for wayfaring signs authorized.**

Amends T.C.A. Title 4, Chapter 3 by authorizing the Commissioner of Transportation to develop guidelines for tourism/wayfaring signs in cities having a population over one hundred fifty-five thousand (155,000) persons.

*Effective April 9, 2010.*

### **TAXES – PRIVILEGE AND EXCISE**

#### **Chapter No. 962 (HB3164/SB3134). Taxation of unauthorized substances.**

Amends T.C.A. Title 67, Chapter 4, Part 28 by rewriting the part authorizing taxation on unauthorized substances to bring it into compliance with constitutional standards of *Waters v. Farr*. Redefines who is a merchant, and thus subject to the tax, as any person who sells, barter, trades or distributes to another person for consideration any unauthorized substance in a quantity sufficient to create a principal tax liability of at least ten thousand dollars (\$10,000). Requires local law enforcement to report to the Department of Revenue within forty-eight (48) hours of any seizure of illegal substances without appropriate tax stamps.

*Effective July 1, 2010.*

### **TAXES – PROPERTY**

**Chapter No. 660 (HB2870/SB2792). Partial payment of property taxes authorized.** Amends T.C.A. Title 6, Chapter 56 by authorizing a municipality that collects its own property taxes to, via ordinance, opt to accept partial payments of property taxes. City must file a plan with the comptroller of the treasury. Cities who have implemented a partial payment plan before the effective date of this bill are not required to file this plan. If entire tax amount is not paid by due date, the entire property is subject to tax lien. Also authorizes municipalities to accept tax payments by electronic funds transfer.

*Effective March 29, 2010.*

#### **Chapter No. 693 (HB3204/SB3131). Energy acquisition corporations authorized to offer higher interest rates on bonds.**

Amends T.C.A. § 7-39-305 by authorizing an energy acquisition corporation to issue bonds or other debt at a maximum interest rate of seven (7) percentage points above the average prime loan rate. Applies to bonds or obligations issued on or before June 30, 2010.

*Effective March 31, 2010.*

#### **Chapter No. 711 (HB3878/SB2493). Lawful charges include payments for maintenance and insurance.**

Amends T.C.A. § 67-5-2704 by clarifying that for the purposes of determining redemption amount of property sold for taxes “lawful charges” includes reasonable payments for maintenance and insurance.

*Effective April 5, 2010.*





**Chapter No. 889 (HB2635/SB3348). Property tax exemption for charitable institution includes buildings.** Amends T.C.A. § 67-5-221 by specifying that the property tax exemption for charitable institutions for construction of residential housing for low-income families includes both the land and the buildings upon it.

*Effective May 10, 2010  
and applicable to tax years beginning  
on or after January 1, 2010.*

**Chapter No. 928 (HB3448/SB3191). Assessment of agricultural, forest and open space land.**

Amends T.C.A. § 67-5-1008 by stating that when property is assessed as farm classification, the present use value shall not be used for any purpose other than a future assessment of rollback taxes.

*Effective July 1, 2010.*

**Chapter No. 932 (HB2998/SB3361). Contracts for outsourcing the processing of tax relief forms authorized.** Amends T.C.A. § 67-5-701 by authorizing a municipality, upon passage of an ordinance or resolution, to contract with another collecting official in the same county for purposes of outsourcing the processing of tax relief applications.

*Effective May 26, 2010.*

**Chapter No. 942 (HB3607/SB3686). Owner-operated trucks who operate under a motor carrier's authority are subject to property tax assessment.** Amends T.C.A. Title 67, Chapter 5, Part 13 by authorizing the assessment of owner-operated trucks who operate under a motor carrier or truck company's authority for purposes of personal property tax.

*Effective May 26, 2010.*

**Chapter No. 1007 (HB3259/SB2809). Liens for unpaid property taxes subordinated.** Amends T.C.A. Title 67, Chapter 5 by allowing a secured party to pay delinquent personal property taxes on repossessed personal property. Requires that the collecting official be personally satisfied that the value attached is correct. Requires that personal property taxes withheld and paid by a secured party derive from the specific personal property's value and from no more than four tax years. Requires that a release of all personal property tax liens occurs when outstanding taxes, penalty, and interest are paid. Specifies that the secured party is released from all personal property tax liens when the secured party has received a writing stating that the owner does not appear on the personal property tax rolls or has satisfied all outstanding personal property taxes.

*Effective June 3, 2010.*

**Chapter No. 1014 (HB3190/SB3174). Sale of property with delinquent city and county taxes.**

Amends T.C.A. § 67-5-2508 by stating that a municipality that has purchased land at a delinquent tax sale, after the period of redemption has lapsed, when both municipal and county taxes are delinquent, may via a majority vote of the governing body determining it impracticable to sell for the full amount of taxes, penalty, cost and interest, sell the property for less. County shall be joined in such sale. Any resulting revenue shall be apportioned pro rata based upon delinquent taxes.

*Effective July 1, 2010.*



#### **Chapter No. 1036 (HB3606/SB3687).**

**Tax relief for disaster victims.** Amends T.C.A. Title 67, Chapters 1 and 5 by authorizing a county or municipality to, via a two-thirds (2/3) vote of the governing body, prorate the assessment of property damaged by a FEMA certified disaster for the period of time the building or improvement is substantially damaged. Applies retroactively to January 1, 2010 and expires on December 31, 2010. Also specifies that all provisions generally applicable to post-certification revision of local assessments apply to public utility property.

*Effective June 11, 2010.*

#### **Chapter No. 1064 (HB3069/SB2810). Shelby County and its municipalities may convey property to certain nonprofit organizations.**

Amends T.C.A. § 67-5-2509 by authorizing Shelby County and any municipality therein to convey real property purchased at a tax sale to a non-profit community development corporation for creation of affordable housing. Governing body must determine that such a conveyance will benefit the community served. Non-profit cannot be required to pay taxes, penalties or interest for which property was sold.

*Effective June 21, 2010.*

### **TAXES – SALES AND USE**

**Chapter No. 1114 (HB0228/SB0231). Tax rebate for flood victims.** Amends T.C.A. Title 67, Chapter 6, Part 3 by offering a rebate of state and local sales taxes for flood victims who purchase replacement furniture, appliances and residential building supplies. Per item cap of three thousand two hundred dollars (\$3,200) for appliances and furniture and five hundred dollars (\$500) for building supplies. Total rebate capped at two thousand five hundred dollars (\$2,500). Rebate is to be paid by a state appropriation. Local governments are explicitly held harmless. Ends July 1, 2011.

*Effective June 29, 2010.*

#### **Chapter No. 1134 (HB3787/SB3901).**

**Sale for resale exemption limited.** Amends T.C.A. Titles 7 and 67 by specifying that sale for resale does not include the sale of tangible personal property of software to a dealer for use in the business of selling services. Also states that for purposes of Convention Center and Tourism Development Financing Act of 1998 a facility in Sevier County electing to qualify as a qualified public use facility, any revenue derived from an increase in the local sales and use tax rate occurring on or after January 1, 2009, may not be apportioned and distributed for such a qualified public use facility and instead shall be apportioned and distributed exclusively as provided for in local option sales tax law. Makes other various changes to tax provisions.

Also authorizes a county or municipality to, via a two-thirds (2/3) vote of the governing body, prorate the assessment of personal property damaged by a FEMA-certified disaster for the period of time the qualifying personal property was substantially damaged or destroyed. Applies retroactively to January 1, 2010 and expires on December 31, 2010.

*Effective July 1, 2010.*

### **TELECOMMUNICATIONS**

**Chapter No. 973 (HB3773/SB3640). Telephone tariff authorized.** Amends T.C.A. § 65-5-109 by authorizing a provider of local exchange telephone service subject to market regulation to file a tariff with the authority governing the rates, terms and conditions of any of its services.

*Effective May 26, 2010.*



## **TORT LIABILITY**

### **Chapter No. 752 (HB3462/SB3296). Hospital nonprofit in Shelby County remains GTLA entity.**

Amends T.C.A. § 29-20-102 by removing the sunset provision thus allowing a nonprofit corporation operating a public hospital to retain its status as a governmental entity under the Governmental Tort Liability Act.

*Effective April 13, 2010.*

## **UTILITIES**

### **Chapter No. 751 (HB3555/SB3172). Process of State Revolving Fund for water and wastewater loans amended.**

Amends T.C.A. Title 68, Chapter 221, Parts 10 and 12 by expanding the sources of funds that can be considered collateral for a local government seeking a loan from the water and wastewater revolving fund. Loans can be awarded to local governments who rely upon ad valorem taxes or other lawful sources of revenue to repay the loans.

*Effective April 13, 2010.*

### **Chapter No. 825 (HB2970/SB2945). Underground utility damage prevention study extended.**

Amends Chapter 470 of the Public Acts of 2009 by extending the end date of the TACIR study on the underground utility damage prevention program from January 29, 2010 to January 17, 2011.

*Effective April 23, 2010.*

### **Chapter No. 876 (HB3603/SB3690). Unaccounted water loss.**

Amends T.C.A. §§ 7-82-401 and 68-221-1010 by stating that the failure of a utility district or water system to file the schedule of water loss constitutes excessive water loss. Also states that a governmental joint venture that supplies or treats water or wastewater for wholesale use only to other governments will not fall under the jurisdiction of the utility management review board for the purpose of reporting a negative change in the net assets annually, but will be referred to the board if the government joint venture is in a deficit or default position.

*Effective July 1, 2010.*

### **Chapter No. 1035 (HB3504/SB3333). Electric G & T Cooperatives may enter into PILOT agreement with local government.**

Amends T.C.A. Title 48, Chapter 69, Part 1 and Title 67, Chapter 4, Part 31 by authorizing a G & T cooperative to include the Tennessee Valley Authority (TVA) as a “governmental electric system” for purposes of its membership. Also authorizes a G & T cooperative to enter into an agreement for payments in lieu of taxes (PILOT) to any state or local taxing jurisdiction within or outside of Tennessee to the extent that the G & T cooperative’s wholesale sale of capacity and energy to a member or patron of the cooperative results in a diminution in payments in lieu of taxes from the TVA to such state or local government. Establishes a process for these payments.

*Effective June 11, 2010.*





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**Chapter No. 1146 (HB2865/SB3513). Utility district commissioners provisions amended.**

Amends T.C.A. Title 7, Chapter 82, Parts 3 and 6 by stating that when a member of a utility district board of commissioners is absent from four (4) consecutive regular board meetings or from one-half (1/2) or more of the regular board meetings in a calendar year, the utility district must report the absenteeism to the county mayor(s) where the commissioner resides, receives service and where the utility district's principal office is located. Establishes twelve (12) hour annual training and continuing education requirement for commissioners. Prohibits a utility district commissioner who fails to meet the training and continuing education requirements before the end of his or her term of office from reappointment eligibility. Utility district must pay costs for training, including travel.

Limits eligibility for appointment or election to utility board to persons who reside within the district's boundary or who are customers of the district. Persons who are serving on the effective date of this bill are exempted from this requirement. Suspends from office pending the final disposition or end of term, whichever comes first, a utility district commissioner indicted for misconduct in office.

*Effective June 30, 2010.*

**WORKERS COMPENSATION**

**Chapter No. 858 (HB3582/SB3731). Workers' Compensation amendments.**

Amends T.C.A. Title 50, Chapter 6 by establishing a procedure for handling disputes involving future medicals post judgment or settlement. Grants workers' compensation specialist hearing cases where employer has denied coverage the authority to order attorney fees and other reasonable costs.

*Effective April 30, 2010.*

**Chapter No. 920 (HB3015/SB2928). Maximum medical improvement reached due to persisting pain.**

Amends T.C.A. § 50-6-207 by stating that an injured worker who is diagnosed with persistent pain lasting beyond the expected period of healing shall be presumed to have reached maximum medical improvement when the physician determines it or one hundred and four (104) weeks after the commencement of pain management pursuant to referral, whichever occurs earlier.

*Effective July 1, 2010.*



# THE UNIVERSITY of TENNESSEE

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