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Summary of 2020 Public Acts

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Municipal Technical Advisory Service
INSTITUTE *for* PUBLIC SERVICE

SUMMARY OF 2020 PUBLIC ACTS

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WARNING

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.

SUMMARY OF PUBLIC ACTS 2020

TABLE OF CONTENTS

Alcohol	4
Animals	5
Authorities, Boards and Commissions	6
Crimes and Criminal Procedure	6
Economic and Community Development	7
Education	8
Environment	11
Firearms	11
General Government	11
Labor	13
Motor Vehicles and Traffic	13
Personnel - Benefits	14
Records	15
Taxes – Hotel/Motel	16
Taxes – Property	16
Taxes – Sales	17
Tobacco	17
Transportation	17
Utilities	17

Alcohol

Chapter No. 677 (HB1678/SB1638). The Register authorized to sell alcoholic beverages for on-premises consumption. Amends T.C.A. § 57-4-102(8) by designating The Register in Nashville as a club for purposes of authorizing the sale of alcoholic beverages for on-premises consumption.

Effective June 15, 2020.

Chapter No. 700 (HB1642/SB2485). Tennessee State Fairgrounds authorized to sell alcoholic beverages for on-premises consumption. Amends T.C.A. § 57-4-102(39) by designating the Tennessee State Fairgrounds in Nashville as an urban park center for purposes of authorizing the sale of alcoholic beverages for on-premises consumption. Authorizes the Tennessee State Fairgrounds to grant a franchise for the provision of food and beverage, including alcoholic beverages, on its premises and designates the franchisee as an urban park center also. Includes certain reporting requirements to the Alcoholic Beverage Commission on or before October 1 of each year.

Effective June 22, 2020.

Chapter No. 704 (HB2028/SB2487). Curbside sell of beer. Amends T.C.A. § 57-5-103 by authorizing beer permit holders to sell beer online for curbside pickup at the permit holder's location. Requires purchased beer to be delivered to the customer's vehicle and the vehicle to be located within a paved parking area adjacent to the place of business. Requires beer sold through an online curbside pickup service to be pulled from the inventory located at the permitted location of the retailer providing the service. Also requires any employee bringing beer to a vehicle for online curbside pickup to confirm the individual receiving the beer is at least 21 years of age.

Effective June 22, 2020.

Chapter No. 778 (HB1723/SB1560). Memphis Zoo's authorization to sell alcoholic beverages amended. Amends T.C.A. § 57-4-101(a)(9)(B) by authorizing the sale of beer and alcohol for on-premises consumption during regular operating hours at the Memphis Zoo.

Effective July 15, 2020.

Chapter No. 797 (HB2330/SB2243). Bristol Motor Speedway authorized to sell alcoholic beverages for on-premises consumption. Amends T.C.A. § 57-4-102(34) by designating Bristol Motor Speedway as a sports authority facility for purposes of authorizing the sale of alcoholic beverages for on-premises consumption.

Effective July 15, 2020.

Chapter No. 802 (HB1930/SB2492). Various locations authorized to sell alcoholic beverages for on-premises consumption. Amends T.C.A. § 57-4-102(27) by designating the following entities as premier-type tourist resorts for purposes of authorizing the sale of alcoholic beverages for on-premises consumption:

East Port Marina in Alpine, TN	Mitchell Creek Marina in Allons, TN
The Farm in Pickett County, TN	Willow Grove Resort and Marina in Allons, TN

Sand Creek Farm in Shelbyville, TN	Willow Creek Golf Course in Knoxville, TN
Cherokee Marina and Steakhouse in Lebanon, TN	HarborChase Retirement Facilities in Cordova and Germantown, TN
Big Foot Adventure in Tracy City, TN	Dillengers The Hide-Out in Bon Aqua, TN
Purdie Good Café in Bon Aqua, TN	Mexican Restaurant (unnamed) in Bon Aqua, TN
Paris Winery in Paris, TN	Greystone Quarry in Franklin, TN
Lily Pad Hopyard Brewery in Lancing, TN	Defeated Creek Marina in Carthage, TN
The Lucky Rooster in Old Hickory, TN	Indian River Marina in Jacksboro, TN
Soaky Mountain Waterpark in Sevierville, TN	Aspire Park in Clinton, TN
Tucker’s Gap Event Center in Lebanon, TN	

Amends T.C.A. § 57-4-102(11) by designating Charter Boats in Sumner County, TN, as a commercial passenger boat company for purposes of authorizing the sale of alcoholic beverages for on-premises consumption. Also amends T.C.A. § 57-4-102(13) by designating the Cumberland County Playhouse in Crossville as a community theater for purposes of authorizing the sale of alcoholic beverages for on-premises consumption. Amends T.C.A. § 57-4-102(34) by designating the Ford Ice Centers in Antioch and Bellevue, TN, as sports authority facilities for purposes of authorizing the sale of alcoholic beverages for on-premises consumption.

Effective July 15, 2020.

Animals

Chapter No. 742 (HB2366/SB2378). Regulation of the exhibition of livestock preempted in certain circumstances. Amends Tennessee Code Annotated, Title 44, Chapter 11 by preempting municipalities and metropolitan governments from adopting or continuing to have in effect an ordinance, resolution, rule, regulation, or other enactment regulating or prohibiting the exhibition of livestock. Provides that the preemption does not apply when the ordinance, resolution, rule, regulation or other enactment is authorized by state law or is reasonably related to reasonable restrictions regarding time, place, and manner consistent with similar events or the protection of public health, safety, or welfare.

Effective June 22, 2020.

Authorities, Boards and Commissions

Chapter No. 680 (HB1992/SB1923). Certain airport authorities designated as public bodies. Amends T.C.A. § 42-3-116 by declaring that airport authorities created pursuant to Tennessee Code Annotated, Title 42, Chapter 3, are public and governmental bodies acting as agencies and instrumentalities of the creating and participating municipalities. Also provides that the acquiring, operating, and financing of airports and related facilities by these airport authorities is for a public and governmental purpose and a matter of public necessity.

Effective June 15, 2020.

Chapter No. 722 (HB2041/SB1956). Authority of industrial development corporations expanded. Amends T.C.A. § 7-53-302(a)(4) by authorizing industrial development corporations to acquire a tourism attraction involving an aggregate investment of public and private funds in excess of seventy-five million dollars (\$75,000,000) that is designed to attract tourists to the state, including a cultural or historical site, a museum or visitors center, a recreation or entertainment facility, and all related hotel or hotels, convention center facilities, administrative facilities and offices, mixed use facilities, restaurants and other tourism amenities constructed or acquired as a part of the attraction.

Effective June 22, 2020.

Chapter No. 740 (HB2561/SB2320). Bledsoe Regional Water Authority. Amends Tennessee Code Annotated, Title 64, Chapter 1, Part 12 by deleting the provisions authorizing the establishment of the Bledsoe Regional Water Authority.

Effective June 22, 2020.

Crimes and Criminal Procedure

Chapter No. 584 (HB1618/SB1635). Restitution for recklessly damaging government property required. Amends T.C.A. § 39-16-603 by requiring a court to order a person who commits evading arrest, and in the process of committing this crime recklessly damages government property, including, but not limited to a law enforcement officer's uniform or motor vehicle, to pay restitution to the appropriate government agency for the value of the property damaged.

Effective July 1, 2020.

Chapter No. 620 (HB2046/SB1943). Offense of organized retail crime amended. Amends T.C.A. § 39-14-113(c) by providing that an individual commits the offense of organized retail crime when acting with another to commit theft of any merchandise with a value of more than \$1,000 aggregated over a 90 day period, when the intent is to sell, barter, or trade the merchandise for monetary or other gain, fraudulently return the merchandise, or knowingly receive, possess, sell, or purchase, by physical or electronic means, any merchandise or stored value cards obtained from a fraudulent return.

Effective July 1, 2020.

Chapter No. 732 (HB2269/SB2202). Age of individuals authorized to purchase, possess, and transport smoking hemp and vapor products increased. Amends T.C.A. § 1-3-113(b) by making it unlawful for any person under the age of 21 to purchase, possess, or transport smoking hemp and vapor products, in addition to tobacco and alcoholic beverages, except when doing so in the course of employment.

Effective January 1, 2021.

Chapter No. 781 (HB1611/SB1622). Authorization to issue electronic citations in lieu of written citations or arrest in certain situations. Amends T.C.A. § 40-7-118 by defining “citations” to include electronic citations. Also amends T.C.A. § 40-7-118(e) by including the process for issuing an electronic citation. Allows an electronic signature to be used to sign a citation issued electronically and provides that the electronic signature has the same force and effect as a written signature. Requires the officer to provide the individual cited with a paper copy of the electronic citation. Also requires replicas of the citation data sent by electronic transmission to be sent within 3 days of issuance to the court having jurisdiction over the alleged offense. Also amends T.C.A. § 55-10-207(c)(1) by removing the language requiring traffic citations to be delivered to the court and “sworn to by the issuing officer before a magistrate or official lawfully assigned this duty by a magistrate.” Also adds that an electronic signature may be used to sign a citation issued electronically and provides that the electronic signature has the same force and effect as a written signature.

Effective July 15, 2020.

Chapter No. 810 (HB2303/SB2884). Offense of arson expanded. Amends T.C.A. § 39-14-301 by expanding the offense of arson to include knowingly damaging any farm equipment by means of a fire or explosion. Defines farm equipment.

Effective October 1, 2020.

Economic and Community Development

Chapter No. 716 (HB1845/SB1559). Provisions related to the composition of Central Business Improvement District Boards and Inner-City Redevelopment District Boards amended. Amends T.C.A. § 7-84-519(d) by authorizing a senator or representative appointed to serve on a central business improvement district board to decline the appointment or appoint a designee. Provides that if an appointment is declined, the vacant seat is not counted for purposes of voting or a quorum. Also provides that if the appointment is declined, the seat remains vacant until a new senator or representative is elected, and that person accepts the appointment. Requires any designee appointed to be a resident of the district of the senator or representative making the appointment. Also amends T.C.A. § 7-84-511 by requiring the proponent of a central business improvement district to file a statement of intent with the governing body of the municipality where the district would be located. Provides that the proponent has one year from the date the statement of intent is filed to file the petition containing the required number of signatures. Prohibits the governing body of the municipality from adopting a resolution initiating the establishment of a district during this one-year period. If the

petition with the required number of signatures is not obtained during the one-year period, no other petition can be filed, and no resolution may be adopted for a one-year period. Provides the same for Inner-City Redevelopment Districts.

Effective June 22, 2020.

Education

Chapter No. 527 (HB0736/SB1260). Career-based experiences authorized. Amends Tennessee Code Annotated, Title 49, Chapter 6, Part 4 by authorizing an LEA to provide career-based experiences and allow students to participate in career-based experiences, which can include on-the-job training or a structured educational experience that allows students to apply their knowledge and skills in a work environment and to develop an understanding of workplace expectations. Allows LEAs to establish partnerships with industry and local businesses to provide career-based experiences to high school students.

Effective March 6, 2020.

Chapter No. 532 (HB1826/SB1946). Formative assessment questions required. Amends T.C.A. § 49-1-610 by requiring the commissioner of education to develop formative assessment question banks that are aligned to state-mandated summative assessments measuring academic progress of students. Requires the commissioner to begin developing the question bank by July 1, 2020. Also requires the question bank to be made available to LEAs.

Effective March 10, 2020.

Chapter No. 601 (HB2407/SB1637). Testing accommodations for TCAP and end-of-course assessments authorized. Amends T.C.A. § 49-6-6001 by providing that a student whose IEP or Section 504 plan allows for testing accommodations must be allowed to use the same accommodation while taking a TCAP or an end-of-course assessment required by the State Board of Education, as long as the accommodation does not invalidate the assessment.

Effective March 20, 2020.

Chapter No. 603 (HB1671/SB1755). Alternative school provisions amended. Amends T.C.A. § 49-6-3402 by providing that a director of schools, or the director's designee, must determine whether to assign a student in grades 7-12 who has been expelled from a regular school program for committing a zero-tolerance offense to an alternative school or alternative school program. Authorizes a director of schools, or the director's designee to remove a student from an alternative school or alternative school program, under certain circumstances, but that removal does not constitute an extension of the student's original suspension or expulsion. Provides that if a student transfers to another LEA during the suspension or expulsion, the director of schools, or the director's designee, in the LEA to which the student transfers can review the grounds for the suspension or expulsion and determine whether to enforce the discipline and/or assign the student to an alternative school or alternative school program.

Effective March 20, 2020.

Chapter No. 618 (HB1935/SB1886). Location of local board of education’s administrative office.

Amends T.C.A. § 49-2-203 by authorizing a local board of education’s administrative office to be located within a building owned by the United States government or an agency or instrumentality of the government, pursuant to a lease or easement authorized by the government, notwithstanding any public or private act that says otherwise.

Effective March 25, 2020.

Chapter No. 628 (HB1683/SB1759). Form to report allergies required. Amends Tennessee Code Annotated, Title 49, Chapter 1, Part 2 by requiring the Tennessee Department of Education, in consultation with the Tennessee Department of Health, to develop a standardized form on which students are to report any allergy to the school in which the student is enrolled. Requires the form be made available to all LEAs. Requires each LEA to use the form to maintain a record of students who have reported allergies.

Effective March 20, 2020.

Chapter No. 652 (HB2818/SB2672). School testing and attendance requirements amended. Amends T.C.A. § 49-1-302(d)(2) by providing that student growth composites generated by assessments administered in the 2019-2020 school year are to be excluded from the student growth measures for teacher’s evaluations for the 2019-2020 through 2021-2022 school years. Also amends T.C.A. § 49-1-617 by excluding TNReady assessment scores, English learner assessments, alternative TCAP assessments, and end-of-course examinations from being calculated into a student’s final grade for the spring semester 2020, unless inclusion of the score results in a higher grade for the student. Also amends T.C.A. § 49-1-228 by prohibiting the standardized assessments scores for the 2019-2020 school year from being used to identify a school as a priority school or assign a school in an achievement school district. Also amends T.C.A. § 49-6-408 by providing that for the 2019-2020 school year, students are not required to take and pass the civics test required to earn a full diploma upon graduation from high school. Also amends T.C.A. § 49-6-3004(a)(6) by requiring the commissioner of education to waive the 180-day classroom instruction requirement for the 2019-2020 school year. Amends T.C.A. § 49-3-317(a) by providing that the suspension of operations of schools in an LEA during the 2019-2020 school year does not operate to deprive the LEA of state funds the LEA would otherwise be entitled to if the requirements of the law are met.

Effective April 2, 2020.

Chapter No. 696 (HB2832/SB2523). Distribution of mixed drink tax proceeds. Amends T.C.A. § 57-4-306 by making the current formula for distribution of mixed drink tax proceeds permanent.

Effective July 1, 2020.

Chapter No. 708 (HB2461/SB2088). Child abuse and child sexual abuse provisions relative to school personnel amended. Amends T.C.A. § 49-6-1601 by providing reporting procedures for school personnel and teachers who have knowledge or reasonable cause to suspect that a student may be the victim of child abuse or child sexual abuse. Also requires LEAs and public charter schools to ensure that all school personnel complete the required child abuse training at least once a year. Requires each LEA and public charter school to designate a child abuse coordinator and an alternate child abuse coordinator for each

school within the LEA or public charter school. Requires each LEA or public charter school to publish the requirements of this provision within the entity's policies and procedures manual.

Effective August 1, 2020.

Chapter No. 717 (HB1617/SB1616). Offers of employment for teachers. Amends T.C.A. § 49-5-406 by providing that a person receiving an offer of employment as a teacher must accept or reject the offer in writing within 14 calendar days, if the offer is made between April 1 and June 1 and 5 business days if the offer is made between June 1 and April 1.

Effective August 1, 2020.

Chapter No. 736 (HB2477/SB2269). Family life curriculum amended. Amends T.C.A. § 49-6-1304(a) by requiring each LEA to include age-appropriate instruction on the prevention of dating violence in the LEAs family life curriculum.

Effective August 1, 2020.

Chapter No. 743 (HB2542/SB2473). Time released course provision amended. Amends T.C.A. § 49-2-130 by requiring a public school, at the request of a student's parent or legal guardian, to excuse a student from school to attend a time released course in religious moral instruction for one hour per school day, regardless of whether the local board of education has adopted a policy, as long as the other requirements related to time released courses have been met. Also permits the local board of education to provide students attending a time released course with transportation to and from the place of instruction, if the independent entity reimburses the LEA for the costs and expenses of providing the transportation services.

Effective June 22, 2020.

Chapter No. 748 (HB2841/SB2620). Truancy provisions amended. Amends T.C.A. § 49-6-3009 by providing that when any tier of a progressive truancy intervention plan is unsuccessful with a student and the school can document that the student's parent or guardian is unwilling to cooperate in the truancy intervention plan, the director of schools or the director's designee may report the student's absences to the appropriate judge without having to implement subsequent tiers.

Effective August 1, 2020.

Chapter No. 770 (HB1827/SB2342). Textbook requirements. Amends Tennessee Code Annotated, Title 49, Chapter 6, Part 22 by requiring publishers to make all textbooks and instructional materials proposed for adoption available for inspection by the LEA and the public online, which may include access via the state textbook depository's website.

Effective August 1, 2020.

Environment

Chapter No. 712 (HB0845/SB0811). Waste definition amended. Amends T.C.A. § 68-211-103(8)(B) by providing that soil is not discarded material constituting waste for purposes of the Tennessee Solid Waste Disposal Act, as long as the soil is intended for use or reuse as soil, except to the extent inconsistent with applicable federal law. Also amends T.C.A. § 68-212-104(20) by providing that soil is not discarded material constituting waste for purposes of the Tennessee Hazardous Waste Management Act of 1977, as long as the soil is intended for use or reuse as soil, except to the extent inconsistent with applicable federal law.

Effective October 1, 2020.

Firearms

Chapter No. 681 (HB2590/SB2066). Certain officials authorized to carry weapons. Amends T.C.A. § 39-17-1306(c) by exempting elected officials of municipalities who are in actual discharge of official duties from the prohibition of carrying weapons inside buildings where judicial proceedings are in progress, for the purpose of going armed, as long as the official is a handgun carry permit holder and is not in the room where the judicial proceedings are in progress.

Effective July 1, 2020.

General Government

Chapter No. 575 (HB1933/SB1958). Emergency call takers and public safety dispatchers use of T-CPR. Amends T.C.A. § 7-86-205(a) by providing that emergency call takers and public safety dispatchers who provide dispatch for emergency conditions must offer telecommunicator CPR to a caller or bystander when necessary. Also amends T.C.A. § 29-20-108 by providing immunity from civil damages and civil lawsuits to emergency call takers and public safety dispatchers who assist or instruct a caller or bystander on T-CPR, except in cases of gross negligence or willful misconduct. Also provides immunity to local governments, except in cases of gross negligence or willful misconduct. Allows a caller or bystander to decline T-CPR and provides that in that situation, the emergency call taker or public safety dispatcher has no obligation to provide T-CPR instruction.

Effective March 19, 2020, for purposes of promulgating rules. Effective January 1, 2021, for all other purposes.

Chapter No. 577 (HB1663/SB1980). Changes to the victim address confidentiality program. Amends T.C.A. § 40-38-602 by clarifying that the victim address confidentiality program administered by the Secretary of State's office is open to all Tennessee residents who are victims of domestic abuse, stalking, human trafficking, and certain sexual offenses. Also amends T.C.A. § 40-38-608 by including criteria for a program participant to be removed from the program.

Effective March 19, 2020.

Chapter No. 609 (HB1654/SB1607). Authority of housing authorities extended. Amends T.C.A. § 13-20-202(a)(4)(g) by authorizing housing authorities and third parties acting on behalf of housing authorities to take all necessary action designed to further the goals of a redevelopment plan or urban renewal plan, including the development of projects that promote affordable rental housing, including mixed-income rental housing, primarily for persons of low and moderate income.

Effective March 25, 2020.

Chapter No. 706 (HB2255/SB2188). Outdoor advertising provisions amended. Amends Tennessee Code Annotated, Title 54, Chapter 21 by enacting the “Outdoor Advertising Control Act of 2020” in response to *Thomas v. Bright*, 937 F. 3d 721 (6TH Cir. 2019).

Effective June 22, 2020.

Chapter No. 749 (HB2706/SB2681). Prompt Pay Act provisions amended. Amends T.C.A. § 66-34-103(e) by exempting all municipalities and departments, boards, and agencies of such municipalities from the language making it an offense to either fail to release and pay retainage or place it in a separate, interest-bearing, escrow account with a third party. Also amends T.C.A. § 66-34-104 by exempting all municipalities and departments, boards, and agencies of such municipalities from the language requiring the payment of \$300 in damages per day, for failure to deposit retainage into the required escrow accounts and notify the prime contractor of the location of the required escrow account, the account number, and the amount of retainage deposited in the account. Also amends T.C.A. § 66-34-701 by making the provisions related to mechanics’ and materialmen’s liens and those related to prime contractors and remote contractors having the right to request evidence that an owner has made financial arrangements sufficient to make all required payments on the project, applicable to all municipalities and departments, boards, and agencies of such municipalities and establishes that compliance with these provisions is not subject to waiver.

Effective July 1, 2020.

Chapter No. 782 (HB2075/SB1642). Provisions related to competitive integrated employment for individuals with severe disabilities amended. Amends Tennessee Code Annotated, Title 71, Chapter 4, Part 7 by providing that every political subdivision supported by the General Assembly may purchase all services and commodities required by the governmental entity from the central nonprofit agency, or Community Rehabilitation Agencies of Tennessee, as long as the commodities or services are certified by the chief financial officer of the political subdivision. Provides that this authorization has precedence over any law related to procurement by a political subdivision, except for certain enumerated exceptions. Sets out that this authorization does not apply when the chief financial officer determines that the commodities or services do not meet the reasonable requirements of the political subdivision.

Effective July 15, 2020.

Chapter No. 801 (HB2702/SB2458). Public officials and employees prohibited from requiring officers to issue a predetermined or specific number of traffic citations. Amends T.C.A. § 39-16-516 by prohibiting public officials and employees from establishing or maintaining, formally or informally, a plan to evaluate, promote, compensate, or discipline a law enforcement officer solely on the issuance of a predetermined or specified number of any type or combination of traffic citations. Prohibits public officials or employees from requiring or suggesting to a law enforcement officer that the officer is

required or expected to issue a predetermined or specific number of any type or combination of types of traffic citations within a specified period. Provides that performance standards that include the issuance of traffic citations are permitted, but not standards that require the issuance of a predetermined or specific number of citations. Makes a violation of this provision a Class B misdemeanor, subject to fine only.

Effective October 1, 2020.

Labor

Chapter No. 745 (HB2708/SB2520). “Tennessee Pregnant Workers Fairness Act” enacted. Amends Tennessee Code Annotated, Title 50 by enacting the “Tennessee Pregnant Workers Fairness Act.” Section 1 provides that an employer is not required to do any of the following unless the employer does or would do the following for another employee or a class of employees that need a reasonable accommodation: 1.) hire new employees that the employer would not otherwise hire; 2.) discharge an employee, transfer another employee with more seniority, or promote another employee who is not qualified to perform the new job; 3.) create a new position, including a light duty position for the employee, unless a light duty position would be provided to an equivalent employee; 4.) compensate an employee for more frequent and longer break periods, unless the employee uses a break period that would otherwise be compensated; or 5.) construct a permanent dedicated space for expressing milk. Makes certain actions taken against an employee related to pregnancy, childbirth, or related medical conditions unlawful employment practices. Authorizes an employer to require medical certification from a healthcare professional, if the employee is requesting a reasonable accommodation related to a temporary transfer to a vacant position, job restructuring, or light duty, or an accommodation that requires time away from work. Authorizes a person adversely affected by an act in violation of this provision to bring a civil action in chancery or circuit court or under the UAPA. Provides that the court may issue backpay, compensatory damages, prejudgment interest, reasonable attorney’s fees, and any other legal or equitable relief. Requires a civil action commenced under this provision to be brought no later than one year from the date of termination of employment or the date of the adverse employment action. Sections 2 and 3 relate to unemployment benefits.

Effective June 22, 2020, for purposes of promulgating rules. Section 1 effective October 1, 2020, for all other purposes, effective June 22, 2020. Sections 2 and 3 are repealed January 1, 2021.

Motor Vehicles and Traffic

Chapter No. 534 (HB1574/SB1561). Special speed limits in school zones. Amends T.C.A. § 55-8-152(d)(2) by authorizing Sumner County and the municipalities therein to establish special speed limits in school zones.

Effective March 19, 2020.

Chapter No. 598 (HB0618/SB1497). Rules of the road amended. Amends T.C.A. § 55-8-204 by providing that on a multilane divided highway that has 2 or more lanes in each direction, a person shall not operate a vehicle in the passing lane, except when overtaking or passing a vehicle that is in a nonpassing lane.

Effective July 1, 2020.

Personnel-Benefits

Chapter No. 686 (HB1641/SB1575). Amendment to provisions related to retirement plans. Amends T.C.A. § 8-35-253 by providing that when a political subdivision participating in the State retirement system changes to another plan offered by the system, an employee hired after the effective date of the change is not eligible to participate in the former plan, unless the employee participated in the former plan as an employee of the political subdivision before the effective date of the change to the new plan and has not otherwise lost membership in the retirement system. Also provides that any employee serving a temporary employment period on the effective date of the change will be eligible for the plan in effect as of the date the employee becomes eligible to join the retirement system. Also requires any person desiring to establish credit pursuant to Tennessee Code Annotated, Title 8, Chapters 34-37, to establish such service under the terms of the retirement system plan that existed at the time the service was established and not the time the service was rendered, unless the person is still eligible to participate in the former plan and has not lost membership in the retirement system.

Effective June 11, 2020.

Chapter No. 754 (HB1819/SB2863). Barry Brady Act amended. Amends T.C.A. § 7-51-201 by providing that any firefighter desiring to utilize the presumption that any condition or impairment of health caused by Non-Hodgkin's Lymphoma, colon cancer, skin cancer, or multiple myeloma cancer, that results in hospitalization, medical treatment or disability, has arisen out of employment, must obtain a physical examination after July 1, 2019, and the examination must include a cancer screening that fails to reveal any evidence of the abovementioned cancers.

Effective June 22, 2020.

Chapter No. 783 (HB1806/SB1727). Public Employee Defined Benefit Financial Security Act of 2014 amended. Amends T.C.A. § 9-3-505 by including certain requirements for a political subdivision that does not pay 100% of its actuarially determined contribution, or ADC, in any fiscal year beginning with July 1, 2020. Also amends T.C.A. § 9-3-506(a) by prohibiting a political subdivision from establishing a benefit enhancement, when the political subdivision's pension plan is funded below 60%, until the political subdivision receives written approval from the state treasurer. Defines benefit enhancement as "any change in member benefits, benefits structure, or benefit formula provided by the political subdivision relative to its pension plan, that according to the political subdivision's actuary, will or is estimated to permanently, temporarily, or intermittently increase either the employer or employee contributions or the liabilities of the pension plan." Also prohibits a political subdivision with an existing pension plan as of May 22, 2014, from establishing a new pension plan that changes the funding policy,

increases the employer cost, or adds to the unfunded accrued liability of an existing pension plan, until written permission is received from the state treasurer.

Effective July 15, 2020.

Records

Chapter No. 624 (HB2463/SB2247). Utility record provision amended. Amends T.C.A. § 10-7-504(a)(20) to clarify that “private records” of utilities are to be redacted and the entity requesting the records is to pay all reasonable costs associated with the redaction.

Effective March 25, 2020.

Chapter No. 676 (HB1632/SB1626). Process for responding to a public records request amended. Amends T.C.A. § 10-7-504(a)(2)(B)(iii) by clarifying that when requested records cannot be provided within 7 business days from the date the request is made, the records custodian is to furnish the requestor with a records request response form or some other written communication that includes the time reasonably necessary to produce the requested information.

Effective June 15, 2020.

Chapter No. 735 (HB2383/SB2268). Authorization to disclose the identity of a minor victim of crime. Amends T.C.A. § 10-7-504(t)(3) by providing that political subdivisions are authorized to publicly release the names or photographs of minor victims of crime for the purpose of memorializing minor victims of crime in memorial gardens established by the political subdivision, including any literature related to the memorial gardens, if the custodial parent or legal guardian of the minor victim consents to the release.

Effective June 22, 2020.

Chapter No. 738 (HB2578/SB2313). New requirements related to records destruction. Amends T.C.A. § 10-7-503 by prohibiting a governmental entity from destroying public records subject to disclosure, if the governmental entity knows that the records are subject to a pending public records request submitted to the governmental entity. Provides that prior to authorizing the destruction of public records, a governmental entity is required to contact the public records request coordinator to ensure the records are not subject to a pending public records request. Provides that a governmental entity that authorizes the destruction of public records in violation of this provision may be fined up to \$500 by a court of competent jurisdiction. Provides that a governmental entity is not liable under this provision for authorizing the destruction of records, if the respective records custodian was contacted and received notice from the records custodian that the records were not subject to a pending records request. Authorizes a records custodian to destroy public records in accordance with a retention schedule or records retention policy in the ordinary course of business when the records custodian has no knowledge that the records are subject to a pending records request. Requires written and electronic correspondence regarding a public records request to be retained by the respective records custodian for not less than 12 months.

Effective June 22, 2020.

Taxes-Hotel/Motel

Chapter No. 701 (HB1708/SB1782). Occupancy tax levy authorized for the City of Tracy City. Amends T.C.A. § 67-4-1425 by authorizing the City of Tracy City to levy an occupancy tax not to exceed 5.0% of the cost of a hotel/motel room upon approval of a 2/3 vote of the governing body. The proceeds are to be used solely to promote tourism development in the city and the manner of collection and administration is to be set out in an ordinance.

Effective June 22, 2020.

Chapter No. 787 (HB1830/SB1778). Short-term rental unit marketplaces required to collect and remit occupancy tax. Amends T.C.A. §§ 7-4-103, 7-4-202, 67-4-1405, and 67-4-1426 by requiring a short-term rental unit marketplace to collect and remit occupancy tax in accordance with Tennessee Code Annotated, Title 67, Chapter 4, Part 33, when a short-term rental unit is secured through a short-term rental unit marketplace. Section 5 amends T.C.A. § 13-7-602 by defining the term “transferred” for purposes of determining when a property being used as a short-term rental unit is no longer subject to the grandfather language in the Short-Term Rental Unit Act. Also amends T.C.A. § 67-5-801 by providing that when a parcel of real property is the principal residence of an owner, contains no more than 1 rental unit, and is used as a short-term rental unit, as defined in T.C.A. § 13-7-602, the assessor should presume the classification of the property is residential.

Effective July 15, 2020, for purposes of Section 5, with the language in that provision applying to any local government action, including assessment of property for taxation purposes, occurring on or after August 1, 2020. All other sections effective January 1, 2021.

Taxes-Property

Chapter No. 521 (HB1813/SB1625). Property tax appeals. Amends T.C.A. § 67-5-1412(b)(3) by allowing commercial/industrial and personal property owners and/or tax representatives to appeal property tax assessments directly to the State Board of Equalization with permission of the property assessor. Also allows an “appellant” to withdraw appeals before the State Board of Equalization, instead of just taxpayer or owner. Also amends T.C.A. § 67-5-1512(b) by providing that penalties and interest do not accrue on delinquent property taxes while an appeal on an assessment is pending before the county or State Board of Equalization, if the taxpayer pays the “undisputed portion” of the tax or the full tax before the delinquency date. Defines “undisputed portion.” Allows the tax collector to collect the undisputed portion only. Also amends T.C.A. § 67-5-1512(c) by providing the formula for calculating the interest due on a refund from an appeal.

Effective March 6, 2020.

Taxes-Sales

Chapter No. 646 (HB2249/SB2182). Marketplace facilitator required to collect and remit sales tax.

Amends T.C.A. § 67-6-501 by providing that, except in specific circumstances, when a marketplace seller uses a marketplace facilitator to make or facilitate total sales of tangible personal property or any of the things or services subject to sales tax, to consumers in Tennessee, and the sales total more than \$500,000 in the previous 12 month period, the marketplace facilitator is liable for the payment of sales tax on the property or services. Requires the marketplace facilitator that collects and remits the taxes imposed to collect the taxes based upon the address to which the tangible personal property or things subject to sales tax, are shipped.

Effective October 1, 2020.

Tobacco

Chapter No. 529 (HB0009/SB0009). Smoking on playgrounds. Amends T.C.A. § 39-17-1551 by authorizing local governments to prohibit smoking on the grounds of a playground owned by the local government by adopting a resolution or ordinance by 2/3 vote of the legislative body. Defines “smoking” as the burning of a tobacco product, hemp product, or any other drug or substance, but does not include the use of vapor products.

Effective July 1, 2019.

Transportation

Chapter No. 685 (HB2365/SB2836). Personal delivery devices regulated. Amends § 55-8-101 by defining “personal delivery device” as a device that is 1.) solely powered by an electric motor; 2.) is operated primarily on sidewalks and crosswalks; 3.) is intended primarily for the transport of property on public rights-of-way; and 4.) is capable of navigating with or without the active control or monitoring of a natural person. Authorizes personal delivery devices to operate in a pedestrian area, which can include sidewalks, crosswalks, school crosswalks, school crossing zones, and safety zones. Also authorizes local governments to prohibit personal delivery devices, if the local government determines the prohibition is necessary for public safety. Requires entities that operate these devices to maintain an insurance policy that includes general liability coverage of not less than \$100,000 and to meet certain other requirements.

Effective July 1, 2020.

Utilities

Chapter No. 572 (HB1709/SB1792). New utility reporting requirements. Amends Tennessee Code Annotated, Title 68, Chapter 221, Part 10 by requiring each municipal and metropolitan government

water system and wastewater facility to submit to the Water and Wastewater Financing Board an annual report on a form approved by the Board, by the first day of the system or facility's fiscal year. Authorizes the Water and Wastewater Financing Board to order reasonable sanctions against a system or facility that fails to submit the report.

Effective March 19, 2020.

Chapter No. 591 (HB1838/SB1934). Certain utility policies prohibited. Amends Tennessee Code Annotated, Title 7, Chapter 51 by adding a new Part 21 that prohibits a political subdivision from adopting a policy that prohibits or has the effect of prohibiting the connection or reconnection of a utility service based upon the type or source of energy to be delivered to a customer. Does not limit the ability of the political subdivision to choose utility services for properties owned by the political subdivision or to comply with terms of a contract between the political subdivision and TVA. Also provides that to the extent this part conflicts with federal law, federal law will control.

Effective March 20, 2020.

Chapter No. 627 (HB1630/SB1798). Various utility provisions amended. Amends T.C.A. § 68-221-605(f)(2) and 68-221-1305(f)(2) by clarifying that "board members" and not "municipal utility board members" of wastewater authorities and regional wastewater authorities must receive utility board training. Also amends T.C.A. § 68-221-1009(a)(6) to provide that the Water and Wastewater Financing Board is authorized to: 1.) investigate water and wastewater systems under its jurisdiction and may include assistance from the Department of Environment and Conservation and the Office of the Comptroller of the Treasury; 2.) determine the financial, technical, and managerial capacity of the systems to comply with state and federal law; and 3.) require systems to take appropriate action to correct any deficiencies in such areas, including, but not limited to changes in ownership, management, accounting, rates, maintenance, consolidation, alternative water supply, or other procedures.

Effective March 20, 2020.

Chapter No. 720 (HB1841/SB1766). Authority of Water and Wastewater Financing Board extended. Amends T.C.A. § 68-221-604 by requiring a municipality or metropolitan government seeking to create a water or wastewater treatment authority to adopt a resolution to submit a petition that includes certain enumerated information to the Water and Wastewater Financing Board. Requires the Water and Wastewater Financing Board to issue an order approving or rejecting the petition for incorporation within 90 calendar days of receipt of the petition. If the petition is rejected, the governing body of the creating governmental entity can petition the circuit court. If the petition is approved or not acted upon, the creating governmental entity must pass a resolution setting a public hearing on the issue. The criteria for the public hearing is enumerated. Also amends Tennessee Code Annotated, Title 68, Chapter 221, Part 10 by requiring any city or metropolitan government attempting to purchase, develop, acquire, or build a new water or wastewater system to seek approval of the Water and Wastewater Board in the manner prescribed. Also amends T.C.A. § 68-221-1304 by requiring contiguous governmental entities or utility districts seeking to create a water or wastewater treatment facility to do so in the same manner prescribed in T.C.A. § 68-221-604.

Effective June 22, 2020.

Chapter No. 791 (HB1633/SB1961). Provisions authorizing appropriations to chambers of commerce and economic community organizations amended. Amends T.C.A. § 7-34-115 by providing that if a municipal utility system is a natural gas utility system, the municipal utility board with management responsibility for the municipal utility system, or if there is no such board, the governing body, may devote revenues derived from the system to funding chambers of commerce and economic and community organizations in accordance with a resolution or ordinance passed by the governing body of the municipality. Requires the Comptroller to develop standard procedures to assist a municipal utility system in the disposition of these funds. Requires the municipal utility board with management responsibility for the municipal utility system or, if there is no such board, the municipal governing body, to develop guidelines that outline the purposes for which the appropriated money can be used. Requires the guidelines to include that the money appropriated will be used to benefit the customers of the municipal utility system. Provides that rates may not be raised in order to make such contributions. Also provides that this authorization only applies to municipal natural gas systems that are in counties with a population of less than 336,400 according to the 2010 federal census and any subsequent census. Also includes requirements related to documents that must be submitted by any chamber of commerce or economic and community organization seeking financial assistance from a municipal utility system. Provides that appropriations made pursuant to this language can only be made after notice of the intent to provide an appropriation, the amount of the intended appropriation, and the purpose for which the appropriation will be used, has been published either on the website of the municipality, if possible, or in a newspaper of general circulation.

Effective January 1, 2021.