



## **2011 End of the Year Report**

The legislature adjourned at 10pm Saturday, May 21, 2011, after completing its business for the year. The legislature plans to return at noon on January 10, 2012, to complete its second session of the 107<sup>th</sup> General Assembly. The House and Senate were led very efficiently this session and both leaders take pride in the fact that this year's adjournment occurred five weeks prior to last year's session. Both leaders can now claim the earliest adjournment since 2004. The House was led this year by Beth Harwell, a long-time veteran of the Tennessee House and the first woman in Tennessee's history to serve as Speaker of the House. The Senate was led by Lieutenant Governor Ron Ramsey who was elected to this position in 2007. The balanced budget for fiscal year 2012-2013 was approved just two months after being released from Governor Haslam. The final budget of \$30.8 billion includes these significant earmarks:

- \$1 million in recurring funds to soften the impact of the Hall Income Tax on seniors;
- a 1.6 percent salary increase for state employees – the first in four years;
- restoring \$70.4 million to the Rainy Day Fund;
- \$3.8 billion to fully fund the BEP, including a \$48.7 million increase for K-12 education;
- \$71.3 million for disaster relief resulting from recent storms and flooding;
- and \$10 million for the Memphis Research Consortium.

Governor Haslam was successful in passing his announced package of administrative bills:

- Lifting the cap on charter schools in the state (HB 1989)
- Revising the state's civil justice system to bring predictability to companies across the state (HB 2008)
- Allowing college students to utilize the HOPE scholarship during the summer (HB 2010)
- An overhaul of teacher tenure (Public Chapter 70)

This year the general assembly passed HB 1378. The bill collectively called the Tennessee Lawful Employment Act deals with employers and their hiring practices. The bill in summary revises present law provisions prohibiting any person from knowingly employing an illegal alien and requires each employer to enroll and maintain active participation in the E-Verify program. This legislation is very comprehensive and full details of the bill can be seen by viewing the legislative website.

The legislature and the governor joined together to pass HB 2008. This bill is applauded by the governor as a mechanism to bring jobs to Tennessee by giving entities predictability in lawsuits and damage awards. The bill was debated heavily with the trial lawyers and the AARP on one side and businesses and the administration on the other side. Tort reform legislation such as this has been traveling through the general assembly for many sessions but has never moved or gained support. HB 2008 caps non-economic damages at \$750,000 with the exception of certain items listed in the law. Tennessee joins states across the Southeast in passing extensive tort reform.

Another big issue this year was HB 2021 by Representative Joshua Evans. The bill as proposed stated that no private or public employer, including the state and its political subdivisions, could prohibit an employee who possessed a valid handgun carry permit from parking in such lot during the employee's regular work hours when the employee's privately-owned motor vehicle contained a firearm. The bill required that the firearm not be visible. The business community was very much opposed to the bill and was able to

amend the bill to give employers who permitted the transportation, storage, or possession of a firearm in its parking lot liability protection in a civil lawsuit if any injuries were to occur. Many legislators were opposed to such an amendment and when the bill went to the House floor, members tried to amend the bill to its original form. After such a motion was made, the representative moved the bill back to committee. The companion bill never moved in the Senate and the bill remains in House Judiciary committee in the House. We will continuously monitor this legislation next session.

A victory for the Tennessee Housing Association, can be claimed with the passage of HB 137. The bill was used as a caption for the intangibles personal property tax. The tax was discussed in much detail during the summer and fall of 2010 in the Joint Business Tax committee. Currently, a few counties are levying an intangible personal property tax against cemeteries and loan/finance companies. Because most counties do not levy the tax, while the statute allows for such, the tax was in essence a new tax on certain companies. This piece of legislation removes these entities from the tax and the administration budgeted money for the bill's passage.

### **Bills of Interest**

- HB 1760 rewrites the TN Landlord/Tenant Act. Several new elements were added for the benefit of the landlord, relative to taking possession of properties and adding provisions for utility issues, evictions, notifications, etc. See page 26 of this report for a lengthy overview. This revision has been filed under [Public Chapter 272](#). The effective date is Oct 1, 2011. It is important to also note that multiple bills were filed this year effecting the governing of landlords and properties. Many of these bills failed in committee and several were tabled until the second session of the 107<sup>th</sup> General Assembly. Bills introduced which did not pass this year will most likely be revived in the second session, which begins in Jan 2012. You may review these bills in the bill review section of this report.
- This year the legislature passed legislation that would delay implementation of the overhaul of the procurement commission and system effective last year. With the passage of SB 1710, the law will not be effective until April 2012.

- The legislature passed SB 1915 which now allows for corporate contributions in the state. The bill also adjusts contributions to the current CPI which effectively increases the contribution limit by 40%.
- This year, as in the past few sessions, Representative Hardaway filed various pieces of legislation regarding energy audits. His bills would require landlords to track energy usage in the homes and provide tenants with an audit. All of these bills failed in committee.
- Representative Hardaway also filed legislation which would require a residential property disclosure form to include information on the average utility cost for the property over the previous calendar. This bill also failed in committee.
- Hardaway also filed HB 22 which would require 24-hours notice of approximate time of removal pursuant to writ of possession. The bill would hold plaintiffs liable for damages to defendant's removed personal property if notice requirements were not followed. The bill was deferred until 2012.
- HB 1726 proposed by Representative Armstrong would authorize the state fire marshal to exempt certain buildings from mandatory sprinkler requirements adopted by local governments. The bill was taken off notice.
- HB 758, a bill that adds exceptions to the licensure requirements under the Tennessee Residential Lending, Brokerage and Servicing Act was signed by the governor and will be assigned a public chapter shortly.

## **BANKING & CREDIT**

### **SB 0716**

Woodson

### **HB 0911**

Lundberg

**Mortgage lender and service provider licensure exceptions.** Permits an attorney without a mortgage lender's license to receive compensation from a mortgage lender, loan broker or service provider for negotiating terms of a residential mortgage loan as a side matter in representing a client. Provides additional exceptions to the mortgage lender license requirement including sellers of residential mortgage loans subject to specified limitations, commercial real estate lending to non-owners, employer-employee mortgage loans, mortgage loans pursuant to court order, and real estate brokerage activities. (S: Woodson; H: Lundberg)

**Senate Status:** Referred to Senate Commerce, Labor & Agriculture.

**House Status:** Referred to House General Subcommittee of Commerce.

### **SB 0997**

McNally

**Homeowner's insurance - estimate of closing costs.** Prohibits mortgage companies from estimating the cost of homeowner's insurance

[HB 0852](#)  
Haynes R.

for inclusion in their good faith estimate of closing costs. Requires the prospective purchaser to provide this information to the mortgage company prior to the good faith estimate. (S: McNally; H: Haynes R.)

**Senate Status:** Senate Commerce, Labor & Agriculture deferred to 04/26/2011.

**House Status:** Referred to House General Subcommittee of Commerce.

[SB 1014](#)  
Finney L.  
**HB 1241**  
Haynes R.

**Mortgage lender licensure exceptions.** Adds two additional exceptions for requiring a person to obtain a mortgage lender, loan broker, or loan service provider license exempting sellers under the control of another person selling five or fewer residential mortgage loans in a year that do not publicly hold themselves out to be in the mortgage lending business and are not required under federal law to obtain a mortgage originator's license and any person performing real estate brokerage activities who is a licensed real estate broker. (S: Finney L.; H: Haynes R.)

**Senate Status:** Referred to Senate Commerce, Labor & Agriculture.

**House Status:** Referred to House General Subcommittee of Commerce.

[SB 1451](#)  
Overbey  
**HB 1921**  
Marsh

[Public Chapter \(PDF\)](#)

**Notice of the right to foreclose.** Requires the notice of the right to foreclosure to be contained in any deed memorializing the sale, instead of in the notice of foreclosure. Allows written notice to not be required if the lender has met with the principal debtor in-person and discussed certain foreclosure issues within 180 days before publishing notice of foreclosure. Allows such exemption of written proof to be met by the lender's sworn affidavit. Requires certain foreclosure notices to not apply to sales if the borrower has obtained a prior loan modification or refinance after July 1, 2010. (S: Overbey; H: Marsh)

**House Co-Sponsors:** Fitzhugh; Johnson P.; Williams R.; Matheny; Pitts; Johnson C.; Montgomery; Casada; Sargent; Curtiss; Hardaway

**Amendment:** Senate amendment 1 deletes provision that allowed a signed document to be conclusive proof of the meeting, in lieu of a sworn affidavit. Requires that the lender, trustee, or agent who has met with the principal debtor to execute such sworn affidavit. Specifies that the notice requirement would not apply to any sale conducted if the borrower has obtained a prior loan modification or refinance "after July 1, 2011". (Under present law, the notice requirement does not apply to any sale conducted if the borrower has obtained a prior loan modification or refinance before July 1, 2010.) Senate amendment 2 deletes current law provisions (35-5-117 in its entirety) regarding legal notices of foreclosure, effective January 1, 2013, and makes applicable to any notice of foreclosure for which the first publication occurs on or after January 1, 2013.

**Senate Status:** Senate 04/07/2011 passed with amendments 1 and 2.

**House Status:** House passed 04/07/2011.  
**Other Status:** Enacted as Public Chapter 0122 (effective 04/25/2011).

**SB 1487**  
Marrero  
[HB 1549](#)  
Turner J.

**Pilot project - mediation prior to foreclosure.** Creates a pilot project in Shelby County that allows a lender to voluntarily enter into mediation with the borrower prior to foreclosure on a mortgage loan entered into under the Tennessee Home Loan Protection Act. Permits the borrower or lender to request the services of the federal mediation and conciliation service. Also excludes certain residential mortgage transactions from the application of the Tennessee Home Loan Protection Act. (S: Marrero; H: Turner J.)

**House Co-Sponsors:** Stewart M.; Camper; Pruitt; DeBerry J.

**Senate Status:** Referred to Senate Commerce, Labor & Agriculture.

**House Status:** Taken off notice 04/13/2011 in House General Subcommittee of Commerce.

[SB 1488](#)  
Marrero  
**HB 1973**  
Turner J.

**Completion of ARM - mortgage counselor required.** Prohibits any person, firm, or corporation from engaging in the business of making adjustable rate mortgage loans, unless such person, firm, or corporation is an authorized lender. Requires lender to refer the borrower to a mortgage counselor prior to accepting an application for an adjustable rate mortgage. (S: Marrero; H: Turner J.)

**Senate Status:** Referred to Senate Commerce, Labor & Agriculture.

**House Status:** Referred to House General Subcommittee of Commerce.

**SB 1610**  
Marrero  
[HB 1522](#)  
Turner M.

**Mandatory mediation required for foreclosure.** Requires bank or other financial institution to enter into mandatory mediation with a borrower before foreclosure proceedings may be instituted on a deed of trust, mortgage, or other lien securing the payment of money or other thing of value. (S: Marrero; H: Turner M.)

**Senate Status:** Referred to Senate Judiciary.

**House Status:** Taken off notice 04/06/2011 in House General Subcommittee of Commerce.

**SB 1613**  
Marrero  
[HB 1531](#)  
Turner M.

**Notice of foreclosure.** Requires first publication of notice regarding foreclosure sale to be published in newspapers 90 days previous to the sale rather than the current 20 days previous to the sale. Requires borrower to be notified regarding foreclosure prevention counseling services. Requires mortgage loans to be based upon ability of borrower to repay such loans. (S: Marrero; H: Turner M.)

**Senate Status:** Referred to Senate Commerce, Labor & Agriculture.

**House Status:** Taken off notice 04/06/2011 in House General

Subcommittee of Commerce.

**SB 1976**  
Stewart E.  
[HB 2092](#)  
Turner M.

**Notice regarding non-payment of rental fees.** Changes from "not sooner than 30 days" to "not sooner than 40 days" time within which lessor must give notice regarding non-payment of rental fees. (S: Stewart E.; H: Turner M.)

**Senate Status:** Senate Commerce, Labor & Agriculture deferred to 04/26/2011.

**House Status:** Referred to House General Subcommittee of Commerce.

**SB 2030**  
Ford O.  
[HB 1967](#)  
Turner J.

**Study on establishing a TN foreclosure mediation program.** Requires the TN housing development agency to conduct a study of the feasibility of establishing a foreclosure mediation program in TN. Requires the agency to seek to identify the amount of time needed to conduct meaningful mediations in the context of residential foreclosures. Requires the agency to request assistance from the administrative office of the courts and the TN bar association. Requires the agency to report its finding to the commerce and judiciary committees of the house of representatives and the commerce and judiciary committees of the senate no later than March 1, 2012. Broadly captioned. (S: Ford O.; H: Turner J.)

**Senate Status:** Taken off notice in Senate Commerce, Labor & Agriculture 04/19/2011.

**House Status:** Taken off notice 04/13/2011 in House General Subcommittee of Commerce.

## CAMPAIGNS & LOBBYING

[SB 0272](#)  
Berke  
**HB 0348**  
McDonald

**Corporation's contributions to political candidates.** Requires corporations to file statement of contributions and expenditures when using corporate funds to aid in either the election or defeat of any political candidate. Requires the statement of contributions and expenditures to include specific language and list several items, including shareholder and officer information and employed lobbyists, (S: Berke; H: McDonald)

**Senate Status:** Taken off notice in Senate State & Local Government 04/26/2011.

**House Status:** Failed 04/13/2011 in House General Subcommittee of State & Local Government.

[SB 0348](#)  
Haynes J.  
**HB 0817**

**Contribution limits from multicandidate PACs.** Limits to \$109,100 the total amount of money that a PAC, excluding party and caucus PACs, can contribute to all candidates and to other PACs. Specifies that

Turner M.

no more than \$43,000 of that amount may be given to candidates and that no more than \$66,100 of that amount may be given to other PACs. Requires all campaign contribution limits to be adjusted every two years to reflect changes in the CPI, beginning in 2013. Requires multicandidate political campaign committee to certify names and addresses of any person who makes decisions about the committee's contributions and expenditures. (S: Haynes J.; H: Turner M.)

**Senate Status:** Referred to Senate State & Local Government.

**House Status:** Referred to House General Subcommittee of State & Local Government.

**SB 0573**

Berke

[HB 0364](#)

Pitts

**Contribution and expenditure statements.** Requires each single candidate political campaign committee, single measure political campaign or multicandidate political campaign committee, within 14 days of making an expenditure or receiving a contribution, to file a statement with the registry of election finance. Requires such candidate or political committee to file semi-annual statements by January 31 and July 15 stating that no contributions have been received and no expenditures have been made, if that is the case. (S: Berke; H: Pitts)

**Senate Status:** Taken off notice in Senate State & Local Government 04/26/2011.

**House Status:** Failed 04/13/2011 in House General Subcommittee of State & Local Government.

## COMMERCIAL LAW

**SB 0623**

Ketron

[HB 0480](#)

Curtiss

**Waiver of lien rights violates the Consumer Protection Act.** Provides that a contractor who solicits a person to sign a contract containing a waiver of any right to a mechanics' or materialmen's lien is in violation of the Tennessee Consumer Protection Act of 1977. Declares it an unfair or deceptive act or practice in violation of the Consumer Protection Act for a general contractor to require a subcontractor to waive lien rights or to agree to be paid only if the general contractor is paid as a condition to being awarded the job. (S: Ketron; H: Curtiss)

**Senate Status:** Referred to Senate Commerce, Labor & Agriculture.

**House Status:** Referred to House General Subcommittee of Commerce.

**SB 0921**

Beavers

[HB 1084](#)

Eldridge

**Consumer Civil Litigation Funding Act.** Places requirements on contracts assigning a civil litigation funding provider the right to receive funds from a consumer's pursued civil claim such as requiring the contract be completely filled in, include a right of rescission, each page be initialed by the consumer, and include a written acknowledgement by the consumer's attorney containing several specified statements

concerning compensation and fees. Requires a contract to include material terms conspicuously placed including all fees to be paid, the consumer's right to cancellation, prohibitions on the funding provider from making any decisions regarding the litigation, provisions encouraging advice of counsel, and a clause limiting fees to not exceed the amount of a consumer's recovery. Prohibits funding providers from engaging in specific conduct such as false or misleading advertisement, refer clients to attorneys or medical providers, attempt to contract for waivers of the right to trial or damages, and pay or accept referral fees or commissions from medical providers or attorneys. Declares violations of the above requirements constitute a deceptive act or practice and are punishable by civil penalty up to \$10,000 per violation. (S: Beavers; H: Eldridge)

**Senate Status:** Referred to Senate Commerce, Labor & Agriculture.

**House Status:** Referred to House General Subcommittee of Consumer & Employee Affairs.

**SB 1175**

Berke

**HB 1588**

Gilmore

**Amount charged by lessor under rental-purchase agreement.**

Requires a lessor to maintain records of the cost of each item subject to a rental-purchase agreement for up to two years following the termination of the agreement and provide copies to the attorney general and reporter upon written request. Prohibits the price of any item subject to a rental-purchase agreement from exceeding two and one half times the cash price and any intentional violation will void the agreement. (S: Berke; H: Gilmore)

**Senate Status:** Referred to Senate Commerce, Labor & Agriculture.

**House Status:** Taken off notice 03/16/2011 in House General Subcommittee of Commerce.

**CONSTRUCTION**

**SB 0904**

Watson B.

**HB 1082**

McCormick

**Local construction inspection services.** Requires local jurisdictions located in Davidson, Hamilton, Knox, and Shelby County who are approved by the state fire marshal to enforce and adopt specified codes to take on the responsibility of all required construction inspection services for buildings less than three stories high and requires all building plans be submitted to the local government for approval. (S: Watson B.; H: McCormick)

**Senate Status:** Taken off notice in Senate Commerce, Labor & Agriculture 04/26/2011.

**House Status:** House General Subcommittee of Commerce deferred to 2012.

**SB 1377**  
Finney L.  
[HB 1613](#)  
Shaw

**Building construction safety standards.** Removes fee the state fire marshal charges for review and approval of plans and specifications prior to construction or alteration of certain types of buildings or structures. Broadly captioned. (S: Finney L.; H: Shaw)  
**House Co-Sponsors:** DeBerry L.; Shepard

**Senate Status:** Referred to Senate Commerce, Labor & Agriculture.  
**House Status:** Taken off notice 04/13/2011 in House General Subcommittee of Commerce.

## CRIMINAL LAW

[SB 0053](#)  
Campfield

**Handgun carry permits.** Allows any person who is a U.S. citizen or a permanent lawful resident and who owns real property in Tennessee, rather than TN residents who are citizens or permanent lawful residents, to apply to obtain a handgun carry permit from the department of safety. Retains current law exceptions. (S: Campfield)

**Senate Status:** Taken off notice in Senate Judiciary 02/22/2011.

[SB 0256](#)  
Ramsey R.  
**HB 1098**  
Harwell

**Background checks for persons appointed by the speakers.** Requires the TBI to conduct background investigations for persons appointed by the speaker of the senate or the speaker of the house. (S: Ramsey R.; H: Harwell)

**Senate Co-Sponsor:** Bell

**House Co-Sponsor:** McCormick

**Amendment:** House amendment 1 requires TBI to conduct a background investigation of an appointee to a position of trust when requested by the Speaker of the Senate or the Speaker of the House of Representatives. Limits the number of requests to 15 per calendar year per Speaker.

**Senate Status:** Senate 05/20/2011 concurred in House amendment 1.

**House Status:** House 05/20/2011 passed with amendment 1, which requires TBI to conduct a background investigation of an appointee to a position of trust when requested by the Speaker of the Senate or the Speaker of the House of Representatives. Limits the number of requests to 15 per calendar year per Speaker.

**Other Status:** Sent 05/20/2011 to the speakers for signatures.

**SB 0312**  
Kelsey  
[HB 0155](#)  
Ramsey B.

**Castle doctrine protects persons from criminal liability.** Broadens the castle doctrine to protect persons using force from criminal liability, in addition to the existing protection from civil liability. Requires the commissioner to conduct a study on the state's insurance laws and policies that may be deterring insurance companies from providing coverage for persons who justifiably used force to protect themselves or

their property. (S: Kelsey; H: Ramsey B.)

**Amendment:** House amendment 1 deletes the section of the original bill that creates immunity from criminal liability for the use of justifiable force to protect self or property. Requires the Commissioner of Commerce and Insurance to conduct a study on Tennessee insurance laws and policies to identify deterrents for insurance companies to underwrite policies for individuals who have previously used justifiable force. Requires the Commissioner to report study results to the General Assembly and Governor by March 1, 2012.

**Senate Status:** Senate 05/19/2011 passed.

**House Status:** House 04/04/2011 passed with amendment 1.

**Other Status:** Sent 05/19/2011 to the speakers for signatures.

**SB 0604**

Marrero

[HB 0171](#)

Coley

**Property forfeiture in human trafficking offenses.** Provides that real and personal property used in commission of human trafficking offenses is subject to judicial forfeiture seizure and provides for disposition of funds as follows: Ten percent shall go to the law enforcement agency which conducted the investigation which lead to the forfeiture, ten percent shall go to the district attorneys general conference, five percent to the clerk of the court's office in which jurisdiction the forfeiture took place, and the remaining seventy-five percent to the state's general fund. (S: Marrero; H: Coley)

**Amendment:** House amendment 1 increases the amount of proceeds from judicial forfeitures the clerk must transmit to the law enforcement agency conducting the investigation resulting in forfeiture and to the district attorneys general conference for education or other resources related to prosecution for human trafficking to 20 instead of 10 percent to each entity for a total of 40 instead of 20 percent of overall proceeds the clerk is required to transfer.

**Senate Status:** Senate 05/18/2011 passed.

**House Status:** House 04/28/2011 passed with amendment 1.

**Other Status:** Sent to governor 05/20/2011.

**SB 0754**

Gresham

[HB 0583](#)

McDaniel

**Destruction of lock or gate is aggravated criminal trespass.** Adds the destruction or vandalism of a gate, signage, fence, lock or barrier designed to keep trespassers from entering the property to the list of offenses when a person commits aggravated criminal trespass. (S: Gresham; H: McDaniel)

**Senate Status:** Senate 05/16/2011 passed.

**House Status:** House passed 03/07/2011.

**Other Status:** Sent to governor 05/18/2011.

**SB 2064**

**Capturing visual images or sound recordings of a person.** Creates a

Norris  
[HB 1960](#)  
Williams R.

Class A misdemeanor to capture visual images or sound recordings of persons, except elected officials, if the act was offensive, the victim had a reasonable expectation of privacy, and the act was done without prior consent. Prohibits the offender from collecting any financial benefits if the offender captured the visual images or sound recordings for commercial purposes. Increases penalties for assault, false imprisonment, criminal trespass, trespass by motor vehicle, unlawful observation, and reckless driving when done with intent to capture such images or recordings. (S: Norris; H: Williams R.)

**House Co-Sponsors:** Casada; Sexton; Gotto; Maggart

**Senate Status:** Referred to Senate Judiciary.

**House Status:** House Judiciary Committee deferred to 2012.

## ENERGY & MINING

**SB 1626**  
Marrero  
[HB 0096](#)  
Hardaway

**Required energy audits for commercial buildings.** Requires each owner of a commercial building to have for that building a comprehensive energy audit conducted; notice of the results of such audit shall be displayed to all tenants and potential tenants of the building. (S: Marrero; H: Hardaway)

**Senate Status:** Referred to Senate Commerce, Labor & Agriculture.

**House Status:** Taken off notice 04/13/2011 in House General Subcommittee of Commerce.

## ENVIRONMENT & NATURE

**SB 2028**  
Marrero  
[HB 2110](#)  
Odom

**Hunting on private lands or waters where house is visible.** Makes it unlawful to hunt on private lands or waters within 100 yards of a visible dwelling house. (S: Marrero; H: Odom)

**Senate Status:** Referred to Senate Environment, Conservation & Tourism.

**House Status:** Referred to House General Subcommittee of Conservation and Environment.

## ESTATES & TRUSTS

[SB 1299](#)  
Johnson J.  
**HB 1920**  
Matlock

**Advertisement for judicial or trust sales.** Under present law, in any sale of land to foreclose a deed of trust, mortgage or other lien securing the payment of money or other thing of value or under judicial orders or process, advertisement of the sale must be made at least three different times in some newspaper published in the county where the sale is to be made. This bill decreases the number of times the advertisement must be published from three to one. Present law requires that the advertisement

or notice: (1) Give the names of the plaintiff and defendant, or parties interested; (2) Describe the land in brief terms, including the street address if available; and (3) Mention the time and place of sale. This bill revises (2) to require that the advertisement or notice give a concise description of the land; such description means a reference to the deed book and page that contains the complete legal description of the property, and may also include a common description of the property, which may include, if available, the street name, number and map and parcel number. The description of the land must contain only the reference to the legal description of the property, and does not have to contain the full legal description contained in the deed book. Any error or defect in the common description of the land will not in any way void any sale of the land. (S: Johnson J.; H: Matlock)

**House Co-Sponsors:** Tindell; Pitts; Sexton; Montgomery; Casada; Sargent; Harmon; Johnson C.

**Amendment:** HOUSE AMENDMENT 1 rewrites the bill. Decreases the number of times the advertisement must be published from three to two. Requires, instead of permits, a common description of the property be included containing the street address and map and parcel number of the property if available. Specifies in the event no street address exists, then the legal description shall also include a metes and bounds description. Specifies that a metes and bounds description may be, but is not required to be, included in the event a street address exists. SENATE AMENDMENT 4, as amended, incorporates the changes made by House Amendment 1 pertaining the to description of the property, except that this amendment does not require inclusion of a metes and bounds description in cases where no street address exists. This amendment instead authorizes the use of a subdivision, lot or tract number in such cases. This amendment restores the present law requirement that notice of a foreclosure sale must be published in a newspaper in the county where the sale will occur three times. This amendment also authorizes the postponement and rescheduling of a foreclosure sale without further newspaper publication under certain circumstances, unless prohibited by contract. This amendment changes the effective date of this bill from "upon becoming a law" to July 1, 2011.

**Senate Status:** Senate 05/20/2011 passed with amendment 4, as amended.

**House Status:** House 05/21/2011 concurred in Senate amendment 4.

**Other Status:** Sent 05/21/2011 to the speakers for signatures.

**SB 1841**  
Southerland  
[HB 1907](#)  
McDaniel

**Publication of notice - trust sales.** Requires first publication notice for any sale of land to foreclose a deed of trust, mortgage or other lien securing the payment of money or other thing of value or under judicial orders or process is to be at least 30 days previous to the sale. Current law specifies at least 20 days previous to the sale. (S: Southerland; H:

McDaniel)

**Senate Status:** Referred to Senate Judiciary.

**House Status:** Referred to House General Subcommittee of Judiciary.

## GOVERNMENT CONTRACTS

**SB 0634**

Bell

[\*\*HB 0209\*\*](#)

Harrison

**Real property classified as equipment for fire protection.** Adds "real property" to the definition of equipment in regards to laws concerning rural fire protection. Requires that loan agreements between counties and authorities include the amount of the loan for purchases of real property which is not to exceed the fair market value of the property. (S: Bell; H: Harrison)

**Senate Status:** Taken off notice in Senate State & Local Government 03/01/2011.

**House Status:** Referred to House General Subcommittee of State & Local Government.

## GOVERNMENT ORGANIZATION

[\*\*SB 0146\*\*](#)

Watson B.

**HB 0262**

Cobb J.

**State board for licensing contractors appointments.** Makes permissive, instead of mandatory, the provisions for the Home Builders Association of Tennessee, Inc. submitting list of recommended persons to the governor. Makes consulting with the Association about its recommendations prior to the governor making appointment to the state board for licensing contractors also permissive instead of mandatory. (S: Watson B.; H: Cobb J.)

**Amendment: SENATE GOVERNMENT OPERATIONS**

AMENDMETN 1 makes the bill. Authorizes interested home builder groups including, but not limited to, the Home Builders Association of TN Inc. to submit lists of qualified persons to the governor for each member appointed to the board who is a residential contractor. Requires the governor to consult with such interested groups to determine qualified persons to fill the positions. Requires appointments to be made by the governor at the expiration of the respective terms of the members presently serving on the board. SENATE GOVERNMENT OPERATIONS AMENDMENT 2 requires the board to be composed of nine members, all of whom must be residents of TN and at least three of whom must be actively engaged licensed residential contractors demonstrated by having pulled at least five residential construction permits within three years prior to appointment and must compose the residential review board to consider and handle all informal conferences pertaining to residential construction. Requires at least two members to be actively engaged as commercial building contractors, at least one of whom must be actively engaged as a mechanical contractor, at least one

of whom must be actively engaged as an electrical contractor, and at least one of whom must be actively engaged as a highway, railroad or airport contractor, and at least one of whom must be a person who is not engaged as a contractor in any county of TN and has no commercial or professional association with the residential contracting profession or industry, either directly or indirectly. Requires the members of the board who are residential contractors and appointed to the residential review board to have no record of any formal disciplinary action. Requires such members to each have demonstrated an interest in improving the profession by membership in a statewide trade association directly related to their profession for at least five years. Requires each member to be a citizen of the United States and have been a resident of TN for five years and must have ten years experience as a licensed residential contractor immediately preceding their appointment.

**Senate Status:** Senate General Welfare recommended 05/04/2011 with amendments 1 and 2. Sent to Senate Calendar Committee.

**House Status:** Referred to House Government Operations.

**[SB 0162](#)**

Watson B.

**[HB 0252](#)**

Cobb J.

[Public Chapter \(PDF\)](#)

**Sunset - real estate commission.** Extends the real estate commission to June 30, 2013. Requires completion of 16 hours of approved continuing education classes prior to the reactivation of temporarily retired licenses. (S: Watson B.; H: Cobb J.)

**Amendment:** Senate amendment 1 rewrites the bill. Extends the real estate commission to June 30, 2013. Thus, removes bill's fiscal note. House amendment 2 corrects a typographical error.

**Senate Status:** Senate 04/21/2011 concurred in House amendment 2.

**House Status:** House 04/18/2011 passed with amendment 2.

**Other Status:** Enacted as Public Chapter 0145 (effective 07/01/2011).

**[SB 0163](#)**

Watson B.

**[HB 0251](#)**

Cobb J.

[Public Chapter \(PDF\)](#)

**Sunset - real estate appraiser commission.** Sunsets the real estate appraiser commission on June 30, 2013. (S: Watson B.; H: Cobb J.)

**Senate Status:** Senate 03/14/2011 passed.

**House Status:** House passed 03/07/2011.

**Other Status:** Enacted as Public Chapter 0019 (effective 07/01/2011).

**[SB 0207](#)**

Watson B.

**[HB 0656](#)**

Cobb J.

[Public Chapter \(PDF\)](#)

**Sunset - department of safety.** Extends the termination date of the department of safety from June 30, 2011 to June 30, 2016. (S: Watson B.; H: Cobb J.)

**House Co-Sponsors:** Rich; Shipley

**Amendment:** House amendment 1 changes the sunset date for the department of safety from June 30, 2016 to June 30, 2014.

**Senate Status:** Senate 04/14/2011 concurred in House amendment 1.

**House Status:** House 04/07/2011 passed with amendment 1.  
**Other Status:** Enacted as Public Chapter 0134 (effective 07/01/2011).

## GOVERNMENT REGULATION

**[SB 0233](#)**

Watson B.

**[HB 0651](#)**

Cobb J.

**Ten interested persons required to petition for a rule.** Reduces the number of interested persons required to petition an agency to adopt, amend or repeal a rule from five to ten. (S: Watson B.; H: Cobb J.)

**House Co-Sponsors:** Rich; Shipley

**Senate Status:** Referred to Senate Government Operations.

**House Status:** Referred to House Government Operations.

**[SB 0235](#)**

Watson B.

**[HB 0617](#)**

Cobb J.

**[Public Chapter \(PDF\)](#)**

**Comptroller's performance audit on motor vehicle liens.** Requires the comptroller of the treasury to conduct a performance audit of the implementation and impact of current law concerning the creation of a lien on a motor vehicle by filing a notarized copy of an instrument when the existing certificate of title on the vehicle is unavailable. Requires the comptroller to report all findings to the chairs of the government operations committees of the senate and house of representatives. (S: Watson B.; H: Cobb J.)

**House Co-Sponsors:** Rich; Shipley

**Amendment:** Senate amendment 1 rewrites the bill. Requires the comptroller to report findings on lien-related instruments filed with the secretary of state concerning missing certificates of title or manufacturer's statements of origin.

**Senate Status:** Senate 04/21/2011 returned bill to House.

**House Status:** House 04/25/2011 returned bill to Senate.

**Other Status:** Enacted as Public Chapter 0186 (effective 07/01/2011).

**[SB 1868](#)**

Kyle

**[HB 1242](#)**

Haynes R.

**Reduction of paper and paper products in state government.**

Requires state departments, agencies and other entities of state government to reduce paper and paper products annually by 5 percent starting on July 1, 2012. (S: Kyle; H: Haynes R.)

**Senate Status:** Senate State & Local Government deferred to 2012.

**House Status:** Referred to House General Subcommittee of State & Local Government.

## HEALTH CARE

**[SB 1612](#)**

Marrero

**[HB 1525](#)**

Turner M.

**Photo-electric smoke detectors for nursing homes.** Prohibits the department of health from issuing a license to any new nursing home, assisted-care living facility, or home for the aged unless the facility is fully sprinkled and provides a photo-electric smoke alarm or detector in

each patient's room. Allows the photo-electric smoke alarms to be powered by battery or electrical current. Requires smoke detectors installed in any new one-family or two-family rental units constructed or renovated or existing apartment building or hotels that are remodeled or upgraded to include a combination of photo and non-photo electric smoke detector, however in the kitchen area the device must be photo-electric. (S: Marrero; H: Turner M.)

**Senate Status:** Referred to Senate Commerce, Labor & Agriculture.

**House Status:** Referred to House General Subcommittee of Commerce.

## INSURANCE GENERAL

### SB 0892

Johnson J.

[HB 1096](#)

Marsh

[Public Chapter \(PDF\)](#)

**Charitable Gift Annuities Exemption Act alterations.** Requires that the assets of a charitable gift annuity separate account maintained by a charitable organization for its charitable gift annuity must equal either: (1) The total amount of donations for outstanding charitable gift annuities to which the account applies, measured at the time of each annuity donation, later reduced by payments under the annuity and taking into account investment gains and losses; or (2) 110 percent of the reserves, calculated in a manner consistent with subsection (b) for charitable gift annuities to which the separate account applies. Present law requires that the assets of a charitable gift annuity separate account maintained by a charitable organization for its charitable gift annuity must equal either: (1) The total amount of donations for outstanding charitable gift annuities to which the account applies; or (2) 110 percent of the reserves, calculated in a manner consistent with subsection (b) for charitable gift annuities to which the separate account applies. In determining the reserves on the outstanding charitable gift annuities under present law, a deduction shall be made for any portion of the charitable gift annuity risk that is insured or reinsured by the charitable organization with an authorized insurer or reinsurer. This bill instead requires that any portion of the charitable gift annuity risk that is insured or reinsured by the charitable organization with an authorized insurer or reinsurer shall be exempt from the requirements described in (1) and (2). (S: Johnson J.; H: Marsh)

**Senate Status:** Senate 04/04/2011 passed.

**House Status:** House passed 04/04/2011.

**Other Status:** Enacted as Public Chapter 0095 (effective 04/21/2011).

### SB 1143

Henry

[HB 0019](#)

Moore

**Required homeowner's association insurance coverage.** Requires a homeowner's association to maintain insurance coverage to discharge contractual obligations in the event of damage. Requires a homeowner's association to report the following information quarterly to each homeowner, and upon request, to each homeowner, mortgage or

beneficiary under a deed of trust: certificate or memoranda of insurance, proof of policy coverage, and contact information for the designated insurance carriers and banking institutions holding funds in escrow. Establishes that failure of a homeowner's association to abide by these requirements will subject the directors and officers of the association to joint and several personal liability. (S: Henry; H: Moore)

**Senate Status:** Referred to Senate Commerce, Labor & Agriculture.

**House Status:** Referred to House General Subcommittee of Commerce.

## JUDICIARY

### [SB 0278](#)

Berke

### [HB 1147](#)

Coley

**Costs for case removal to federal court paid by petitioner.** Requires persons petitioning for a case to be removed to federal court to pay all costs associated with removal if the petition is granted. (S: Berke; H: Coley)

**Senate Status:** Taken off notice in Senate Judiciary 05/11/2011.

**House Status:** House passed 05/04/2011.

### [SB 0811](#)

Kelsey

### [HB 0803](#)

Dennis

**Location of lien books with files of abstract proceedings.** Clarifies that lien books required to contain abstracts and memorandums of proceedings that render judgments affecting title to real estate must be kept in the register's office of the county where the effected land is located. (S: Kelsey; H: Dennis)

**Senate Status:** Referred to Senate Judiciary.

**House Status:** Referred to House General Subcommittee of Judiciary.

## LABOR LAW

### [SB 0040](#)

Faulk

### [HB 0205](#)

Harrison

**Base period calculation excludes temporary total disability.** Excludes periods of temporary total disability under the workers compensation law from calculation of the base period concerning unemployment compensation. (S: Faulk; H: Harrison)

**House Co-Sponsor:** Matlock

**Senate Status:** Senate 05/21/2011 passed.

**House Status:** House passed 05/21/2011.

**Other Status:** Sent 05/21/2011 to the speakers for signatures.

### [SB 0519](#)

Bell

### [HB 0283](#)

Dennis

**Employer allowing gun on property not TOSHA violation.** Specifies that a corporation, business entity or governmental entity permitting a person with a handgun carry permit to carry a handgun on such entity's property does not constitute a TOSHA occupational safety and health hazard. (S: Bell; H: Dennis)

[Public Chapter \(PDF\)](#)

**Amendment:** Senate amendment 1 specifies that as a matter of law, rather than as a matter of legislative intent, an employer permitting a person with a handgun carry permit to carry a handgun on the employer's property by failing to post a prohibition against such activity on the premises of the owner's business does not constitute an occupational safety and health hazard to the employees.

**Senate Status:** Senate 02/28/2011 passed with amendment 1.

**House Status:** House passed 03/17/2011.

**Other Status:** Enacted as Public Chapter 0033 (effective 03/31/2011).

**SB 1132**

Marrero

[HB 1317](#)

Jones S.

**Discrimination on basis of sexual orientation prohibited.** Adds sexual orientation to the list of characteristics of which discrimination is prohibited in employment, public accommodations, and housing and financing. (S: Marrero; H: Jones S.)

**Senate Status:** Referred to Senate Judiciary.

**House Status:** Referred to House General Subcommittee of Judiciary.

## LOCAL GOVERNMENT

**SB 0090**

Ketron

[HB 0124](#)

Sargent

**Local governments' zoning authority.** Authorizes counties and municipalities to establish zoning districts or provisions for planned unit developments, overlay districts, mixed use developments, condominiums, and other types of sustainable design and development of property, and procedures for review and approval of such uses. (S: Ketron; H: Sargent)

**House Co-Sponsor:** Elam

**Senate Status:** Senate State & Local Government deferred to 03/08/2011.

**House Status:** Taken off notice 03/16/2011 in House General Subcommittee of State & Local Government.

**SB 0347**

Haynes J.

[HB 0125](#)

Sargent

**Municipalities' jurisdiction beyond corporate limits.** Deletes provision in the Comprehensive Growth Plan that allows a municipality in a county without county zoning to provide extraterritorial zoning and subdivision regulation beyond its corporate limits with the approval of the county legislative body. (S: Haynes J.; H: Sargent)

**House Co-Sponsor:** Elam

**Senate Status:** Taken off notice in Senate State & Local Government 03/08/2011.

**House Status:** House General Subcommittee of State & Local Government referred to TACIR 03/09/2011.

[SB 0400](#)  
Campfield  
[HB 1215](#)  
Hall

**Eminent domain requirements.** Requires that no more than 20 percent of property taken by eminent domain can be leased to private companies. Requires the appraisal to consider the legal permissibility, physical possibility, financial feasibility, and maximum productive use of the property. Grants the right of first refusal to the previous owner of land taken by eminent domain that is not converted in five years to the purpose for which it was taken. (S: Campfield; H: Hall)

**Senate Status:** Referred to Senate Judiciary.

**House Status:** Referred to House General Subcommittee of Judiciary.

[SB 0547](#)  
McNally  
[HB 0953](#)  
Dunn

**Majority approval required to exercise eminent domain.** Requires counties and municipalities to conduct public hearings on the necessity of condemning property for a public purpose and obtain a majority vote to approve the exercise of eminent domain. (S: McNally; H: Dunn)

**Senate Status:** Referred to Senate Judiciary.

**House Status:** Referred to House General Subcommittee of Judiciary.

[SB 0548](#)  
McNally  
[HB 0952](#)  
Dunn

**Right to repurchase property taken by eminent domain.** Grants the right of first purchase to the original owner or their ascertainable heirs and assigns for property that was condemned by eminent domain which was sold within ten years of being condemned or is no longer used for the purpose for which it was condemned or any other authorized public use. Allows 60 days for the property owner or heirs to make the purchase for the same amount as the compensation given to them by the condemning entity. Authorizes the property to be publicly sold if the right to first purchase is not exercised within 60 days. (S: McNally; H: Dunn)

**Senate Status:** Referred to Senate Judiciary.

**House Status:** Referred to House General Subcommittee of Judiciary.

[SB 1272](#)  
Ketron  
[HB 1345](#)  
Casada

**Rezoning of private property requires owner's consent.** Prohibits local governments from rezoning private property without the written consent of the property owner. (S: Ketron; H: Casada)

**Senate Status:** Referred to Senate State & Local Government.

**House Status:** Referred to House General Subcommittee of State & Local Government.

[SB 1423](#)  
Woodson  
[HB 1726](#)  
Armstrong

**Exemptions from mandatory sprinkler requirements.** Authorizes state fire marshal to exempt certain buildings from mandatory sprinkler requirements adopted by local governments if the building has no more than one story, has at least three exits, has at least 15,000 square feet, and has a fire alarm monitoring system or smoke detectors with visible

warning. Broadly captioned. (S: Woodson; H: Armstrong)

**House Co-Sponsors:** Tindell; Haynes R.; Hall

**Senate Status:** Taken off notice in Senate Commerce, Labor & Agriculture 04/06/2011.

**House Status:** Taken off notice 04/13/2011 in House General Subcommittee of Commerce.

**SB 1566**

Ketron

[HB 1576](#)

Carr

**Eminent domain procedures for counties and municipalities.**

Requires counties to take property only for public use, instead for any county purpose. Requires municipalities to take property only for public use. Requires counties and municipalities to notify the property owner and follow certain requirements concerning such notice. Establishes a procedure for such government entity to contact the property owner and for the parties to negotiate an eminent domain purchase price. Allows for an arbitration process if the parties cannot agree on the purchase price. (17 pp.) (S: Ketron; H: Carr)

**Senate Status:** Referred to Senate Judiciary.

**House Status:** House General Subcommittee of Judiciary deferred to 2012.

**SB 1716**

Yager

[HB 1075](#)

Maggart

**Design review commissions.** Authorizes any county legislative body to create a design review commission (DRC), which will have the authority to develop general guidelines for the exterior appearance of nonresidential property, multiple family residential property, and any entrance to a nonresidential development within the county. (S: Yager; H: Maggart)

**Senate Co-Sponsor:** Ketron

**Senate Status:** Senate State & Local Government deferred to 2012.

**House Status:** Taken off notice 04/13/2011 in House General Subcommittee of State & Local Government.

**SB 1937**

McNally

[HB 1350](#)

Hurley

**Prohibits lease of property to unlawfully present persons.** Allows municipalities, counties, and metropolitan governments to prohibit landlords from leasing real property to persons unlawfully present in the United States by resolution or ordinance. Requires the attorney general to draft and defend such resolutions and ordinances upon written request by the government entity. (S: McNally; H: Hurley)

**House Co-Sponsor:** Campbell

**Senate Status:** Referred to Senate State & Local Government.

**House Status:** Taken off notice 03/23/2011 in House General Subcommittee of State & Local Government.

## LOTTERY

### [SB 0027](#)

Tracy

### [HB 0150](#)

Carr

[Public Chapter \(PDF\)](#)

**Extension of deadline for applications for annual events.** Extends deadline for applications for 2010-2011 annual events for 5 days after effective date of act. (S: Tracy; H: Carr)

**Amendment:** Senate amendment 1 extends the deadlines for applications for 2011-2012 annual events for five days after effective date of act.

**Senate Status:** Senate 02/14/2011 passed with amendment 1.

**House Status:** House passed 03/07/2011.

**Other Status:** Enacted as Public Chapter 0010 (effective 03/24/2011).

### [SB 1252](#)

Yager

### [HB 1447](#)

McCormick

**Requirements for annual event tickets.** Requires any ticket, share or similar record to include on its face the phone number or address of the charitable organization on whose behalf an event involving a lottery game is being held, in addition to the name of the organization. (S: Yager; H: McCormick)

**Senate Status:** Referred to Senate State & Local Government.

**House Status:** Taken off notice 03/23/2011 in House General Subcommittee of State & Local Government.

### [SB 1913](#)

Woodson

### [HB 2067](#)

Matheny

**Requirements for annual event tickets.** Requires the ticket, share, chance or other similar record to bear on its face the name of the 501(c)(3) organization or the telephone number of such organization. Requires all cash prizes or awards exceeding \$50.00 to be paid by check from a designated account of the organization to a named individual. Requires payment be made in the form of goods or services by an appropriate legal instrument in the case of non-cash prizes or awards. Establishes that for single location annual events, the total value of all prizes awarded must not exceed \$250,000, provided that such limitation must not apply to prize of real property. Authorizes 501(c)(3) organizations offering a prize of real property to offer a cash equivalent prize not to exceed the fair market value of the real property, provided that such cash equivalent prize must be disclosed in the rules of the specific annual event prior to the sale of any ticket. (S: Woodson; H: Matheny)

**Senate Status:** Referred to Senate State & Local Government.

**House Status:** Taken off notice 04/21/2011 in House Calendar & Rules.

### [SB 1948](#)

Finney L.

### [HB 2084](#)

Turner M.

**Requirements for annual event tickets.** Requires annual event tickets to include either the mailing address or telephone number of the 501(c)(3) organization in addition to the name of the 501(c)(3) organization. (S: Finney L.; H: Turner M.)

**Senate Status:** Referred to Senate State & Local Government.  
**House Status:** Referred to House General Subcommittee of State & Local Government.

**SB 2027**  
Stewart E.  
[HB 1021](#)  
Alexander

**Deadline for applications for 2011-2012 annual events.** Extends deadline for applications for 2011-2012 annual events for five days after effective date of act. Requires an additional omnibus list to be transferred. (S: Stewart E.; H: Alexander)

**Senate Status:** Referred to Senate State & Local Government.  
**House Status:** Taken off notice 03/09/2011 in House General Subcommittee of State & Local Government.

## PROFESSIONS & LICENSURE

**SB 0622**  
Ketron  
[HB 0481](#)  
Curtiss

**General contractors - administrative action notices.** Requires that notices concerning administrative action be served or filed personally or by certified mail to person's last known business address, with the time running from the time of service if served personally or the postmark if by mail. Broadly captioned. (S: Ketron; H: Curtiss)

**Senate Status:** Referred to Senate Commerce, Labor & Agriculture.  
**House Status:** Referred to House General Subcommittee of Commerce.

**SB 1158**  
Norris  
[HB 0758](#)  
Todd

[Public Chapter \(PDF\)](#)

**License requirements, brokers, lenders, and loan servicers.** Removes present law prohibition against contractors and persons engaged in the home remodeling business engaging in the business of making residential mortgage loans or of being a mortgage loan servicer or mortgage loan broker. Adds the following exemptions to the licensure requirement for acting as a mortgage lender, mortgage loan broker or mortgage loan servicer; provided, however that the following exemptions will not apply if doing so would conflict with the requirements of the federal Fair Enforcement for Mortgage Licensing Act of 2008: (1) Any individual who, as seller of the individual's own real property, receives or makes in any consecutive twelve-month period five or fewer residential mortgage loans and who does not hold out to the public as being in the mortgage lending business; (2) An individual engaged solely in commercial real estate lending or an individual who provides financing on property that is not intended to be, and is not in fact, owner occupied by the person receiving the financing; (3) Any person who makes a mortgage loan to an employee of such person as an employment benefit, employment incentive, or relocation package; and (4) Any individual doing any act related to mortgage loans pursuant to an order of any court of competent jurisdiction. Exempts from the licensure requirement any individual who performs only real estate

brokerage activities and is licensed pursuant to the Tennessee Real Estate Broker License Act of 1993, unless the individual is compensated by a mortgage lender, a mortgage loan broker, a mortgage loan originator or by any agent of the mortgage lender, mortgage loan broker or mortgage loan originator. (S: Norris; H: Todd)

**Amendment:** House amendment 1 prohibits contractors, home improvement contractors, or other persons who supply materials and render services in the improvement of real property from engaging in the business of making residential mortgage loans, or from being a mortgage loan servicer for a mortgage loan broker in this state. Exempts from mortgage lending licensure requirements attorneys compensated by a mortgage lender, mortgage loan broker, or a mortgage loan originator or by the lender's, broker's or originator's agents and persons performing land title insurance services in connection with a closing of a sale transaction. Specifies that no person shall be exempt from the licensure requirements if such person makes more than five residential mortgage loans in a consecutive twelve-month period. Authorizes the exemption if an individual subdivides a vacant tract of property as long as financing does not include the cost of constructing a dwelling.

**Senate Status:** Senate 05/02/2011 passed.

**House Status:** House 04/25/2011 passed with amendment 1.

**Other Status:** Enacted as Public Chapter 0228 (effective 05/20/2011).

**SB 1542**

Berke

**HB 1608**

McDonald

**Contractor licensure exemptions.** Exempts persons or entities from the requirement to obtain a license as a general contractor or home improvement contractor, if the person discloses that the person is not licensed, obtains other permits required by law, and does not submit or attempt to submit a bid to install any material, and the removal must not include delegations to any other person or entity or affect the building's structural integrity. (S: Berke; H: McDonald)

**Senate Co-Sponsor:** Haile

**Senate Status:** Taken off notice in Senate Commerce, Labor & Agriculture 04/26/2011.

**House Status:** Taken off notice 04/26/2011 in House Commerce.

## PROPERTY & HOUSING

**SB 0017**

Norris

**HB 1564**

Sargent

**Mortgage-related licensure exemptions** Exempts individuals who make five or less mortgages within a twelve month period and individuals who receive one or more mortgages, deeds of trust, or other security instruments on real estate as security for a purchase money obligation from certain mortgage-related licensure. (S: Norris; H: Sargent)

**Senate Status:** Referred to Senate Commerce, Labor & Agriculture.

**House Status:** Referred to House General Subcommittee of Commerce.

**SB 0055**

Campfield

**HB 1214**

Hall

**Eminent domain: notice by mail, not newspaper.** Requires the municipality to notify property owners affected by the proposed annexation by first class mail and posting it in various public places, instead of posting it in the newspaper. Requires the mail to be sent more than 14 days from the scheduled proposed annexation. Requires the person mailing the notice to file an affidavit to certain municipality officials concerning the mailed documents. (S: Campfield; H: Hall)

**Amendment:** Senate amendment 1 requires that a copy of the resolution, describing the territory proposed for annexation, to be promptly sent by the municipality to the last known address listed in the office of the property assessor for each property owner of record within the territory proposed for annexation. Requires the resolution be sent by first class mail and must be mailed no later than 14 calendar days prior to the scheduled date of the hearing on such proposed annexation. Requires the resolution to also be published by posting copies of it in at least three public places in the municipality proposing such annexation, and by publishing notice of such resolution at or about the same time in a newspaper of general circulation, if there is one, in such territory and municipality. Requires the resolution to include a plan of services for the area proposed for annexation. Requires the municipality to cause a copy of the resolution to be forwarded to the county mayor in whose county the territory being annexed is located. Allows a person or persons with personal knowledge of the mailing of the resolutions to each property owner of record to submit a notarized affidavit to the presiding officer of the municipality attesting that such resolutions were mailed in. Prohibits failure of a property owner to receive a notice that was mailed from being grounds to invalidate the annexation. House amendment 1 adds notification via newspaper back into the bill so that notification is met by public posting, first class mail and publication in certain newspapers.

**Senate Status:** Senate 05/18/2011 passed with amendment 1.

**House Status:** House 05/20/2011 concurred in Senate amendment 1.

**Other Status:** Sent 05/20/2011 to the speakers for signatures.

**SB 0088**

Ketron

**HB 0126**

Sargent

**Zoning boards of appeals: records requirements.** Requires zoning boards of appeals to make findings of fact, statements of material evidence, and statements of reasons for their actions as part of each motion or action and keep a public record of their resolutions, transactions, motions, actions, and determinations. (S: Ketron; H: Sargent)

**House Co-Sponsor:** Elam

**Amendment:** Senate amendment 1 deletes the original bill. Authorizes

the supplemental rules of procedure for county or municipal zoning appeals to include maintenance of a record of the zoning board's actions, the election from its membership of a chair and other officers, and findings of fact and statements of material evidence on each motion or action before the board.

**Senate Status:** Senate 05/02/2011 passed with amendment 1.

**House Status:** House passed 05/16/2011.

**Other Status:** Sent to governor 05/18/2011.

**SB 0458**

Tracy

[HB 0460](#)

Brooks, Kevin

**Changes membership of audit & budget committee of THDA.**

Changes membership of audit and budget committee of TN Housing Development Agency by replacing the comptroller of the treasury with the state treasurer. (S: Tracy; H: Brooks, Kevin)

[Public Chapter \(PDF\)](#)

**Senate Status:** Senate 03/03/2011 passed.

**House Status:** House passed 03/07/2011.

**Other Status:** Enacted as Public Chapter 0016 (effective 07/01/2011).

[SB 0866](#)

Crowe

**HB 1208**

Hill

**Allows victim of domestic abuse to terminate lease.** Allows a tenant who is the victim of domestic abuse, sexual assault, or stalking to terminate lease agreement for person's primary residence upon submitting certain evidence to the landlord in writing and vacating the premises. (S: Crowe; H: Hill)

**Senate Status:** Referred to Senate Commerce, Labor & Agriculture.

**House Status:** Referred to House General Subcommittee of Commerce.

**SB 0891**

Woodson

[HB 1064](#)

Haynes R.

**Abolished monitoring inspection fee levied on manufacturers.**

Abolishes the monitoring inspection fee levied on manufactured home manufacturers. (S: Woodson; H: Haynes R.)

**Senate Status:** Referred to Senate Commerce, Labor & Agriculture.

**House Status:** Referred to House General Subcommittee of Commerce.

[SB 1009](#)

Campfield

**HB 1760**

Curtiss

**Revisions to Uniform Landlord and Tenant Act.** Requires inspection for tenant liability following the end of a rental agreement to occur within three instead of ten business days from the day occupancy has ended. Grants tenants the right to be present during the landlord's inspection and requires written notice of that right. Lists specific circumstances, instead of inaccessibility alone, that allow a landlord to inspect and compile a list of damages without a tenant's participation. Permits a landlord to enter the premises upon 24 hour written notice to inspect and repair any damages when the utilities have been turned off for three days without landlord fault and permits termination of the rental agreement under specified circumstances. Allows the landlord to

enter and show premises during the final 30 days of a lease upon giving 24 hour notice. Requires a tenant to obtain landlord authorization for repairs to the premise necessary to regain compliance with general maintenance requirements or remedy a breach of the rental agreement. Decreases the time allotted to a tenant to place the utility services under their name pursuant to a rental agreement from ten to three days at which time the landlord can have the services terminated and requires the landlord exercise this right within 45 days of the tenant's occupancy. Clarifies that the date rent became due is included in the five day grace period required before a late fee may be charged including Saturdays and changes the maximum penalty from ten to two percent of the amount due. Requires that payments are actually received by the landlord to be considered timely made if the office where the tenant is to pay rent is located in the same county where the tenant resides. Permits a landlord to file a detainer warrant immediately upon a tenant's failure to pay rent if notice requirements have been waived by the tenant. Exposes persons deemed trespassers who takes possession of premises without entering a written or oral rental agreement to potential liability for damages and rent for the term of the trespass. Provides a definition for "substantially impaired" to be understood as uninhabitable or rendered useless. (28 pp.) (S: Campfield; H: Curtiss)

**Amendment:** HOUSE AMENDMENT 1 rewrites the bill. Exempts application of these provisions to public housing that is subject to federal regulation. Specifies that the provisions will apply to public housing to the extent that federal regulations defer to state law. Allows landlord to send notifications to the tenant through email if the tenant provides an email address in the rental agreement. Clarifies that the five-day grace period before a fee can be assessed for late payment includes the date rent was due and Saturdays. Provides that if a person takes possession of a unit without agreement and payment, they are trespassing and may be evicted and held liable for damages, rent and attorneys fees. Sets out the process for inspection of the premises and determination of charges against a security deposit upon termination of occupancy. Deletes the requirement that a landlord inform a prospective tenant of the location of the separate account used for security deposits. Allows a landlord to recover costs for damages to the premises discovered after inspection only if the discovery was prior to the earlier of 30 days after the tenant vacated or abandoned the premises or seven days after new tenant take possession. Adds that a landlord has a right to access the unit if utilities to the unit have been turned off to assess damages and make necessary repairs. Adds exception to right of access that if within 30 days of termination of the agreement then the landlord may enter to show it to prospective tenants if the current tenant is given 24-hour notice. Provides a distinction for notice requirements under breach of the rental agreement where it can be remedied by payment of rent, cost of repairs, damages or other amount due to the landlord. If the tenant has waived

notice, then the landlord may immediately file for a detainer warrant for failure to pay rent without notice to the tenant. The waiver of notice must be at least 12-point bold font or larger in the rental agreement. Adds that a landlord may bring action for back rent and attorneys fees if the tenant remains in the unit without the landlord's consent after the rental agreement has expired/terminated. Adds that a landlord may terminate a rental agreement if the tenant creates a hazardous/unsanitary condition that affects the health, safety, welfare or the life or the property of other tenants. Changes from 10 days to 3 days that the tenant has to place utility services in their name before the landlord may terminate those services. HOUSE AMENDMENT 2 changes the effective date to October 1, 2011, and specifies that the act shall apply to rental agreements entered into on or after that effective date.

**Senate Status:** Senate 05/09/2011 passed.

**House Status:** House 05/02/2011 passed with amendments 1 and 2.

**Other Status:** Signed by governor 05/23/2011.

**SB 1066**

Barnes

**HB 1155**

Dennis

**Changes to foreclosure procedures.** Requires the secretary of state to file all foreclosure notices, maintain a free to the public foreclosure searchable system, maintain a web site page for posting notices of foreclosure, and maintain a certified list of newspaper publications. Requires the trustee or other person selling the interest in the property to file a notice of foreclosure with the secretary of state and advertise the sale in a certified newspaper of general circulation in the county where the sale is going to occur. Establishes that notice requirements detailed in a mortgage, deed of trust, or other legal instruments regarding newspaper publications are satisfied if the newspaper is on the referenced list and distributed in the county where the property is located. Specifies what foreclosure notices and notices of foreclosures must contain. Allows judicial or trust sales to be adjourned and rescheduled one or more times, if certain conditions are satisfied. Allows the party conducting the sale to dispose of the property in additional ways. Makes other changes related to foreclosure. (13 pp.) (S: Barnes; H: Dennis)

**Senate Status:** Referred to Senate Judiciary.

**House Status:** Referred to House General Subcommittee of Judiciary.

**SB 1199**

Yager

**HB 1580**

Carr

**Exemptions from residential property disclosure.** Increases from three to four years the time period an owner must not have resided at transferred property to be exempt from residential property disclosure. (S: Yager; H: Carr)

**Senate Status:** Referred to Senate Commerce, Labor & Agriculture.

**House Status:** Referred to House General Subcommittee of Commerce.

**SB 1296**  
Johnson J.  
[HB 0730](#)  
Casada

**TN Home Construction Jobs Development Act.** Creates "The TN Home Construction Jobs Development Act." Requires the TN housing development agency to make a grant of \$6,000 to a person who finances the purchase of a newly constructed or never occupied residence in TN using a 30-year fixed interest rate. Prohibits a person with the income of \$75,000 single or \$150,000 married couples from receiving the grant. Requires the agency to create rules for determining the manner of payment of a grant, including establishing a limit on the time for which the funds for a grant can remain in escrow, which cannot exceed 90 days. Establishes the home construction jobs restricted special revenue fund. Requires monies in the fund to be appropriated in the general appropriations act and expended to fund grants made by the TN housing corporation. (S: Johnson J.; H: Casada)

**Senate Status:** Referred to Senate Commerce, Labor & Agriculture.  
**House Status:** Referred to House General Subcommittee of Commerce.

[SB 1388](#)  
Finney L.  
**HB 1728**  
Armstrong

**Study on grant program for first-time home buyers.** Creates special joint committee to study the feasibility of establishing a grant program with THDA to assist first-time home buyers in economically distressed areas. (S: Finney L.; H: Armstrong)

**House Co-Sponsors:** Favors; Tindell

**Senate Status:** Referred to Senate Delayed Bills Committee.  
**House Status:** House Finance Study Committee Subcommittee 05/17/2011 voted to add this study to the agenda of the House Finance, Ways and Means summer study.

**SB 1479**  
Watson B.  
[HB 1744](#)  
McCormick

**Mechanics' and materialmen's liens - owner redefined.** Redefines owner for purposes of mechanics' and materialmen's liens to specify that an owner is an owner of real property that a lien claimant seeks to attach in addition to sell under process. (S: Watson B.; H: McCormick)

**Senate Status:** Referred to Senate Judiciary.  
**House Status:** Referred to House General Subcommittee of Judiciary.

**SB 1586**  
Marrero  
[HB 1792](#)  
Hardaway

**Energy audits of state buildings.** Requires owners of commercial buildings within the state to have a comprehensive energy audit conducted on such buildings and to conspicuously display the results of such audit by October 1, 2011. Also requires comprehensive energy audits for all state buildings and state-owned facilities. (S: Marrero; H: Hardaway)

**Senate Status:** Referred to Senate State & Local Government.  
**House Status:** Taken off notice 04/13/2011 in House General Subcommittee of State & Local Government.

**SB 1627**  
Marrero  
[HB 0107](#)  
Hardaway

**Landlords required to furnish energy audits.** Requires landlords of residential property to provide an energy audit on rental property to tenant prior to such tenant entering into lease agreement. (S: Marrero; H: Hardaway)

**Senate Status:** Referred to Senate Commerce, Labor & Agriculture.  
**House Status:** Taken off notice 04/13/2011 in House General Subcommittee of Commerce.

**SB 1731**  
Tate  
[HB 0067](#)  
Hardaway

**Deeds of trust.** Requires an assignment of a deed of trust to be properly recorded with the register of deeds within 10 days of the date of assignment. Broadly captioned. (S: Tate; H: Hardaway)

**Senate Status:** Referred to Senate Commerce, Labor & Agriculture.  
**House Status:** Caption bill held on House clerk's desk.

**SB 1845**  
Finney L.  
[HB 1644](#)  
Dennis

**Prohibition of Covenants Providing for Transfer Fees Act.** Creates the Prohibition of Covenants Providing for Transfer Fees Act of 2011 which renders ineffective any transfer fee covenant recorded after passage of this bill, against effected real property or subsequent owners, purchasers or mortgagees with interest in the property. Defines transfer fee covenant as a covenant attached to the land binding current and successive owners to pay a fee to a third party for any transfers of interest in the property and provides for detailed exclusions to the definition. (S: Finney L.; H: Dennis)

**Amendment:** House amendment 1 specifies that "transfer fee covenant" does not include a document's provision requiring a payment of a fee or charge to an association, in addition to, the association's managing agent. House amendment 2 specifies that "transfer fee covenant" does not include agreements where certain fees are charged by an association or the association's agent for a service rendered contemporaneously with the fee.

**Senate Status:** Senate 05/19/2011 passed.  
**House Status:** House 04/11/2011 passed with amendments 1 and 2.  
**Other Status:** Sent 05/19/2011 to the speakers for signatures.

**SB 1883**  
Kyle  
[HB 2078](#)  
Harrison

**Planning commission - revision of plats.** Requires that notice of certain regulatory hearings of regional and municipal planning commissions be published on commission's Web site if the commission maintains a Web site. (S: Kyle; H: Harrison)

**Senate Status:** Referred to Senate State & Local Government.  
**House Status:** Taken off notice 04/26/2011 in House State & Local Government.

**SB 1885**

Kyle

[HB 1777](#)

Miller L.

**Land Bank Authority Act.** Creates the land bank authority (authority), defined as a foreclosing government unit, to serve as a public body acting independently of government for the purpose of assembling and disposing of public property in a coordinated manner. Empowers the authority to acquire through specified means real or personal property or an interest therein and to do all things necessary in effectuating property transactions such as reform bylaws, contract, borrow money and issue bonds, solicit or accept any financial aid or loans, participate in government programs, procure insurance, make investments, employ experts and agents, develop plans and reports, approve of all documents facilitating a property transfer, grant or acquire licenses or easements, rent out or charge for the use of property, pay taxes or assessments owed, act to quiet title or initiate foreclosures, determine the value of property conveyed, and remediate environmental contamination problems, among any other necessary actions. Exempts the authority from all taxes and special assessments, liability under environmental protection laws unless the cause of violations, and all restrictions later imposed through local legislation and makes clear the discretion of the authority is the equivalent of a private property owner. Prohibits an authority from funding casinos or sexually oriented businesses, imposing taxes or special assessments, exercising the power of eminent domain, condemning property, or conveying property without a determination by the department of environmental quality that property does not threaten public health or safety. Requires an authority to adopt a code of ethics, disclose conflicts of interest, defend against and initiate civil actions under specified circumstances, obtain local approval to accept deeds in lieu of foreclosure under a tax lien, inventory and classify all property held, return to the local unit all funds collected associated with owed property taxes, and grant necessary access to the department of environmental quality. Creates the authority board consisting of seven members, serving four year terms and provides rules regarding qualifications and appointment. Sets out rules governing the authority board regarding vacancies, election of chairpersons, voting, execution of duties, appointment and duties of the executive director, required legislative reports, content and scope of intergovernmental agreements, issuance of bonds and notes, and dissolution. Sets requirements and guidelines regarding the relationship and transactions between the authority and qualified cities such as the transfer of property to the authority, providing aid to the authority, contribution of funds, advancement and reimbursement, and collection of property taxes and tax liens but does not require the authority to gain approval of the governing body in fulfilling its duties. Creates the land bank fund under the jurisdiction of the authority and provides various regulations regarding the funds functions, transfer of funds upon dissolution, and permissible deposits and withdrawals. (pp 22.) (S: Kyle; H: Miller L.)

**Senate Status:** Referred to Senate State & Local Government.  
**House Status:** Taken off notice 04/26/2011 in House State & Local Government.

**SB 1922**  
Woodson  
[HB 0826](#)  
Maggart

**Termination of lease for victims of domestic abuse.** Authorizes tenants who have entered a lease agreement on or after July 1, 2011 and who themselves or a household member have become a victim of domestic abuse, sexual assault, or stalking to terminate the residential rental agreement or lease. Requires termination of the lease without penalty or fees if the landlord is provided with written notice, an agreed release date 30 days from notice, and either a copy of a valid protection order or a written report from an abuse organization all of which shall not be dated later than 60 days following the date of notice. Prohibits the landlord from releasing information regarding the tenants whereabouts. Holds the tenant responsible for rent for the month the tenancy was terminated and an additional months rent. (S: Woodson; H: Maggart)

**Senate Status:** Referred to Senate Judiciary.  
**House Status:** Referred to House General Subcommittee of Commerce.

**SB 2003**  
Stewart E.  
[HB 1763](#)  
Curtiss

**Uniform Residential Landlord and Tenant Act - all counties.** Applies the Uniform Residential Landlord and Tenant Act to all counties for rental or lease agreements entered into or renewed on or after July 1, 2011. (S: Stewart E.; H: Curtiss)

**Senate Status:** Senate Commerce, Labor & Agriculture deferred to 04/12/2011.  
**House Status:** Taken off notice 04/20/2011 in House General Subcommittee of Commerce.

**SB 2051**  
Ford O.  
[HB 0022](#)  
Hardaway

**Writs of possession: changes and requirements.** Requires 24-hour written notice of approximate time of removal pursuant to writ of possession related to a forcible entry and detainer or ejectment. Requires the removal of such property according to the writ of possession to occur between 8 am and 5 pm. Requires plaintiff to create an inventory list, explain existing damage to defendant's property, and sign the document with the sheriff executing the such writ of possession. Holds plaintiff liable for damages to defendant's removed personal property if notice requirements are not followed. Requires writs of possession related to ejectment to be issued 10 or more days after the court order. (S: Ford O.; H: Hardaway)

**Senate Status:** Taken off notice in Senate Commerce, Labor & Agriculture 04/19/2011.  
**House Status:** House General Subcommittee of Judiciary deferred to

2012.

**SB 2065**  
Ford O.  
[HB 0082](#)  
Hardaway

**Rental agreement to include energy audit.** Requires rental agreement under Uniform Residential Landlord and Tenant Act to include, as an addendum, a copy of an energy audit of estimating the energy usage required at dwelling unit. (S: Ford O.; H: Hardaway)

**Senate Status:** Taken off notice in Senate Commerce, Labor & Agriculture 04/19/2011.

**House Status:** Taken off notice 04/13/2011 in House General Subcommittee of Commerce.

**SB 2080**  
Ford O.  
[HB 0023](#)  
Hardaway

**Addition to a residential property disclosure form.** Establishes that a residential property disclosure form should include information on the average utility cost for the property over the previous calendar year. (S: Ford O.; H: Hardaway)

**Senate Status:** Referred to Senate Commerce, Labor & Agriculture.

**House Status:** Failed 03/16/2011 in House General Subcommittee of Commerce.

[HB 0068](#)  
Hardaway

**Real estate closings required to be attorney supervised.** Requires all real estate closings under the Tennessee Home Loan Protection Act to be attorney supervised closings. Specifies that only attorneys with sufficient errors and omission insurance, as set annually by the commissioner of financial institutions, shall be authorized to act as supervising attorneys. (H: Hardaway)

**House Status:** Caption bill held on House clerk's desk.

## **PUBLIC EMPLOYEES**

**SB 0136**  
Ketron  
[HB 0159](#)  
Casada

**Prohibits payroll deductions to PACs.** Prohibits public employees, including city and county employees, from having a payroll deduction to a political action committee or for dues for membership organizations that use funds for political activities. (S: Ketron; H: Casada)

**Senate Status:** Referred to Senate State & Local Government.

**House Status:** Referred to House General Subcommittee of State & Local Government.

## **PUBLIC FINANCE**

**SB 0897**  
Watson B.  
[HB 0069](#)  
Hardaway

**Keeps certain funds apart from the general fund.** Prohibits, beginning in FY 11-12, any transfers to the general fund from the Health Related Boards Fund under the Department of Health and the Division of Regulatory Boards Fund or the State Board of Accountancy under the

Department of Commerce and Insurance. (S: Watson B.; H: Hardaway)

**Senate Status:** Referred to Senate Finance, Ways & Means.

**House Status:** Taken off notice 04/13/2011 in House General Subcommittee of Finance.

**SB 0898**

Watson B.

[HB 0076](#)

Hardaway

**Prohibits transfer of certain funds to the general fund.** Requires that the Division of Regulatory Boards Fund under the Department of Commerce and Insurance and Health Related Boards Fund under the Department of Health be kept separate and apart from all other funds. (S: Watson B.; H: Hardaway)

**Senate Status:** Referred to Senate Finance, Ways & Means.

**House Status:** House General Subcommittee of Finance deferred to 2012.

## RETAIL TRADE

[SB 0295](#)

Tate

**HB 0542**

Gilmore

**Home solicitation sales modifications.** Allows buyers involved in home solicitation sales to cancel such a sale for up to ten days, instead of three days. Requires home solicitation sales agreements, offers to purchase, or receipts must be witnessed by a third party at the time of signing. Requires that the seller must pay for the third party's fees, if the third party is a notary public. Establishes that seller has notice of cancellation when notice is received through fax or email, in addition to the seller's address listed on the documents. Requires the seller to provide certain additional information to the buyer, otherwise the contract will be held to be unenforceable. Alters the seller's right for compensation after a sale has been canceled. (S: Tate; H: Gilmore)

**Senate Status:** Taken off notice in Senate Commerce, Labor & Agriculture 05/03/2011.

**House Status:** Referred to House General Subcommittee of Commerce.

## TAXES BUSINESS

**SB 1337**

Watson B.

[HB 1502](#)

Gotto

**Collection of business privilege tax by county clerks.** Requires the county clerk or a designated local official to act as tax administrator and collector for state and local imposed business taxes for Davidson, Hamilton, Knox, and Shelby county, with several exceptions requiring collection by the commissioner. Provides tax credit guidelines for the county clerk or designated official and allows for intervention by the commissioner under specified refund circumstances. Extends general business tax provisions to authorize the county clerk or designated official to grant extensions, waive penalty payments, charge collection fees, assess tax liability for persons failing to file, hire an attorney or

agent to collect delinquent taxes, designate the department of revenue as a tax collection agent, inspect personal records related to tax liability, and to issue and renew business licenses. Amends various business tax provisions to include the county clerk or designated official in the authority granted the commissioner. Places the duty of tax collection on the commissioner if the county clerk or other official fails to collect delinquent taxes and requires all taxes and penalties collected go to the state treasury. Specifies persons and circumstances in which access to a person's tax information contained in statements or reports is permitted. Requires the county clerk or designated official to pay the commissioner 15% of the total amount of business taxes collected, providing for several exceptions, and submit a report of all collections to the commissioner for examination and collection of any amount owed. Permits a taxpayer subject to collection of tax by the county clerk or designated official to file a payment of tax under protest claim when a taxpayer's bad debt exceeds the amount of the taxpayer's gross receipts. (13 pp.) (S: Watson B.; H: Gotto)

**Senate Status:** Senate Finance Tax Subcommittee deferred to 2012.  
**House Status:** Taken off notice 04/26/2011 in House State & Local Government.

## TAXES GENERAL

### **SB 1732**

Tate

### **HB 0093**

Hardaway

**Shelby County tax offsets for any local payroll taxes.** Requires certain counties that levy a payroll tax to reduce the county real property tax rate in an amount sufficient to offset all revenue derived by the county from such payroll tax; and requires certain municipalities that levy a payroll tax to reduce the municipal real property tax rate in an amount sufficient to offset all revenue derived by the municipality from such payroll tax. Broadly captioned. (S: Tate; H: Hardaway)

**Senate Status:** Referred to Senate State & Local Government.

**House Status:** Caption bill held on House clerk's desk.

## TAXES PROPERTY

### **SB 0004**

Norris

### **HB 1563**

Sargent

**Income limits for property tax freeze.** Revises property tax freeze income limit reference of census data from the most recent decennial census to estimates in the year following the most recent federal census. (S: Norris; H: Sargent)

**Senate Status:** Taken off notice in Senate Finance Tax Subcommittee.

**House Status:** Referred to House General Subcommittee of Finance.

### **SB 0394**

**Intangibles tax for loan companies and cemetery companies.**

Johnson J.  
**HB 0483**  
Sargent

Removes loan companies and cemetery companies from requirements of intangible personal property taxes. (S: Johnson J.; H: Sargent)  
**House Co-Sponsors:** Eldridge; Lundberg; Stewart M.; Tindell; Marsh

**Senate Status:** Taken off notice in Senate State & Local Government 03/01/2011.  
**House Status:** Referred to House General Subcommittee of Finance.

**SB 0462**  
Bell  
[HB 0467](#)  
Lundberg

[Public Chapter \(PDF\)](#)

**Deadline for filing tax relief refund applications.** Changes deadline for filing applications for refunds or presentments of credit vouchers for tax relief for elderly, disabled, or disabled veterans. Clarifies that repayment is not required if certain persons determined to be eligible by the social security administration, the veterans' administration, the department of humans services or other governmental entity are later found to be ineligible for property tax relief. (S: Bell; H: Lundberg)  
**Amendment:** Senate amendment 1 clarifies that the legislation will apply pending claims for the 2011 tax year and thereafter.

**Senate Status:** Senate 03/07/2011 passed with amendment 1.  
**House Status:** House passed 03/10/2011.  
**Other Status:** Enacted as Public Chapter 0017 (effective 03/24/2011).

[SB 0534](#)  
McNally  
**HB 0745**  
Sargent

**Elderly low-income homeowner property tax relief.** Increases annual income amount for certain elderly taxpayers who are eligible for property tax relief from \$24,000 to \$26,500 for tax years 2011 and subsequent years. Broadly captioned. (S: McNally; H: Sargent)

**Senate Status:** Referred to Senate State & Local Government.  
**House Status:** Taken off notice 04/20/2011 in House General Subcommittee of Finance.

**SB 0615**  
Watson B.  
[HB 0605](#)  
Sargent

**Loan and cemetery companies - tax on shares of stock.** Removes loan companies and cemetery companies from tax on shares of stock. (S: Watson B.; H: Sargent)  
**Senate Co-Sponsors:** Johnson J.; Southerland; Tate; Ketron; Yager  
**House Co-Sponsors:** Brooks, Kevin; Marsh; Lundberg; Tindell; Eldridge; Floyd; Shepard; Powers; Maggart; Harrison; Montgomery; Hawk; Shipley; Hurley; Dunn; Haynes R.; Hill; Matheny; Stewart M.; Roach; Casada; Sexton

**Senate Status:** Taken off notice in Senate Finance, Ways & Means 05/18/2011.  
**House Status:** House General Subcommittee of Finance deferred to 2012.

**SB 0638**

**Paying of property taxes during an assessment appeal.** Cleans up and

McNally  
[HB 0464](#)  
Haynes R.

[Public Chapter \(PDF\)](#)

clarifies statutory language regarding the collection of disputed property taxes pending an assessment appeal. Removes the requirement that taxpayers prevailing in appeal be refunded within 60 days. Eliminates the ability of Shelby County residents owning multiple properties from receiving payment in one check following a successful appeal. Removes a provision prohibiting any proceeding to collect taxes from taking place when the property has been appraised and the state has publicly agreed to consider the new appraisal value. (S: McNally; H: Haynes R.)

**Senate Status:** Senate 03/21/2011 passed.

**House Status:** House passed 03/31/2011.

**Other Status:** Enacted as Public Chapter 0077 (effective 04/14/2011).

[SB 0742](#)

Tracy  
**HB 0883**  
Dean

[Public Chapter \(PDF\)](#)

**Amending of personal property schedule.** Specifies that a personal property schedule may be amended only for certain reasons and that the failure of a taxpayer to receive the schedule would not excuse the taxpayer from filing the schedule by March 1. (S: Tracy; H: Dean)

**Senate Status:** Senate 03/24/2011 passed.

**House Status:** House passed 04/04/2011.

**Other Status:** Enacted as Public Chapter 0093 (effective 04/21/2011).

[SB 0743](#)

Norris  
**HB 0882**  
Haynes R.

**Study of delinquent property tax cases.** Requires the comptroller to conduct a study of the statutory law and cases involving the manner in which delinquent property taxes are reported by the trustee and collected by delinquent tax attorneys. Requires the comptroller to convene a working group of trustees and delinquent tax attorneys from both the urban and rural areas of the three grand divisions and include members of the house of representatives and senate having knowledge in these areas to be appointed by the respective speakers to help with the study. (S: Norris; H: Haynes R.)

**Senate Status:** Taken off notice in Senate State & Local Government 05/10/2011.

**House Status:** House General Subcommittee of Finance deferred to 05/18/2011.

[SB 0852](#)

McNally  
**HB 1077**  
Hawk

**Requirements regarding reappraisal.** Specifies that if the assessor of property or the county is unable to comply with present law requirements regarding reappraisal and equalization of property for property tax purposes, then the assessor or county must reimburse the state "two times the costs incurred in ensuring compliance" instead of "the costs incurred." Removes the requirement that the state board of equalization sit for a portion of its time in the western and eastern divisions of the state, in addition to its sessions at Nashville. (S: McNally; H: Hawk)

**Amendment:** House amendment 3 prohibits the assessment of state board of equalization hearing costs against a non-prevailing party who is not the appellant. Under present law regarding property taxes and assessment review, the state board of equalization must assess the costs of hearing or processing an appeal against any non-prevailing party not determined to be indigent, pursuant to rules of the board. This amendment specifies that the board would assess such costs against any non-indigent "non-prevailing appellant", instead of "non-prevailing party". Senate amendment 1 requires a public radio and television entity to be organized as a nonprofit charitable or educational institution in order to be exempt from property taxes. The provisions of this bill will apply to applications pending and received on the effective date of the bill.

**Senate Status:** Senate 05/21/2011 concurred in House amendment 3.

**House Status:** House 05/21/2011 re-passed with amendment 3 after moving to reconsider their actions.

**Other Status:** Sent 05/21/2011 to the speakers for signatures.

**SB 0996**

McNally

[HB 0742](#)

Sargent

**Property tax relief for elderly - income limits.** Increases annual income amount for certain elderly taxpayers who are eligible for property tax relief from \$24,000 to \$26,500 for tax years 2011 and subsequent years. Broadly captioned. (S: McNally; H: Sargent)

**Senate Status:** Referred to Senate State & Local Government.

**House Status:** Caption bill held on House clerk's desk.

**SB 1081**

Woodson

[HB 1272](#)

Haynes R.

**Guidelines for sale of property for delinquent taxes.** Allows the municipality or county that conducted a sale for delinquent taxes to submit a report of findings of fact to the court that summarizes for each property sold at the sale for delinquent taxes the names of all parties with an interest in the real estate and such other facts relevant to the sale. (S: Woodson; H: Haynes R.)

**Senate Status:** Referred to Senate State & Local Government.

**House Status:** Taken off notice 04/13/2011 in House General Subcommittee of State & Local Government.

**SB 1261**

Yager

[HB 0468](#)

Hawk

**Definition of real property.** Clarifies that definition of real property for purposes of property tax classification and assessment does not include property determined by Tennessee courts to be personal property. Broadly captioned. (S: Yager; H: Hawk)

**Senate Status:** Referred to Senate Finance Tax Subcommittee.

**House Status:** Caption bill held on House clerk's desk.

**[SB 1316](#)**  
Ramsey R.  
**HB 1821**  
Lundberg

**Limits increase in value for vacant or unused land.** Limits increases in value of vacant or unused real property to the lesser of the new appraisal value or value not exceeding a 25 percent increase from the preceding appraisal's value. (S: Ramsey R.; H: Lundberg)

**Senate Status:** Referred to Senate State & Local Government.  
**House Status:** Referred to House General Subcommittee of State & Local Government.

**SB 1561**  
Ketron  
**[HB 1284](#)**  
Harrison

**Changes to Property Tax Freeze Act.** Requires all real property taxes owing to be paid in full on any property subject to the Property Tax Freeze Act. (S: Ketron; H: Harrison)

**Senate Status:** Taken off notice in Senate State & Local Government 05/02/2011.  
**House Status:** House passed 04/21/2011.

**SB 1791**  
Johnson J.  
**[HB 0737](#)**  
Gotto

**Registration requirements for non owner-occupied property.** Requires persons registering or paying property taxes on real property to designate an address of residence that notice of legal and administrative proceedings, whereby the real property is the subject, may be sent to meet proper service of process. Broadly captioned. (S: Johnson J.; H: Gotto)

**Senate Status:** Referred to Senate Judiciary.  
**House Status:** Taken off notice 04/26/2011 in House State & Local Government.

**SB 1887**  
Kyle  
**[HB 2069](#)**  
Kernell

**Land classified as affordable rental housing property.** Provides for the classification of certain land or improvements as affordable housing rental property. Requires owner of land or improvements to certify to the assessor of property that the land or improvements continues to meet the definition of affordable rental housing property. Requires assessor to maintain certification records with the assessor's other records for the property. Also requires such certification to be provided to any buyer of the property and specifies that the property is to be deemed disqualified from the classification of affordable housing rental property by the sale. (S: Kyle; H: Kernell)

**Senate Status:** Referred to Senate Commerce, Labor & Agriculture.  
**House Status:** Referred to House General Subcommittee of State & Local Government.

## **TAXES SALES**

**SB 0006**

**Sales tax refund for purchases made after May 2010 flood.** Extends

Henry  
[HB 0002](#)  
Odom

limited sales tax refund for certain appliances, furniture, and building supplies purchased in response to May 2010 flood. (S: Henry; H: Odom)

**Senate Status:** Referred to Senate Finance, Ways & Means.

**House Status:** House Finance, Ways & Means deferred to last calendar.

**SB 0007**  
Henry  
[HB 0001](#)  
Moore

**Sales tax refund for purchases related to May 2010 flood.** Extends time period for persons receiving FEMA assistance from May 2010 flood damage to apply for sales tax refunds for certain residential purchases, including major appliances and building supplies. Specifies that claimant is eligible for refunds on purchases made between October 1, 2010 and April 30, 2011. (S: Henry; H: Moore)

**Senate Status:** Referred to Senate Finance, Ways & Means.

**House Status:** Referred to House General Subcommittee of Finance, Ways & Means.

**SB 0019**  
Haynes J.  
[HB 0003](#)  
Turner M.

**Tax refund for items purchased after May 2010 flood.** Extends limited sales tax refund for certain appliances, furniture, and building supplies purchased in response to May 2010 flood. (S: Haynes J.; H: Turner M.)

**Senate Co-Sponsor:** Harper

**Senate Status:** Referred to Senate Finance, Ways & Means.

**House Status:** Referred to House General Subcommittee of Finance, Ways & Means.

**SB 0024**  
Henry  
[HB 0006](#)  
Odom

**Flood-related sales taxes exemptions.** Exempts from sales tax certain flood-related purchases made between October 1, 2010 and April 30, 2011, in addition to purchases made between May 1, 2010 and September 30, 2010. (S: Henry; H: Odom)

**Senate Co-Sponsors:** Harper; Haynes J.; Johnson J.; Ford O.; Marrero; Kyle; Finney L.; Barnes

**House Co-Sponsors:** Gotto; Gilmore; Moore

**Senate Status:** Senate 03/17/2011 passed.

**House Status:** House passed 04/18/2011.

**Other Status:** Enacted as Public Chapter 0133 (effective 05/02/2011).

[SB 0267](#)  
Tracy  
**HB 0362**  
Sparks

**Sales and use tax exemptions for disaster-related products.** Creates sales and use tax exemptions for purchases of building supplies for construction of storm or tornado shelters purchased between July 1, 2011, and December 31, 2011. Limits such exemptions to \$2,500 per residence. Allows a civil penalty of up to \$25,000 against any person who knowingly files a fraudulent application for refund. (S: Tracy; H: Sparks)

**Senate Status:** Senate 05/21/2011 passed.

**House Status:** House passed 05/21/2011.

**Other Status:** Sent 05/21/2011 to the speakers for signatures.

**SB 0507**

Marrero

[HB 0538](#)

Stewart M.

**Exemption - industrial machinery.** Clarifies that to meet the definition of "industrial machinery" for purposes of the sales and use tax exemption, the tangible personal property or product resulting from the fabrication or processing must be for consumption off the premises of the one engaged in the fabrication or processing. (S: Marrero; H: Stewart M.)

**Senate Status:** Referred to Senate Finance Tax Subcommittee.

**House Status:** Caption bill held on House clerk's desk.

**SB 0708**

Barnes

[HB 0785](#)

McDonald

**Exemption - solar panels purchased for residential use.** Exempts solar panels purchased exclusively for residential use from sales taxes. (S: Barnes; H: McDonald)

**Senate Status:** Taken off notice in Senate Finance Tax Subcommittee.

**House Status:** Referred to House General Subcommittee of Finance.

**SB 0709**

Barnes

[HB 0784](#)

McDonald

**Exemption - solar panels purchased for commercial use.** Exempts solar panels purchased for any legitimate business purpose or commercial use from sales tax. (S: Barnes; H: McDonald)

**Senate Status:** Taken off notice in Senate Finance Tax Subcommittee.

**House Status:** Referred to House General Subcommittee of Finance.

**SB 2050**

Ford O.

[HB 0100](#)

Hardaway

**Sunset of sales tax exemptions.** Requires the commissioner of revenue to report to the general assembly on the feasibility of assigning expiration dates for sales tax exemptions on a staggered schedule. If the commissioner determines the expiration dates to be feasible, the commissioner is required to recommend to the general assembly schedule of expiration dates for each exemption so that when fully implemented each exemption would be reauthorized every ten years. (S: Ford O.; H: Hardaway)

**Senate Status:** Taken off notice in Senate Finance, Ways & Means 05/20/2011.

**House Status:** House Finance Study Committee Subcommittee deferred to 2012.

## **TORT LIABILITY**

[SB 0138](#)

Ketron

**Landowner's duty to person on land for recreational purpose.** Clarifies that a landowner does not owe a duty to keep their premises

**HB 0176**  
Marsh

safe or give warning of dangerous conditions for persons entering the property, with or without the owner's permission, for the purpose of various recreational activities unless failure to do so would constitute gross negligence. Continues to provide immunity from liability for failing to guard or warn of conditions caused by forces of nature. (S: Ketron; H: Marsh)

**Senate Status:** Senate Judiciary deferred to the first committee calendar of next year.

**House Status:** Taken off notice 03/30/2011 in House General Subcommittee of Judiciary.

**SB 1277**  
Ketron  
[HB 0912](#)  
Lundberg

**Written liability waivers regarding recreational activities.** Allows any person, including minors, to waive, in writing, the landowner's duty of care for injuries that arise from the recreational use of the land, with the exception of gross negligence, willful or wanton conduct, or failure to warn against a dangerous condition. (S: Ketron; H: Lundberg)

**Senate Status:** Referred to Senate Judiciary.

**House Status:** Withdrawn 03/07/2011 in House.

## TRANSPORTATION VEHICLES

[SB 0111](#)  
Johnson J.  
**HB 0158**  
Casada

**Exempts certain vehicles from inspection requirements.** Exempts from motor vehicle inspection requirements new and unused motor vehicles, of model years of the current calendar year and of any calendar year within two years of such calendar year, which have an odometer reading of less than 5,000 miles at the time of original sale by a motor vehicle manufacturer or licensed motor vehicle dealer to the first user. (S: Johnson J.; H: Casada)

**Senate Status:** Referred to Senate Transportation.

**House Status:** Referred to House General Subcommittee of Conservation and Environment.

[SB 0266](#)  
Tracy  
**HB 0339**  
Carr

**Notice to department of revenue and removal of liability.** Requires the owner, seller, or person in possession of a motor vehicle to provide notice to the department of revenue when such motor vehicle's title is transferred. Relieves a motor vehicle seller from liability related to the vehicle when the seller has delivered the title and provided such notice or paid the appropriate fees related to the vehicle's registration. (S: Tracy; H: Carr)

**Amendment:** SENATE AMENDMENT 2 deletes the original bill. Makes the definitions codified in TCA 55-3-211, which are related to the titling of wrecked, damaged, dismantled, and rebuilt motor vehicles, apply to Title 55, Chapter 3, Part 2, instead of to TCA 55-3-207 - 209

and TCA 55-3-211 - 212. Defines "methamphetamine vehicle" as any motor vehicle subject to registration and certificate of title provisions that has been impounded by law enforcement based on a charge of manufacturing methamphetamine on or within the vehicle and for which the Department of Revenue (DOR) receives a notice of motor vehicle impoundment from law enforcement for the manufacture of methamphetamine. Requires law enforcement agencies that impound methamphetamine vehicles to provide notice of such impoundment to DOR. Requires the issuance of new titles by DOR for methamphetamine vehicles which conspicuously identify such vehicles as methamphetamine vehicles. HOUSE AMENDMENT 3 additionally requires that a vehicle be determined to be contaminated pursuant to the standards developed under present law regarding property where methamphetamine is manufactured, before the vehicle is deemed to be a "methamphetamine vehicle" under this amendment. HOUSE AMENDMENT 4 corrects a technical error.

**Senate Status:** Senate 05/20/2011 concurred in House amendment 3 and 4.

**House Status:** House 05/20/2011 passed with amendments 3 and 4. House amendment 3 additionally requires that a vehicle be determined to be contaminated pursuant to the standards developed under present law regarding property where methamphetamine is manufactured, before the vehicle is deemed to be a "methamphetamine vehicle" under this amendment. House amendment 4 corrects a technical error.

**Other Status:** Sent 05/20/2011 to the speakers for signatures.

**SB 0656**

Tracy

**HB 0937**

Johnson P.

**Traffic violation by commercial vehicle operator - notice.** Decreases to 20 from 30 the number of days following a conviction for a traffic violation, besides a parking violation, within which a commercial vehicle operator must notify employer of the conviction. Broadly captioned. (S: Tracy; H: Johnson P.)

**Senate Status:** Referred to Senate Transportation.

**House Status:** Referred to House General Subcommittee of Transportation.

**SB 0665**

Tracy

**HB 0934**

Johnson P.

**Required unobstructed view of stopped vehicles.** Increases the distance of the required unobstructed view of stopped vehicles on any highway outside of a business or residential district from 200 feet to 300 feet. (S: Tracy; H: Johnson P.)

**Senate Status:** Taken off notice in Senate Transportation 04/13/2011.

**House Status:** Referred to House General Subcommittee of Transportation.

**[SB 0666](#)**

Tracy

**HB 0935**

Johnson P.

**Extends sight distance of certain parked vehicles.** Extends sight distance required for parked vehicles on any highway outside of a business or residential district from 200 feet to 250 feet. (S: Tracy; H: Johnson P.)

**Senate Status:** Referred to Senate Transportation.

**House Status:** Referred to House General Subcommittee of Transportation.

**SB 0704**

Southerland

**[HB 0766](#)**

Haynes R.

**Red flag used on vehicles with projecting loads.** Specifies that the red flag required to be attached to a load that projects beyond the rear of a motor vehicle may be made of plastic pliable material instead of cloth. (S: Southerland; H: Haynes R.)

**Senate Status:** Taken off notice in Senate Transportation 03/15/2011.

**House Status:** Referred to House General Subcommittee of Transportation.

**SB 1050**

Tracy

**[HB 1314](#)**

Johnson P.

**Exempt commercial drivers from medical card requirement.**

Exempts commercial drivers from the requirement that all Tennessee commercial driver license holders must maintain a valid medical card, if the drivers are employees of a state or federal government agency. (S: Tracy; H: Johnson P.)

**[Public Chapter \(PDF\)](#)**

**Amendment:** Senate amendment 1 specifies that drivers of school buses and hazardous materials trucks are not exempted from the medical card requirement.

**Senate Status:** Senate 03/21/2011 passed with amendment 1.

**House Status:** House passed 03/24/2011.

**Other Status:** Enacted as Public Chapter 0050 (effective 04/06/2011).

**[SB 1531](#)**

Norris

**HB 1991**

McCormick

**Suspension of driver licenses.** Creates exception for commercial driver license holders and violations occurring in a commercial motor vehicle to the prohibition on the department of safety suspending a driver license for failing to appear in court on a traffic citation, unless the request for suspension is made within six months of the violation. (Part of Administration Package) (S: Norris; H: McCormick)

**[Public Chapter \(PDF\)](#)**

**Senate Co-Sponsor:** Yager

**House Co-Sponsor:** Marsh

**Amendment:** Senate amendment 1 corrects a typographical error in the directory language of Section 1 of the bill.

**Senate Status:** Senate 03/21/2011 passed with amendment 1.

**House Status:** House passed 03/28/2011.

**Other Status:** Enacted as Public Chapter 0081 (effective 04/14/2011).

**SB 1840**  
Herron  
[HB 0579](#)  
McDaniel

**Loose material must be covered in certain vehicles.** Requires loose material hauled in an open bed of trucks or motor vehicles to be covered by tarpaulin in addition to present requirement limiting height of load. (S: Herron; H: McDaniel)

**Senate Status:** Referred to Senate Transportation.

**House Status:** Referred to House General Subcommittee of Transportation.

**SB 1846**  
Henry  
[HB 1598](#)  
Harmon

**Lighting regulations for motor vehicles carrying logs.** Requires vehicles or trailers transporting logs or posts to attach a certain amber light at night and a red flag during the day on loads that protrude three-and-one-half feet, instead of four feet, past the rear of the body or bed of such vehicle. (S: Henry; H: Harmon)

**Senate Status:** Taken off notice in Senate Transportation 04/13/2011.

**House Status:** Referred to House Transportation Committee.

## UTILITIES

**SB 0247**  
Johnson J.  
[HB 0166](#)  
Sargent

**Nonprofit water and sewer providers governed by the TRA.** Includes nonprofit associations or corporations that provide water or sewer or both water and sewer for a residential development of single-family homes in the definition of public utilities and are therefore governed by the Tennessee Regulatory Authority. (S: Johnson J.; H: Sargent)

**Amendment:** HOUSE AMENDMENT 1 rewrites the bill. Clarifies that any non-profit cooperative organization, cooperative association, or cooperative corporation that is not organized or doing business for profit is not part of the definition of a "public utility", under regulation of the TRA. HOUSE AMENDMENT 2 exempts from TRA regulation Fairfield Glade, described as a nonprofit corporation which owns and operates a wastewater system primarily for the use of its members and which received before January 1, 2009, a written statement of exemption from regulation as a public utility by the TRA. SENATE AMENDMENT 1 deletes the original bill. Declares that "public utility" does not mean any nonprofit corporation, as defined in 501(c)(3) of the Internal Revenue Code, which owns and operates a wastewater system primarily for the use of the members of the corporation and which has received a written statement of exemption from regulation as a public utility from the TRA prior to January 1, 2009. Defines "cooperative," for the purpose of public utility regulation, to mean only those nonprofit cooperative entities organized under or otherwise subject to the Rural Electric and Community Services Cooperative Act or the Telephone Cooperative Act.

**Senate Status:** Senate 05/21/2011 passed with amendment 1. Senate

amendment 1 deletes the original bill. Declares that "public utility" does not mean any nonprofit corporation, as defined in 501(c)(3) of the Internal Revenue Code, which owns and operates a wastewater system primarily for the use of the members of the corporation and which has received a written statement of exemption from regulation as a public utility from the TRA prior to January 1, 2009. Defines "cooperative," for the purpose of public utility regulation, to mean only those nonprofit cooperative entities organized under or otherwise subject to the Rural Electric and Community Services Cooperative Act or the Telephone Cooperative Act.

**House Status:** House 05/21/2011 concurred in Senate amendment 1.

**Other Status:** Sent 05/21/2011 to the speakers for signatures.

**SB 1575**

Beavers

[HB 1841](#)

Stewart M.

**Notice of discontinued service by e-mail.** Permits utility to send notice of discontinued service by electronic mail for nonpayment of services.

(S: Beavers; H: Stewart M.)

**Senate Status:** Referred to Senate State & Local Government.

**House Status:** Referred to House General Subcommittee of Commerce.

**SB 1962**

Stewart E.

[HB 1713](#)

Curtiss

**Electrical inspection services program.** Requires the commissioner of the department of commerce and insurance to provide a program to ensure that electrical inspection services are available throughout the state on a regional basis so that timely inspections shall be completed within three days. (S: Stewart E.; H: Curtiss)

**Senate Co-Sponsor:** Haile

**Amendment:** House amendment 1 rewrites the bill. Deletes language allowing the commissioner to contract with an electrical inspector meeting two of the three statutory qualifications if the commissioner is unable to locate a fully qualified person. Requires geographically designated inspection territories be established to provide for timely inspections instead of directing the commissioner to provide a program. Requires the commissioner to assign a deputy electrical inspector in each geographical territory after consultation with the local electric power distributors and Association of Electrical Inspectors. Permits the commissioner to contract with back-up inspectors to serve multiple territories. Requires individuals or entities installing a pool after January 1, 2011 maintain, in addition to install, a pool alarm. Allows an electrical inspector to give final approval of swimming pool wiring if written proof that a battery operated alarm has been purchased.

**Senate Status:** Senate 05/16/2011 passed.

**House Status:** House 05/02/2011 passed with amendment 1.

**Other Status:** Sent to governor 05/18/2011.

## WORKERS COMPENSATION

**SB 0415**

Barnes

**HB 0163**

Pitts

**Exempted construction services providers.** Allows a construction services provider who is an affiliate of an exempted construction services provider to also be eligible for an exemption from workers' compensation insurance. (S: Barnes; H: Pitts)

**House Co-Sponsor:** Curtiss

**Amendment:** House General Subcommittee of Consumer and Employee Affairs amendment 1 deletes current law statement that a construction services provider shall only be eligible for and may only utilize one exemption, regardless of the number of business entities with which the provider may be associated.

**Senate Status:** Taken off notice in Senate Commerce, Labor & Agriculture 04/19/2011.

**House Status:** House Consumer & Employee Affairs recommended. Sent to House Finance, Ways & Means.

**Other Status:** Workers' Compensation Advisory Council released with a favorable comment.

**SB 0781**

Ketron

**Corporate officer exemptions in construction industries.** Allows five instead of three corporate officers in a corporation engaged in the construction industry to apply for exemptions from the workers' compensation insurance requirements. Contains broad caption. (S: Ketron)

**Senate Status:** Referred to Senate Commerce, Labor & Agriculture.

**Other Status:** Set for Workers' Compensation Advisory Council 02/28/2011.

**SB 0932**

Norris

**HB 1503**

Eldridge

**Workers' compensation modifications.** (1) Excludes persons providing services as a leased operator or an owner-operator of a vehicle under contract to a common carrier performing certain interstate commerce transactions from the wage regulations and employment securities provisions. (2) Allows parties to immediately, instead of having to three years, settle the issue of future medical benefits in workers' compensation settlements (except permanent and total disability). Allows the trial court or department of labor and workforce development specialist approving settlement to terminate the right to future medical benefits after finding that compensability is a contested issue and is a potentially valid defense of the employer. (3) Specifies that treating medical providers must communicate with the employer and honor any employer request for medical information related to the claimed workers' compensation injury. (4) Changes the definition of "injury" and "personal injury" to not include diseases, unless diseases result unavoidably from the employment. Specifies that mental injuries are accidental only if they are caused by specific incidents and is identifiable by the time and place of occurrence. Creates a presumption that the

treating physician's opinion is correct concerning compensability. (5) Establishes that hearing loss, carpal tunnel syndrome, and other repetitive motion injuries are not occupational diseases and not compensable unless the disease exists and arose primarily out of and in the course of employment and it follows an incident of occupational disease, it is infectious or contagious disease contracted in course of certain employments, such as in a hospital or as emergency rescue personnel, or it is caused by conditions peculiar to such employment. (S: Norris; H: Eldridge)

**House Co-Sponsors:** Carr; Womick; Sanderson

**Amendment:** Senate amendment 2 deletes the original bill. Authorizes parties involved in a workers' compensation settlement to compromise and settle at any time the issue of future medical benefits provided the settlement is approved by a trial court or the Commissioner of the Department of Labor and Workforce Development and meets specific criteria. Defines rules for communication between parties and doctors who have treated the employee. Defines "injury" and "personal injury" for purposes of workers' compensation claims, excluding diseases of any kind except when naturally and unavoidably resulting from the employment, and adds mental injury to the definition.

**Workers Compensation Advisory Council Comment:** The Council moved SB0932/HB1503 out of Council with the recommendation for the bill under the condition that the Sponsors revise the language in sections 8 and 9 dealing with the standard of proof necessary to overcome the authorized treating physician's opinion on causation to a "preponderance of the evidence" and delete the language requiring "clear and convincing evidence". SENATE FINANCE AMENDMENT 1 deletes the original bill. Authorizes parties involved in a workers' compensation settlement to compromise and settle at any time the issue of future medical benefits provided the settlement is approved by a trial court or the Commission of the Department of Labor and Workforce Development and meets specific criteria. Defines rules for communication between parties and doctors who have treated the employee. Defines "injury" and "personal injury" for purposes of workers' compensation claims, excluding diseases of any kind except when naturally and unavoidably resulting from the employment, and adds mental injury to the definition.

**Senate Status:** Senate 05/20/2011 passed with amendment 2. Senate amendment 2 deletes the original bill. Authorizes parties involved in a workers' compensation settlement to compromise and settle at any time the issue of future medical benefits provided the settlement is approved by a trial court or the Commissioner of the Department of Labor and Workforce Development and meets specific criteria. Defines rules for communication between parties and doctors who have treated the employee. Defines "injury" and "personal injury" for purposes of workers' compensation claims, excluding diseases of any kind except

when naturally and unavoidably resulting from the employment, and adds mental injury to the definition.

**House Status:** House passed 05/20/2011.

**Other Status:** Sent 05/20/2011 to the speakers for signatures.

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