



## **Friday, April 30, 2010**

Senate Democratic Caucus Leader Jim Kyle told the Senate Tax-subcommittee that the technical corrections bill would be delayed until next week and possibly the following week allowing time for both caucuses to meet with the Department of Revenue. Talk around the plaza is the Governor will not release his budget until he sees what Republicans intend to propose. The budget is in a stalemate and unless a compromise is worked out, there is not much business for the houses to handle. Next week's schedule is bare except for the various finance committee meetings. With the proposed budget not yet released and political tensions getting higher, it looks as if the last few weeks of the legislative session will be anything but boring. The Senate is again only meeting next Thursday where it will be using its 85<sup>th</sup> legislative day. The House is trying to catch up with the Senate and will be meeting next Monday, Wednesday, and Thursday. This will mark the House's 81<sup>st</sup> legislative day.

### **Legislative News**

Permit owners could once again bring their handguns into establishments that serve alcohol under a bill passed by the Senate. The Senate voted 23-9 to approve the measure sponsored by Democratic Sen. Doug Jackson of Dickson (SB3012). A similar law was declared unconstitutionally vague by a Nashville judge last year. The bill would maintain an existing prohibition on drinking alcohol while carrying a gun and violators would face a three-year suspension of their permit. The Senate bill does not include a provision in the House version that would effectively exclude bars from the measure. A House vote is scheduled for Wednesday.

A Republican alternative plan to close Tennessee's budget gap won't include changes to the state's pre-kindergarten program. Republicans are working to craft an alternative to Democratic Gov. Phil Bredesen's proposal to raise \$85 million by lifting a sales tax cap on big-ticket items. The overall projected shortfall for the upcoming budget year is about \$150 million beyond what Bredesen addressed in his original spending plan.

House Republican Caucus Chairman Glen Casada of Franklin suggested earlier this week that changing the funding mechanism for the \$83 million-per-year pre-K program could be a way to find extra money. The pre-K program is currently available to children who qualify for free and reduced priced meals. Since 2005, the Bredesen administration has created 786 new pre-K classrooms. There are now a total of 934 state-funded classrooms in the state, serving more than 18,000 children a year.

Legislation that would declare an income tax and payroll tax unconstitutional in Tennessee could be in jeopardy. The House Budget Subcommittee on a voice vote Wednesday placed the measure sponsored by Republican Rep. Tony Shipley of Kingsport behind the budget, meaning the proposal will be revisited if any money is left after the state's spending plan is set. The panel's action was because of a cost for

publishing notification of the amendment.

Legislation to require that the written portion of Tennessee driver's license examinations be given only in English was revised in a Senate committee Tuesday to allow foreign language testing to continue. Sponsor Sen. Bill Ketron, R-Murfreesboro, replied that the amended version puts into law books what has been a Department of Safety practice based on rules and also "sends a message" that Tennessee's preference is for giving tests in English.

The amended version states that English testing is preferred, but authorizes exceptions for persons legally living in the state. Tests are currently offered regularly in Spanish, Korean and Japanese. Even the revised version drew objections from spokesmen for the Tennessee Chamber of Commerce and Industry and the Tennessee Hospitality Association. In general, critics said the bill, even as revised, could discourage foreign businesses from following the lead of Volkswagen of Germany and Nissan of Japan in locating plants in Tennessee. The Senate vote could put the chamber at odds with the House. The House version of the bill, sponsored by Rep. Eric Watson, R-Cleveland, has not been amended and still declares that driver license tests may be given only in English. It is pending before the House Budget Subcommittee. Watson has characterized the bill follows the path set by a 1984 law that declares English as the official language of Tennessee and is also a safety measure.

### **Political News**

Republican state Senate Speaker Ron Ramsey in his latest political advertisement promises to cut seven of 22 state agencies if elected Tennessee governor. The Blountville auctioneer's new ad launched Tuesday night also features a familiar line from the campaign trail about how he started his first surveying businesses. "I came up the hard way -- started my business with just a pickup truck and prayer," Ramsey says in the ad. "Now, I'm the conservative candidate for governor."

Senate Speaker Ron Ramsey's rivals for the Republican gubernatorial nomination say they are trying to stay clear of the legislative maneuvering over how to close Tennessee's budget gap. Knoxville Mayor Bill Haslam said after a campaign stop in a Columbia neighborhood on Monday evening that Ramsey is "using his current job to lobby for his new job, but he's also having to make those hard calls."

U.S. Rep. Zach Wamp of Chattanooga said at recent Republican fundraiser in Nashville that he will "leave those decisions to them, and try not to interfere."

## **BANKING & CREDIT**

### **SB 0036**

Kyle

### **HB 0369**

Odom

**Delaying of foreclosure proceedings and eviction of tenant.** Delays foreclosure proceedings and the eviction of a tenant residing in a single-family residence as long as the tenant is current on the lease payments. (S: Kyle; H: Odom)

**Senate Status:** Taken off notice in Senate Commerce, Labor & Agriculture 04/21/2009.

**House Status:** Referred to House Commerce Utilities & Banking Subcommittee.

**SB 0186**  
Harper  
[HB 0235](#)  
DeBerry J.

**Creditors to meet with debtors to avoid foreclosure.** Requires a creditor to conduct an in-person meeting with debtors in default to provide options that will allow the debtor to avoid foreclosure. Specifies a creditor must do this only when he has knowledge of the following circumstances of the debtor: an immediate family member of the debtor has died or has a catastrophic illness, the debtor has become unemployed due to circumstances beyond his control, or the debtor is suffering from any catastrophic situation beyond the debtor's control that has caused extreme financial hardship. Details terms for documentation of such meetings and reporting dates. Broadly captioned. (S: Harper; H: DeBerry J.)

**Amendment:** House Commerce Utilities & Banking Subcommittee amendment 1, as amended, rewrites the bill. Requires a creditor to send notice by certified mail to debtor prior to first published notice of foreclosure. Requires that such certified letter include the return address of the sender. Makes applicable to foreclosures that are initiated for publication on or after September 1, 2009.

**Senate Status:** Taken off notice in Senate Commerce, Labor & Agriculture 05/05/2009.

**House Status:** House Commerce Utilities & Banking Subcommittee deferred to 2010.

**SB 0711**  
Tate  
[HB 0008](#)  
Hardaway

**Fee charged for pay-off statement provided to borrower.** Limits to ten dollars the fee that high-cost home loan lenders can charge for any additional requests for a pay-off statement during any twelve-month period. (S: Tate; H: Hardaway)

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

**House Status:** Held on House clerk's desk.

[SB 0749](#)  
Marrero  
**HB 1926**  
Richardson

**Requirements for lenders of high-cost home loans.** Requires a lender of a high-cost home loan to verify that the borrower has received appropriate housing counseling. (S: Marrero; H: Richardson)

**Senate Status:** Taken off notice in Senate Commerce, Labor & Agriculture 04/28/2009.

**House Status:** Taken off notice in House Commerce Utilities & Banking Subcommittee 04/28/2009.

**SB 0828**  
Marrero  
[HB 0099](#)  
Moore

**Publication of notice of foreclosure.** Increases the time period for the first publication notice in the newspaper of the sale of land to foreclose a loan, mortgage, or deed of trust from 20 days prior to the sale to 90 days prior to sale. (S: Marrero; H: Moore)

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

**House Status:** Withdrawn in House 05/07/2009.

**SB 2279**

Kyle

[HB 2316](#)

Pitts

[Public Chapter](#)

[\(PDF\)](#)

**TN Residential Lending, Brokerage and Servicing Act.** Defines "loan processor or underwriter" as an individual performing clerical or support duties as an employee and not an independent contractor under the supervision of a registrant authorized to make residential mortgage loans. Specifies that the mortgage loan originator is the person who offers or negotiates the terms of a residential mortgage loan. Effective July 31, 2009, prohibits any industrial loan or thrift company, industrial investment company or industrial bank from making residential mortgage loans unless acting as a licensed mortgage loan originator. Requires as part of registration for mortgage loan originator to pay \$100 fee to commissioner of financial institutions and to complete application through the Nationwide Mortgage Licensing System and Registry. Prohibits an endorsement company from making any residential mortgage loans. Removes option to use letter of credit in lieu of surety bond for residential mortgage loans. Allows commissioner to require, as condition of registration or renewal for applicants that propose to make residential mortgage loans, testing and/or educational requirements to be met. Authorizes commissioner to require an applicant for a certificate of registration as an industrial loan and thrift company to consent to a criminal history records check and to provide fingerprints. Rewrites the Tennessee Residential Lending, Brokerage and Servicing Act of 1988. Renames the chapter as the "Tennessee Residential Lending, Brokerage and Servicing Act" and declares the act remedial in nature with intent to ensure a sound system of making residential mortgage loans through licensing, examination and regulation of mortgage lenders, mortgage loan brokers, mortgage loan services and mortgage loan originators and to be compliant with the federal Secure and Fair Enforcement for Mortgage Licensing Act of 2008. Defines "registered mortgage loan originator" as a mortgage loan originator who is an employee of a depository institution, a subsidiary of a depository institution that is regulated by a federal banking institution, or an institution regulated by the Farm Credit Administration who is registered with the Nationwide Mortgage Licensing System and Registry. Prohibits any contractor or home improvement contractor or other person supplying materials and rendering services in real property improvement from making residential mortgage loans or being a mortgage loan servicer or mortgage loan broker in TN, except that the prohibition does not apply to the following: depository institution, a subsidiary of a depository institution that is regulated by a federal banking institution, or an institution regulated by the Farm Credit Administration, an individual making such loan to an immediate family member, an individual making such loan when the loan is secured by a dwelling that served as the individual's dwelling, or a licensed attorney negotiating on behalf of a client as an ancillary matter. Requires mortgage loan originator to be sponsored by a mortgage lender

or mortgage loan broker and to meet pre-licensing and continuing education and written test requirements. Provides for commissioner to issue provisional mortgage loan originator licenses. Authorizes the commissioner, to require an applicant, as a condition of employment with the department, to provide a fingerprint sample and submit to a criminal background check conducted by the TBI. (56 pp.) (Part of Administration Package.) (S: Kyle; H: Pitts)

**House Co-Sponsor:** Turner M.

**Amendment:** Senate amendment 1 rewrites certain provisions of the bill. Adds that any individual acting as a loss mitigation specialist would not be required to obtain a mortgage loan originator license until July 30, 2011, or such other date as may be determined by the commissioner of financial institutions with the approval or consent of the U.S. department of housing and urban development. A loss mitigation specialist may refer a mortgagor to a mortgage loan originator for purposes of refinancing the residential mortgage loan without the license if the loss mitigation specialist does not receive any compensation or gain for the referral and the referral is made in accordance with applicable state and federal law. Clarifies that an individual performing the duties of a manufactured home retailer or a dealer of modular building units would not be required to obtain a mortgage loan originator license if: (1) The individual either holds or is employed by a person who holds a manufactured home retailer license or a license to act as a dealer of modular building units; (2) The individual does not offer or negotiate terms of a residential mortgage loan (including by counseling with respect to such terms); and (3) Neither the individual, nor the employing manufactured home retailer or dealer of modular building units, receives compensation or other gain from a mortgage lender, mortgage loan broker, or mortgage loan originator. The provisions described above in 1-3 would not apply if the U.S. department of housing and urban development determines that such individuals must be licensed under the federal Secure and Fair Enforcement for Mortgage Licensing Act of 2008, or that these provisions are otherwise inconsistent with the Act. Prohibits any registrant from making a residential mortgage loan unless each mortgage loan originator of the loan has obtained a mortgage loan originator license and has been sponsored by the registrant. However, this prohibition does not apply to any registrant authorized to make residential mortgage loans on July 30, 2009 in which each mortgage loan originator is registered with the commissioner in affiliation with that registrant on or before July 30, 2009. The registration of a mortgage loan originator expires on December 31, 2009, unless, by such deadline, the individual has applied for a mortgage loan originator license and completed all pre-licensing requirements, in which case the registration would remain effective until the commissioner has acted on the licensure application, but no later than July 30, 2010. This amendment clarifies that a person would not be required to satisfy the initial educational or

testing requirements by December 31, 2009, in order for the person's registration to remain effective. This amendment adds that the registration of a mortgage loan originator would automatically expire if the originator ceases providing services for the affiliated registrant at the office listed in the registration form. The bill authorizes a mortgage loan originator holding a valid registration certificate to extend the authority of their certificate by applying for a mortgage loan originator license and completing all pre-licensing requirements by December 31, 2009. This amendment clarifies that a person does not have to satisfy any educational or testing requirement in order to so extend their certificate. This amendment specifies that a person with such a certificate could only perform origination services for or on behalf of the mortgage lender or mortgage loan broker named in the certificate. If the mortgage loan originator provides origination services for a person other than the one named in the registration certificate, then the certificate would automatically expire. This amendment clarifies that a mortgage loan originator sponsorship would not terminate if the mortgage loan originator changes from one office of the sponsoring registrant to another registered office of the same company. This amendment requires a sponsoring registrant to notify the commissioner of any change in the mortgage loan originator's office within 14 days of the change. The bill requires mortgage loan originators to clearly show: (1) Their name, signature, any mortgage loan originator license number and any different unique identifier, on each residential mortgage loan application form; and (2) Their unique identifier on all solicitations or advertisements, including business cards or Web sites, and any other documents and materials as established by rule of the commissioner. This amendment revises these provisions to instead require the sponsoring registrant, mortgage lender, or mortgage loan broker (sponsoring agent) to ensure: (1) That each application includes the information described above in (1); and (2) That the sponsoring agent's records pertaining to the loan contain the unique identifier (if different from the license number) of each mortgage loan originator that provided services with respect to the loan.

**Senate Status:** Senate 05/14/2009 passed with amendment 1.

**House Status:** House passed 06/04/2009.

**Other Status:** Enacted as Public Chapter 0499 (effective 06/23/2009).

**SB 2877**  
Haynes J.  
**HB 2919**  
Fincher

**Judicial or trust sales of land: advertisement requirements.** Clarifies that any sale of land to foreclose a deed of trust, mortgage, or other lien securing any item of value or under court order must be advertised in a newspaper either published or distributed in the county where the sale is located. (S: Haynes J.; H: Fincher)

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

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

**SB 3197**

Harper

**HB 3771**

Stewart M.

**Unlawful gratuity or compensation by bank officer.** Adds receiving or agreeing to receive property or a thing of value or of personal advantage for procuring any person a loan to the acts of unlawful gratuity by a bank officer. (S: Harper; H: Stewart M.)

**Senate Co-Sponsor:** Finney L.

**House Co-Sponsor:** Pitts

**Amendment:** Senate Commerce, Labor & Agriculture Committee amendment 1 creates a financial literacy and counseling pilot program to be administered by the department of financial institutions in collaboration with the department of commerce and insurance Requires mortgage banker or mortgage brokers who issue mortgage loans within the five counties with the highest mortgage foreclosure rates to recommend participation to any consumer that seeks a mortgage loan with an origination fee greater than five percent, along with a notification of predatory practices. Mandates the department of financial institutions in collaboration with the department of commerce and insurance to report its findings to the General Assembly by January 15, 2012. Senate Commerce, Labor & Agriculture Committee amendment 2 removes the requirement that the program be administered and the report be delivered in collaboration with the department of commerce and insurance .

**Senate Status:** Senate Commerce, Labor & Agriculture 03/30/2010 recommended with amendment 2 and previously adopted amendment 1.

**House Status:** Failed in House Commerce Utilities & Banking Subcommittee 03/30/2010.

**SB 3388**

Marrero

**HB 3593**

Turner J.

**Loans protected under TN Home Loan Protection Act of 2006.**

Applies loans protected under the Tennessee Home Loan Protection Act of 2006 to include purchase money mortgages as well as non-purchase money mortgages. Creates a pilot project in Shelby County for voluntary mediation prior to the foreclosure of loans entered into under such act. (S: Marrero; H: Turner J.)

**House Co-Sponsors:** Jones U.; Miller L.; DeBerry J.; Pruitt; DeBerry L.; Richardson

**Senate Status:** Senate Commerce, Labor & Agriculture deferred to 04/06/2010.

**House Status:** Failed in House Commerce Utilities & Banking Subcommittee 03/30/2010.

**SB 3519**

Overbey

**HB 3588**

Coleman

**Legal notice of foreclosure.** Requires lender, trustee, or other creditor to send the debtor a notice of the right to foreclose via regular mail prior to the first publication of a notice of a foreclosure sale. Requires the notice to be sent no less than 60 days prior to the first publication. (S: Overbey;

H: Coleman)

**House Co-Sponsors:** Moore; Fincher

**Amendment:** House amendment 1 specifies what the notice to the debtor would contain. Creates specific exemptions such as in bankruptcy proceedings and other judicial sales. House amendment 2 establishes that if the trustee determines at the time of the sale that notice of the right to foreclose was not sent to the debtor as required, the debtor may request postponement of the sale for not less than 30 or more than 60 days. During any period of postponement, no additional notice or replication of notice of sale shall be required. The provisions of the bill, as amended, apply to foreclosures initiated by publication on or after September 1, 2010.

**Senate Status:** Senate passed 04/12/2010.

**House Status:** House 04/07/2010 passed with amendments 1 and 2.

**Other Status:** Signed by governor 04/27/2010.

[HB 1362](#)

Hardaway

**Closings under the Tennessee Home Loan Protection Act.** Requires all closings under the Tennessee Home Loan Protection Act to be attorney supervised closings. Also specifies that only attorneys with sufficient errors and omission insurance shall be authorized to act as supervising attorneys. (H: Hardaway)

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

**HJR 0146**

Towns

**Urges Congress to act on Homeowners & Bank Protection Act.** Urges Congress to implement the Homeowners and Bank Protection Act. (H: Towns)

**House Status:** House Commerce Utilities & Banking Subcommittee deferred to 2010.

## CAMPAIGNS & LOBBYING

[SB 0139](#)

Ketron

**HB 0519**

Todd

**Time frame for contributions to any candidate.** Prohibits a multicandidate political campaign committee controlled by a political party from making a contribution to any candidate after the tenth day before an election until the day of the election. (S: Ketron; H: Todd)

[Public Chapter](#)

[\(PDF\)](#)

**Senate Status:** Senate passed 05/18/2009.

**House Status:** House passed 04/13/2009.

**Other Status:** Enacted as Public Chapter 0319 (effective 05/27/2009).

**SB 0728**

Watson B.

[HB 0105](#)

**Campaign contributions by corporations.** Allows representatives of any corporation doing business with the state to make campaign contributions up to the same contribution limits as individuals, LLCs, or

McCormick

partnerships on behalf of the corporation. (S: Watson B.; H: McCormick)

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

**House Status:** Failed in House Elections Subcommittee 04/08/2009.

**SB 1423**

Stanley

**HB 1719**

McCormick

**Allows trade and professional association to fund PACs.** Permits qualifying trade and professional associations to contribute money to association PACs as long as the association has been in existence in TN for at least 5 years and has regular dues-paying members. (S: Stanley; H: McCormick)

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

**House Status:** Failed in House Elections Subcommittee 04/08/2009.

## COMMERCIAL LAW

**SB 1763**

Herron

**HB 2218**

Gilmore

**Public Chapter**

**(PDF)**

**Foreclosure-related rescue consultant services for a fee.** Makes it an unfair or deceptive act under the Consumer Protection Act to charge a fee for engaging in foreclosure-related rescue services before completing or performing all services related to any such foreclosure-related transaction. (S: Herron; H: Gilmore)

**Amendment:** House amendment 1 rewrites the bill and does the following: clarifies the definition of a foreclosure-related rescue consultant; specifies which businesses are not included in the definition and which services are included; requires the homeowner receive the contract in writing in at least 12 point font one day prior to the signing date; and requires the consultant give the homeowner three days to consider the agreement if he or she so desires. House amendment 2 exempts from regulation as a foreclosure-rescue consultant an attorney authorized to practice law in this state who is providing legal services to a client. Senate amendment 3 restates the definition of financial institution that is disqualified from being a foreclosure-rescue consultant to specifically include financial institutions that are state or national banks, savings institutions, credit unions, etc. Senate amendment 4 rewrites the bill. Defines "foreclosure-rescue consultant." Prohibits foreclosure-rescue consultants from engaging in or initiating foreclosure-related rescue services without execution of a written agreement with the homeowner. Prohibits the attempted charge, receipt, or collection of payment for foreclosure-related rescue consultant services prior to the completion of all services of the foreclosure-related transaction. Adds violation of this part as an unfair or deceptive act under the Tennessee Consumer Protection Act of 1977.

**Senate Status:** Senate 04/23/2009 passed with amendment 4 and previously adopted amendment 3.

**House Status:** House 04/30/2009 concurred in Senate amendments 3

and 4.

**Other Status:** Enacted as Public Chapter 0198 (effective 05/13/2009).

**SB 2016**

Ford O.

[HB 0704](#)

Turner J.

**Mortgage counselor to be consulted on ARMs.** Requires any person seeking a mortgage to consult a mortgage counselor before an adjustable rate mortgage can be completed. (S: Ford O.; H: Turner J.)

**House Co-Sponsors:** Gilmore; Richardson

**Senate Status:** Taken off notice in Senate Commerce, Labor & Agriculture 03/30/2010.

**House Status:** Taken off notice in House Commerce Utilities & Banking Subcommittee 03/30/2010.

[SB 3862](#)

Kyle

**HB 3817**

Turner J.

**Violations of Fair Debt Collection Practices Act.** Makes engaging in any prohibited practice while attempting to collect or collecting a debt a violation of the Consumer Protection Act of 1977. (Part of Administration Package) (S: Kyle; H: Turner J.)

**Senate Co-Sponsor:** Tate

**House Co-Sponsor:** Turner M.

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

**House Status:** Taken off notice in House Consumer Affairs Subcommittee 03/16/2010.

## CONSTRUCTION

[SB 0491](#)

Burchett

**HB 1627**

McCord

**Building construction safety standards to apply to homes.** Requires minimum statewide building construction safety standards promulgated by the state fire marshal to also apply to one and two family dwellings. (S: Burchett; H: McCord)

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

**House Status:** Referred to House Commerce Industrial Impact Subcommittee.

**SB 2241**

Kyle

[HB 2329](#)

Cobb T.

**Convenience fee - cost of receiving construction plans.** Allows the state fire marshal to implement a convenience fee to cover the costs of receiving construction plans, specifications, and related fees that are electronically submitted. Prohibits the amount of the convenience fee from exceeding the actual costs incurred in the submission of the plans, specifications or fees electronically (Part of Administration Package). (S: Kyle; H: Cobb T.)

**Senate Co-Sponsor:** Tate

**House Co-Sponsor:** Turner M.

**Senate Status:** Senate passed 04/16/2009.

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

**House Status:** House passed 04/30/2009.

**Other Status:** Enacted as Public Chapter 0210 (effective 05/13/2009).

**SB 2283**

Kyle

[HB 2328](#)

Turner M.

**Energy efficiency - building construction standards.** Requires the state fire marshal to include provisions relative to energy efficiency in statewide building construction safety standards. Deletes exemption from such standards for one-family and two-family dwellings (Part of Administration Package). (S: Kyle; H: Turner M.)

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

**House Status:** Referred to House Commerce Industrial Impact Subcommittee.

**SB 2722**

Ketron

[HB 2794](#)

Curtiss

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

**Requirements for bidding masonry work.** Requires information concerning those bidding for masonry contractor work be included on the outside of the envelope containing a bid, in addition to those contractors currently required to be listed. (S: Ketron; H: Curtiss)

**Amendment:** House amendment 1 makes bill's requirement for information concerning the bid for masonry contract work to be included on the outside of the envelope containing the bid applicable only when the masonry portion exceeds \$100,000, materials and labor.

**Senate Status:** Senate passed 03/31/2010.

**House Status:** House 03/29/2010 passed with amendment 1.

**Other Status:** Enacted as Public Chapter 0768 (effective 07/01/2010).

**SB 3220**

Woodson

**HB 3434**

Hawk

**Minimum statewide building construction safety standards.** Requires that minimum statewide building construction safety standards be selected from the 2006 International Building Code. (S: Woodson; H: Hawk)

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

**House Status:** Referred to House Commerce. House Government Operations will review if recommended.

## CRIMINAL LAW

**SB 3473**

Jackson

[HB 2891](#)

Turner M.

**Prohibits renting residence to a sexual offender.** Prohibits renting or leasing any primary, secondary or any other living accommodation to a tenant who is a sexual offender or a violent sexual offender whose victim was a minor if the living accommodation is within 1,000 feet of a school, child care facility, public park, playground, recreation center or public athletic field available for general use. (S: Jackson; H: Turner M.)

**Senate Co-Sponsor:** Ketron

**Joint Oversight Committee on Corrections:** This bill would strengthen the process of prohibiting a sex offender from living in a prohibited area

by requiring a landlord of residential property, before leasing said property, to perform a sexual offender registry check of the potential lessee on the sex offender registration. The Board of Probation & Parole currently approves living quarters for those under their supervision.

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

**House Status:** Taken off notice in House Criminal Practice Subcommittee 03/24/2010.

**Other Status:** Oversight Corrections Committee 02/22/2010 reviewed, comment adopted and released to full committee.

## ENERGY & MINING

### [SB 0907](#)

Burks

### [HB 2003](#)

Curtiss

**Energy efficient standards for building contracts.** Requires that providers of services, material, and equipment in state and local building contracts meet certain, specified energy efficiency standards. (S: Burks; H: Curtiss)

**Senate Status:** Taken off notice in Senate State & Local Government 03/30/2010.

**House Status:** House State Government Subcommittee deferred to 2010.

### [SB 2300](#)

Kyle

### [HB 2318](#)

Winningham

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

**Energy efficiency standards - state buildings and vehicles.** Requires department of finance and administration to develop a plan for ensuring state-owned facilities have individual energy meters by 2010. Includes electric vehicles in the definition of "energy-efficient vehicle" for purposes of provisions governing fleet of state vehicles. Requires that statewide building construction safety standards include provisions for energy efficiency (Part of Administration Package). (S: Kyle; H: Winningham)

**House Co-Sponsor:** Hackworth

**Amendment:** Senate amendment 1 establishes a retrofit initiative for state office buildings to achieve better energy efficiency. This amendment also raises the target goal for the state for energy efficient vehicles. Requires department to ensure that 25 percent of newly purchased passenger motor vehicles procured for use in areas designated by the EPA as ozone nonattainment areas shall be hybrid electric vehicles, provided that such vehicles are available. Requires all future office equipment, appliances, lighting, and heating and cooling products and systems purchased by and for state agencies to be Energy Star qualified. Senate amendment 2, as amended, does the following: adds clean diesel and natural gas powered vehicles to the list of energy efficient passenger motor vehicles for purposes of the state fleet; clarifies certain language in tax and revenue section; requires the department of commerce and insurance to gather information on residential fire sprinklers; exempts remodels from any new code requirements; and

clarifies that construction previously required to have sprinklers is still required to do so. Senate amendment 3 removes the provision whereby energy cost saving measures can be funded by appropriations, including the proceeds of bonds notes or other obligations, as authorized by law, when such bonds, notes or other obligations can be substantially repaid from resulting energy and operational cost savings. House amendment 21 subjects the provisions of the bill to sunset review in 2014. House amendment 22 prohibits the standards in subsection (a) with respect to one-family and two-family dwellings from applying in the counties of Fentress, Morgan, and Overton. House amendment 42 changes the effective date from July 1, 2009, to July 1, 2010, for the provision that requires the state fire marshal to enforce the minimum statewide building construction safety codes with regard to those buildings for which a local jurisdiction has not adopted and is not enforcing codes. House amendment 41 removes the provisions of House amendment 22. Authorizes counties and municipalities to opt out of the provisions of this bill that apply the minimum statewide building construction safety standards to one-family and two-family homes. To opt out of the standards, the legislative body of the county or municipality must, by a 2/3 vote, adopt a resolution to exempt the county or municipality from those provisions. The adoption of such a resolution by a county legislative body would be limited to the jurisdictional boundaries outside any municipality located within the county. The governing body of any county or municipality located in any such county which has adopted the resolution may reverse the action. The presiding officer of the governing body shall notify the state fire marshal of the approval of the resolution. Upon approving the resolution or reversing its action, the presiding officer of the legislative body must notify the state fire marshal of the actions taken. The resolution must take effect on July 1, 2010, or at any date thereafter. The resolution will expire 180 days after the election for the local legislative body next occurring following the adoption of the resolution, or at an earlier expiration date stated in the resolution.

**Senate Status:** Senate 06/17/2009 concurred in House amendment 2.

**House Status:** House 06/11/2009 passed with amendments 21, 22, 42 and 41.

**Other Status:** Enacted as Public Chapter 0529 (effective 06/25/2009).

## GOVERNMENT CONTRACTS

### [SB 1921](#)

Berke

### **HB 1691**

Yokley

**Energy Star qualified products for state agencies.** Requires all office equipment, appliances, lighting, and heating and cooling products and systems purchased by state agencies to be Energy Star qualified if such Energy Star qualified products and systems are commercially available. (S: Berke; H: Yokley)

**Senate Status:** Taken off notice in Senate State & Local Government 03/17/2009.

**House Status:** House State Government Subcommittee deferred to 2010.

## GOVERNMENT REGULATION

### [SB 2645](#)

Burchett

### [HB 2767](#)

Tindell

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

**Lien authorization and home improvement contractors.** Removes lien authorization for unlicensed residential or home improvement contractor if work is performed in a jurisdiction which requires such persons to be licensed. (S: Burchett; H: Tindell)

**House Co-Sponsor:** Dunn

**Amendment:** Senate amendment 1 corrects typographical error, changing reference to "62-6-501(4)(A)" in 66-11-150 of Section 1 to "62-6-501(4)".

**Senate Status:** Senate 03/08/2010 passed with amendment 1.

**House Status:** House passed 03/29/2010.

**Other Status:** Enacted as Public Chapter 0749 (effective 07/01/2010).

## HEALTH CARE

### [SB 3227](#)

Southerland

### [HB 3419](#)

Litz

**Minimizing conflicts with local building codes.** Directs the commissioner of health to strive to minimize conflicts with local building codes when promulgating rules and to consider compliance with such codes to be a mitigating factor when assessing penalties. (S: Southerland; H: Litz)

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

**House Status:** Taken off notice in House Public Health & Family Assistance Subcommittee 03/17/2010.

## INSURANCE GENERAL

### [SB 0665](#)

Stewart E.

### [HB 0475](#)

Fraley

**Use of credit info to increase premiums.** Prohibits using an individual's credit information in any manner to cancel or refuse a new risk or to increase premiums on homeowners and renters policies. (S: Stewart E.; H: Fraley)

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

**House Status:** Taken off notice in House Commerce Industrial Impact Subcommittee 04/01/2009.

### [SB 1456](#)

Haynes J.

### [HB 1688](#)

Moore

**No reduction in apportioned ratio with property tax.** Exempts any insurance company formed as a successor in interest to any insurance company which has already received a reduction in its apportionment ratio for the entirety of the 15 years permitted. (S: Haynes J.; H: Moore)

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

**Amendment:** Senate amendment 1 adds language to Section 1 of the original bill to authorize any insurance company formed as a successor in interest in 2006 to receive the reduction to its property tax apportionment ratio during the first five years of its existence to the same extent as a new insurance company not formed as a successor in interest.

**Senate Status:** Senate 05/20/2009 passed with amendment 1.

**House Status:** House passed 05/21/2009.

**Other Status:** Enacted as Public Chapter 0361 (effective 06/05/2009).

## INSURANCE HEALTH

[SB 0313](#)

Black

[HB 1761](#)

Sargent

**TN Small Business Employer Health Benefits Fund.** Creates a special account in the state treasury to be known as the "Tennessee Small Business Employer Health Benefits Fund." Specifies that money in the health benefits fund can only be expended in accordance with annual appropriations approved by the general assembly. Also specifies that the health benefits fund is to be used to provide grants to eligible small business employers to reimburse moneys spent by such employers to provide health care coverage to employees and employees' dependents. (S: Black; H: Sargent)

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

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

[SB 2836](#)

Southerland

[HB 2904](#)

Lollar

**Coverage through health group cooperative - small employers.**

Decreases to three from five years the length of time a small employer must commit to purchasing coverage through a health group cooperative, even though participation remains voluntary. (S: Southerland; H: Lollar)

**House Co-Sponsors:** Curtiss; Fincher

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

**Senate Status:** Senate passed 02/17/2010.

**House Status:** House passed 03/15/2010.

**Other Status:** Enacted as Public Chapter 0687 (effective 03/31/2010).

## JUDICIARY

[SB 3717](#)

Haynes J.

[HB 3382](#)

Sontany

**Abatement of nuisances.** Includes zoning violations and violations of building codes to definition of types of nuisances that can be abated by the courts. (S: Haynes J.; H: Sontany)

**Senate Status:** Senate Judiciary deferred to last calendar.

**House Status:** Taken off notice in House Civil Practice Subcommittee 03/24/2010.

## LABOR LAW

**SB 0469**  
Johnson J.  
[HB 0480](#)  
Hill

**English-only policy in the workplace.** Specifies that it is not a discriminatory practice under state law for an employer to institute an English-only policy in the employer's workplace based on business necessity. (S: Johnson J.; H: Hill)

**Amendment:** Senate amendment 1 adds EEOC compliance language, requiring employer to post notice if instituting such policy. House Consumer & Employee Affairs amendment 1 establishes that the employer provides notice to employees of the policy and the consequences of violating the policy.

**Senate Status:** Senate 03/30/2009 passed with amendment 1.

**House Status:** Failed in House Consumer & Employee Affairs 05/05/2009.

**SB 2104**  
Stanley  
[HB 1997](#)  
Moore

**Employment of subcontractors and independent contractors.** Clarifies that "employee" includes contractors and subcontractors but not direct sellers relative to employment records. Allows the employer to report using a 1099 form in addition to a W-4. (S: Stanley; H: Moore)

**House Co-Sponsor:** West

**Senate Status:** Senate General Welfare deferred to summer study.

**House Status:** Re-referred to House Children & Family Affairs 05/07/2009 from the House Floor.

## LOCAL GOVERNMENT

[SB 2578](#)  
Haynes J.  
**HB 2711**  
Turner M.  
  
[Public Chapter](#)  
[\(PDF\)](#)

**Revisions to zoning ordinance.** Authorizes planning commissions to promulgate provisions in its subdivision regulations, and recommend amendments to the zoning ordinance, for the establishment of review and approval powers for site plans and the establishment under zoning provisions for the review and approval of sustainable design and development of property. (S: Haynes J.; H: Turner M.)

**Senate Status:** Senate passed 02/22/2010.

**House Status:** House passed 03/04/2010.

**Other Status:** Enacted as Public Chapter 06344 (effective 03/17/2010).

[SB 2579](#)  
Haynes J.  
**HB 2714**  
Turner M.

**Revisions to regional plan or zoning ordinance.** Changes provisions governing legislative approval of amendments to general regional plan or zoning ordinance. (S: Haynes J.; H: Turner M.)

**Senate Status:** Withdrawn in Senate 02/01/2010.

**House Status:** Withdrawn in House 01/25/2010.

**SB 3090**  
Burchett

**Eminent domain - fair market value as highest and best use.** Requires the fair market value of property to be taken by eminent domain to be

[HB 3058](#)  
Niceley

based on the highest and best use of the property, meaning the most profitable use after all improvements have been made to the property, without regard to that use which is legally allowable. Prohibits determination of highest and best use from being limited to current zoning or land use restrictions. (S: Burchett; H: Niceley)

**Amendment:** House Civil Practice Subcommittee amendment 1 rewrites the bill. Requires portions of the bill to only apply to private, for profit corporations. Requires "highest and best use" to be the fair market value of the property based on an opinion that disregards zoning restrictions concerning agricultural or residential use and base the opinion on the presumption that the property has been zoned in an appropriate category for the stated purpose of the condemnation. House Judiciary Committee amendment 1 rewrites the bill. Requires "highest and best use" to be the fair market value of the property based on an opinion that disregards zoning restrictions concerning agricultural or residential use. Requires the property's fair market value to be based on the presumption that the property has been zoned in the appropriate category for the stated purpose of the condemnation. Requires portions of the bill to only apply to private, for profit corporations.

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

**House Status:** Set for House Finance Budget Subcommittee 05/05/2010.

**SB 3609**  
Ketron  
[HB 3338](#)  
Carr

**Contesting annexation: recouping costs and fees.** Requires the property owner in condemnation actions to recoup certain costs and fees when the property owner is not satisfied with the appraisal's value and the owner receives more for the condemned property than the appraisal's value through settlement or any other proceeding. (S: Ketron; H: Carr)

**Senate Status:** Taken off notice in Senate Judiciary 04/20/2010.

**House Status:** House Judiciary Committee deferred to summer study.

**SB 3617**  
Marrero  
[HB 3690](#)  
Hardaway

**Privilege tax on trailers in Shelby County.** Permits counties having a charter form of government to levy privilege tax on trailers that are required to be registered with the state by resolution and upon referendum of qualified voters. (S: Marrero; H: Hardaway)

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

**House Status:** Taken off notice in House Local Government Subcommittee 03/24/2010.

**SB 3716**  
Haynes J.  
[HB 3381](#)  
Sontany

**Municipalities - nonconforming uses.** Permits the legislative body of any municipality or metropolitan form of government that has adopted zoning regulations by ordinance to establish a method of terminating nonconforming industrial, commercial or business establishments or uses following a period of amortization. Specifies that the period of

amortization is from five to 20 years. (S: Haynes J.; H: Sontany)

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

**House Status:** Referred to House Local Government Subcommittee.

## LOTTERY

### [SB 1876](#)

Kyle

### **HB 1954**

Tindell

**Annual event tickets for 501(c)(3) organizations.** Requires annual fundraising 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: Kyle; H: Tindell)

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

**House Status:** Taken off notice in House State Government Subcommittee 05/06/2009.

### [SB 2530](#)

Tracy

### **HB 2669**

Carr

**Lottery: deadline for annual event applications.** Extends deadline for applications for 2009-2010 annual events from 15 days after May 7, 2009, to five days after this act becomes law. Requires secretary of state to submit third omnibus list for 2009-2010 annual events. (S: Tracy; H: Carr)

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

**House Co-Sponsors:** Johnson P.; Ramsey B.; Haynes R.; Hensley;

Sargent; McCormick; Matheny; Shipley; Brooks, Kevin; Casada

**Amendment:** House amendment 1 changes the period before this act takes place from five to 15 days. Requires the omnibus lists with any organizations approved be transferred to the clerk of the Senate and the clerk of the House by March 1, 2010 for the annual event period from July 1, 2010 to June 30, 2011. Senate Amendment 1 deletes all language after the enacting clause. Extends the definition of a 501(c)(3) charitable organization to one that has been in continuous and active existence in Tennessee for three years immediately preceding the event date and has merged with an organization that had been in continuous and active existence in Tennessee for at least five years as described in the Internal Revenue Code. Extends the deadline for applications for the 2010-2011 annual charitable events to 15 days after this act becomes law. Requires the Secretary of State to submit the omnibus list for 2010-2011 annual charitable events.

**Senate Status:** Senate 03/08/2010 passed with amendment 1.

**House Status:** House 03/11/2010 concurred in Senate amendment 1.

**Other Status:** Enacted as Public Chapter 0656 (effective 03/25/2010).

## PROFESSIONS & LICENSURE

### **SB 1413**

Ketron

**Delay on issuance of general contractor's license.** Requires that persons who engage or offer to engage in contracting without a license

[HB 1249](#)

Curtiss

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

be ineligible to receive such a license until at least 6 months after a determination by the state board for licensing contractors that such a violation has occurred. Authorizes the board in circumstances deemed appropriate, to delay issuing a license for a length of time of their choosing to a person who engages or offers to engage in contracting without a license. (S: Ketron; H: Curtiss)

**Amendment:** Senate amendment 1 prohibits a licensed contractor who is in violation of any law or rule from recovering damages in any court action other than actual documented expenses. House amendment 2 defines "board" as the state board for licensing contractors.

**Senate Status:** Senate 06/02/2009 concurred in House amendment 2.

**House Status:** House 05/21/2009 passed with amendment 2.

**Other Status:** Enacted as Public Chapter 0482 (effective 06/23/2009).

**SB 2075**

Burchett

[HB 1938](#)

Matheny

**Penalty for unlawful sale - air conditioner evaporator coil.** Decreases penalty for Class A fine-only misdemeanor offense of unlawful sale of air conditioner evaporator coil or condenser to a Class C fine-only misdemeanor if the defendant is certified to repair, replace and install HVAC units containing copper evaporator coils but is not the authorized seller. (S: Burchett; H: Matheny)

**Senate Status:** Taken off notice in Senate Commerce, Labor & Agriculture 04/28/2009.

**House Status:** Taken off notice in House Criminal Practice Subcommittee 04/29/2009.

**SB 2655**

Johnson J.

[HB 2625](#)

Dunn

**Home improvement: licensure revocation and criminal charges.**

Establishes that it is a theft if a home improvement provider fails to refund monies paid for residential home improvement if: no substantial portion of work was performed; 45 days elapsed since starting contract date; and a copy of refund request was sent to the consumer protection division. Establishes that a theft has also occurred if: the home improvement provider deviated from material contract plans. Requires the home improvement provider to be penalized by varying criminal and civil sanctions, among other sanctions, based on homeowner's damages. Requires the home improvement provider's licensor to revoke the violator's license. Requires the home improvement provider to notify future customers of this section. Requires the state board for licensing to publicize the home provider's violation and penalty. Allows the board to reissue the license in certain situations. Broadly captioned. (S: Johnson J.; H: Dunn)

**House Co-Sponsor:** Tindell

**Amendment:** Senate Commerce amendment 1, House Judiciary amendment 1 changes multiple references of home improvement contract to contract for home improvement services. Changes the definition of

"contract for home improvement services" to include contractual agreement in written or oral form, and makes multiple corrections to section references within the bill. Senate Commerce amendment 2, House Judiciary amendment 2 changes the time period required for establishing that a theft has occurred if a home improvement provider fails to refund monies paid for residential home improvement if 90 days, rather than 45, have elapsed since the starting date of the contract for home improvement services.

**Senate Status:** Senate Commerce, Labor & Agriculture 04/14/2010 recommended with amendments 1 and 2. Sent to Senate Finance, Ways & Means.

**House Status:** House Budget Subcommittee deferred to last calendar.

**[SB 3639](#)**

Southerland

**[HB 3877](#)**

Litz

**License to sell manufactured homes.** Requires applicants for a license to sell manufactured homes to show proof of having completed a 15 hour course covering the installation of manufactured homes within the previous five years from the date of such application. Broadly captioned. (S: Southerland; H: Litz)

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

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

**[SB 3860](#)**

Kyle

**[HB 3849](#)**

Yokley

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

**Regulatory activities of dept. of commerce and insurance.** Modifies the motor vehicle commission's disciplinary authority in the case of applicants and licensees who are convicted of a crime of moral turpitude by allowing such action when the licensee or applicant has been convicted of a crime of moral turpitude and fewer than five years have passed since the licensee or applicant has completed serving his sentence, including parole or probation, whichever is later. Requires documentation and fees that are prerequisite to the renewal of a license or registration for a home inspector, broker, affiliate broker, time-share salesperson, acquisition agent license, staff leasing company or staff leasing group to be submitted to the commission prior to the expiration of the license, rather than during a designated window of time. Changes the payment of permit fees for liquefied petroleum gas businesses to annual instead of biennial. Specifies that the annual permit fees will be one half of the amount of the biennial fees. Changes the date that liquefied gas business permits expire from December 31 to March 31. (Part of Administration Package) (S: Kyle; H: Yokley)

**Senate Co-Sponsor:** Stewart E.

**House Co-Sponsor:** Turner M.

**Senate Status:** Senate passed 03/15/2010.

**House Status:** House passed 03/08/2010.

**Other Status:** Enacted as Public Chapter 0666 (effective 07/01/2010).

## PROPERTY & HOUSING

**SB 0247**

Marrero

[HB 0128](#)

Hardaway

**Seller of real property to provide buyer with energy audit.** Requires seller of real property to provide an energy audit estimating the energy usage required at the property to the potential buyer prior to the sale. Also requires such audit to be included in the deed of conveyance. (S: Marrero; H: Hardaway)

**Senate Status:** Senate Commerce, Labor & Agriculture deferred to 04/07/2009.

**House Status:** Taken off notice in House Commerce Industrial Impact Subcommittee 04/14/2010.

**SB 0249**

Marrero

[HB 0126](#)

Hardaway

**Rental agreement to include energy audit.** Requires rental agreement under Uniform Residential Landlord and Tenant Act to include, as an addendum, energy audit of estimated energy usage at dwelling unit. (S: Marrero; H: Hardaway)

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

**House Status:** House Civil Practice Subcommittee deferred to summer study.

**SB 0250**

Marrero

[HB 0130](#)

Hardaway

**Residential property for rent - energy audit required.** Requires landlord of residential property to provide an energy audit to tenants before entering into a rental agreement. Specifies that failure of landlord to provide energy audit will bind both parties in a month-to-month tenancy. (S: Marrero; H: Hardaway)

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

**House Status:** House Civil Practice Subcommittee deferred to summer study.

[SB 0883](#)

Ketron

**HB 1922**

Pitts

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

**Manufactured homes affixed to real property.** Requires, rather than allows, the owner of a manufactured home affixed to a parcel of real property, upon the recording of the affidavit of affixation, to surrender certificate of title to the department of revenue for cancellation. Requires, in lieu of certificate of title if the manufactured home is a new home not covered by a certificate of title, the owner to surrender the manufacturer's statement or certificate of origin or a statement stating that the owner is unable to produce the original certificate of origin if it is not found after diligent search and inquiry. (S: Ketron; H: Pitts)

**House Co-Sponsors:** Eldridge; Curtiss; Johnson P.

**Amendment:** Senate amendment 1 adds a provision stating that the affidavit of affixation shall be a separate document. Removes provision stating that the affidavit of affixation shall contain the decal number of the permit decal affixed to the manufactured home. Makes such changes

as applicable to the affidavit of affixation form provided in the legislation.

**Senate Status:** Senate 04/16/2009 passed with amendment 1.

**House Status:** House passed 04/20/2009.

**Other Status:** Enacted as Public Chapter 0132 (effective 07/01/2009).

**SB 0993**

Harper

[HB 0888](#)

Sontany

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

**Disclosure of moving a residence before sale.** Requires the seller to disclose to the buyer, either in the contract itself or in writing, if the property has been moved from an existing foundation to another foundation. (S: Harper; H: Sontany)

**Amendment:** House amendment 1 requires that the disclosure of a residence having been moved from an existing foundation to another foundation be made prior to entering the contract with the buyer. Limits a seller's duty to make such disclosure to situations where such information is known to the seller.

**Senate Status:** Senate passed 05/04/2009.

**House Status:** House 04/13/2009 passed with amendment 1.

**Other Status:** Enacted as Public Chapter 0231 (effective 05/20/2009).

[SB 1087](#)

McNally

**HB 1827**

Matlock

**Crime of removing certain structures from real property.** Prohibits any person from removing a movable structure from a space in which it is affixed when located in a trailer park if the owner of the land is renting the space out. Provides that this statute applies only if the renter has paid to the owner all monies owed by such person. Creates a Class C misdemeanor for any person removing such structure. (S: McNally; H: Matlock)

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

**House Status:** Taken off notice in House Criminal Practice Subcommittee 03/17/2010.

[SB 1278](#)

Bunch

**HB 1555**

Hackworth

**Affidavit of affixation for manufactured homes - separate.** Requires an affidavit of affixation for manufactured homes attached to real property to be a separate document. (S: Bunch; H: Hackworth)

**Senate Status:** Taken off notice in Senate Commerce, Labor & Agriculture 04/21/2009.

**House Status:** Taken off notice in House Transportation Rural Roads Subcommittee 02/10/2010.

**SB 1341**

Tate

[HB 0023](#)

Hardaway

**Homeowners' Emergency Assistance Fund Loans.** Authorizes the THDA to make uninsured homeowners' emergency mortgage assistance fund loans to certain, eligible homeowners. Establishes the Homeowners' Emergency Mortgage Assistance Fund. Specifies that to be eligible, a

homeowner must be in default, or at risk of default due to an interest rate reset on a conventional subprime adjustable rate mortgage loan used to purchase the homeowner's principal residence. Stays all foreclosure action against any homeowner actively pursuing a homeowners' emergency mortgage assistance fund loan under certain circumstances. (S: Tate; H: Hardaway)

**Senate Status:** Referred to Senate Commerce, Labor & Agriculture.  
**House Status:** Taken off notice in House State Government Subcommittee 05/06/2009.

**SB 1521**  
Burchett  
[HB 0691](#)  
Fincher

**Tennessee Employer Assisted Housing Development Program.** Requires THDA to establish a program to help employers develop an employer assisted housing development program and an employer assisted housing fund. Specifies that all employees of an employer whose annual household income is equal to or less than 120 percent of the area median income are eligible to participate in the program or receive funds from it. Requires 25 percent of such aid be distributed to employees whose annual household income is equal to or less than 80 percent of the area median income. Prohibits more than 30 percent of an employer's real property being zoned as commercial or nonresidential from being used for this program. Requires real property in this state sold, leased or donated by the employer for the program to be sold or rented to employees who meet the income requirements set forth in this part and meet any further requirements set forth by the agency. Specifies that employers must designate a private for-profit or not-for-profit developer that is not an affiliate, subsidiary, or other entity of such employer to be responsible for the sale, rental, day-to-day management and operation of the housing units. Allows employers to claim a credit from the taxpayer's franchise tax liability of one dollar for the current or any fiscal year for every one dollar of the assessed value of real property contributed to or used in any such fiscal year up to \$5,000,000 annually. Permits any tax credit not used in the tax year during which the investment was made to be carried forward for the five immediately succeeding tax years until the full credit has been allowed. Allows two or more taxpayers to participate jointly in one or more programs under this part. Prohibits the sum of the tax credits granted under this subsection from exceeding \$100,000 annually per taxpayer. Also prohibits the total amount of all tax credits allowed to all taxpayers under this subsection from exceeding \$2,000,000 in any fiscal year. (S: Burchett; H: Fincher)

**Senate Status:** Referred to Senate General Welfare.  
**House Status:** Taken off notice in House State Government Subcommittee 03/18/2009.

**SB 1535**

**Monitoring inspection fee for manufactured homes.** Abolishes

Burchett  
[HB 0979](#)  
McCord

monitoring inspection fee for manufactured homes. (S: Burchett; H: McCord)

**Senate Status:** Referred to Senate Commerce, Labor & Agriculture.  
**House Status:** Referred to House Commerce Industrial Impact Subcommittee.

**SB 1576**  
Crowe  
[HB 1394](#)  
Johnson P.

**Notice to terminate tenancy - foreclosure.** Requires any person or entity that acquires a residential property to provide 30 days' written notice prior to terminating the tenancy of a residential tenant who occupies the residential property at the time of the state. Establishes that this section applies to all residential rental property including, without limitation, residential rental properties located in any county governed by the Uniform Residential Landlord and Tenant Act. (S: Crowe; H: Johnson P.)

**Senate Status:** Taken off notice in Senate Commerce, Labor & Agriculture 05/05/2009.  
**House Status:** House Judiciary Committee deferred to summer study.

**SB 1676**  
Tate  
[HB 0049](#)  
Gilmore

**Negotiation period for owner-occupied single family homes.** Specifies that the required advertisements published prior to any sale of land to foreclose a deed of trust, mortgage or other lien must be published at least 60 days prior to the sale when they involve owner-occupied single family residences. Requires the trustee or financial institution to offer a good faith negotiation period of no more than seven months to any debtor who indicates a desire to arrive at an equitable and just solution within ten days of the date the notice was sent to him. Sets a cap for the monthly payment amounts the debtor can be charged at thirty-one percent of the debtor's gross monthly income. Authorizes the debtor to pay a higher percentage upon agreement with the financial institution. (S: Tate; H: Gilmore)

**Senate Status:** Referred to Senate Commerce, Labor & Agriculture.  
**House Status:** Taken off notice in House Commerce Utilities & Banking Subcommittee 04/28/2009.

[SB 1764](#)  
Herron  
**HB 2103**  
Shepard

**Delaying the sale of foreclosed property.** Requires the first publication of notice of the sale of any owner-occupied single family residence to be given at least 60 days previous to such sale. (S: Herron; H: Shepard)

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

[SB 1937](#)  
Ford O.

**Time extension for foreclosure notices.** Extends the time for the initial public foreclosure notice from 20 days to 90 days. Requires that notice

**HB 1443**  
Turner J.

be given to the borrower about foreclosure counseling. Requires mortgage loans be based upon ability of borrower to repay such loans. (S: Ford O.; H: Turner J.)

**Senate Status:** Senate Commerce, Labor & Agriculture deferred to first calendar of 2010.

**House Status:** House sponsor changed from Turner L. to Turner J. 02/11/2010.

**SB 1940**  
McNally

**Affidavit of affixation for manufactured homes.** Requires the affidavit of affixation to be a separate document for a manufactured home. (S: McNally)

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

**SB 2307**  
Kyle  
**HB 2314**  
Jones U.

**Revises various provisions regarding manufactured homes.**

Authorizes commissioner of commerce and insurance to set fees by rule for installers of manufactured homes, to adopt installations standards set by National Fire Protection Association. Maintains definition of manufacturer as any person engaged in manufacturing or assembling manufactured homes, adding that this includes but is not limited to the rebuilding, reassembling, refurbishing, or any other such act as to construct or prepare a manufactured home for sale to a consumer. Places regulation of park trailers under authority of the motor vehicle commission. (Part of Administration Package). (S: Kyle; H: Jones U.)

**Senate Co-Sponsor:** Tate

**House Co-Sponsor:** Turner M.

**Senate Status:** Taken off notice in Senate Commerce, Labor & Agriculture 04/21/2009.

**House Status:** House sponsor changed from Turner M. to Jones U. on 03/12/2009.

**SB 2311**  
Kyle  
**HB 2323**  
Turner M.

**Penalty for failure to enter acceptance of partial payment.** Requires mailing address of property owner be included on deed of conveyance of real property that is received for recording by any register of deeds. Increases penalty for failure to enter acceptance of partial payments in a timely manner. Makes other changes concerning recorded instruments. (Part of Administration Package) (S: Kyle; H: Turner M.)

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

**House Status:** Referred to House Judiciary Civil Practice Subcommittee.

**SB 2524**  
Johnson J.  
**HB 2545**

**Housing Relief Restricted Special Revenue Act.** Enacts the "Housing Relief Restricted Special Revenue Act" to provide grants to homebuyers purchasing a newly constructed residence. Subject to availability of

Casada

funds, the Tennessee Housing Development Agency shall award a grant of \$6,000 to a person who finances a newly constructed residence using a 30-year fixed interest rate note and mortgage and who meets the specified income limits. Excludes single persons making more than \$75,000 or married couples making more than \$150,000. Establishes Housing Relief Restricted Special Revenue Fund to be comprised of monies received from the American Recovery and Reinvestment Act of 2009. Monies deposited in the fund shall be reserved for the purposes consistent with this act and will not revert to the general fund if funds are left over at the end of the fiscal year. (S: Johnson J.; H: Casada)

**House Co-Sponsors:** White M.; Ford D.

**Senate Status:** Taken off notice in Senate State & Local Government 04/07/2010.

**House Status:** Withdrawn in House 03/31/2010.

**SB 2958**

Watson B.

[HB 2899](#)

Dean

**Residential rental inspection program.** Allows municipalities to adopt residential rental inspection programs in order to prevent deterioration. (S: Watson B.; H: Dean)

**Amendment:** Senate State & Local Government amendment 1, House Local Government Subcommittee amendment 1 makes the bill. Allows the city of East Ridge to adopt residential rental inspection programs in order to prevent deterioration.

**Senate Status:** Taken off notice in Senate State & Local Government 04/07/2010.

**House Status:** Failed in House State & Local Government 04/06/2010.

**SB 3039**

Faulk

[HB 3057](#)

Dennis

**Balances due upon sale real property in foreclosure.** Requires cause of action to recover balance due upon sale of real property to foreclose a deed of trust, mortgage or other lien where the mortgaged property sells for less than the amount due. (S: Faulk; H: Dennis)

**House Co-Sponsor:** Pitts

**Amendment:** House Judiciary Committee amendment 1 rewrites the bill. Requires deficiency judgments to fully satisfy the contractual obligation. Establishes a rebuttable presumption that the purchase price of the foreclosed property is the fair market value of the property at the time of the foreclosure sale. Requires debtor pay for difference between the total amount owed minus the costs related to the foreclosure sale if the debtor can overcome presumption by proving the foreclosed property sold materially less than the property's fair market value. Requires actions when recovering indebtedness balance to occur within 2 years after the foreclosure sale date.

**Senate Status:** Senate Judiciary 02/16/2010 recommended. Sent to Calendar Committee.

**House Status:** Set for House Floor 05/03/2010.

**[SB 3084](#)**

Burchett

**[HB 3186](#)**

Turner M.

**Photo electric smoke detectors: property requirements.** Requires owners or operators of hotels, rental property, or apartment buildings to have photo electric smoke detectors in certain areas or be subject to a \$1,500 dollars fine. (S: Burchett; H: Turner M.)

**Senate Co-Sponsor:** Ketron

**Senate Status:** Taken off notice in Senate Commerce, Labor & Agriculture 03/23/2010.

**House Status:** Referred to House Commerce Industrial Impact Subcommittee.

**SB 3192**

Barnes

**[HB 3215](#)**

Yokley

**Requirements for energy use in new buildings.** Mandates that the minimum requirements for energy use in new buildings other than one-family and two-family dwellings and townhouses equal the American Society of Heating, Refrigeration, and Air-conditioning Engineers (ASHRAE) Standard 90.1-2007. (S: Barnes; H: Yokley)

**Senate Status:** Taken off notice in Senate Commerce, Labor & Agriculture 03/09/2010.

**House Status:** Referred to House Commerce Industrial Impact Subcommittee.

**SB 3279**

Burchett

**[HB 3324](#)**

Sargent

**Prohibits new electric service without smoke detector.** Repeals requirement for a smoke detector to be equipped in any one-family or two-family dwelling before a connection of new electric service shall be provided. (S: Burchett; H: Sargent)

**Senate Co-Sponsor:** Ketron

**Senate Status:** Taken off notice in Senate Commerce, Labor & Agriculture 03/23/2010.

**House Status:** Referred to House Commerce Industrial Impact Subcommittee.

**SB 3381**

Marrero

**[HB 3579](#)**

Jones S.

**Altering of rental agreement for victim of domestic abuse.** Holds a landlord civilly liable for damages resulting from the domestic abuse of a renter because renter was unable to end rental agreement to seek safe shelter. (S: Marrero; H: Jones S.)

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

**House Status:** Referred to House Judiciary Civil Practice Subcommittee.

**SB 3554**

Ketron

**[HB 3224](#)**

McCord

**Attachment of liens - visible commencement of operations.** Clarifies the definition of the visible commencement of operations related to construction services and products. (S: Ketron; H: McCord)

**Senate Status:** Referred to Senate Commerce, Labor & Agriculture.  
**House Status:** House Civil Practice Subcommittee deferred to the call of the chair.

**SB 3555**  
Ketron  
[HB 3239](#)  
McCord

**Attachment of liens - visible commencement of operations.** Clarifies the meaning of the visible commencement of operations related to construction services and products and to the attachment of liens. (S: Ketron; H: McCord)

**Senate Status:** Taken off notice in Senate Commerce, Labor & Agriculture 03/30/2010.  
**House Status:** House Civil Practice Subcommittee deferred to the call of the chair.

**SB 3581**  
Ketron  
[HB 3201](#)  
Eldridge

**Carbon monoxide alarm detectors in new structures.** Requires every dwelling unit to be equipped with at least one approved carbon monoxide alarm in operating condition within 15 feet of every room used for sleeping purposes, except in residential unit that does not rely on combustion of fossil fuel for heat. (S: Ketron; H: Eldridge)  
**House Co-Sponsors:** Dennis; Shaw; Maggart; Miller L.; Carr; Matheny; Coley; Lollar; McManus; Matlock; Richardson  
**Amendment:** Senate Commerce amendment 1 makes applicable only to new structures on or after the effective date (July 1, 2010).

**Senate Status:** Re-referred to Senate Calendar Committee 02/18/2010.  
**House Status:** Withdrawn in House 02/25/2010.

**SB 3722**  
Haynes J.  
[HB 2893](#)  
Turner M.

**Requirements for planned communities.** Adds to the list of purposes of zoning regulations a requirement to insure that a planned community does not violate any of the covenants as presented and approved by a planning commission. (S: Haynes J.; H: Turner M.)

**Senate Status:** Referred to Senate State & Local Government.  
**House Status:** Caption bill held on House clerk's desk.

**SB 3723**  
Haynes J.  
[HB 2888](#)  
Turner M.

**Davidson County - security deposits for water service fee.** Requires landlords in Davidson County to secure water service fee deposits from tenants. Requires the landlord to inquire about whether the tenant has paid all water service fees upon termination of occupancy and establishes procedure for dealing with instances where the tenant has not paid. (S: Haynes J.; H: Turner M.)

**Senate Status:** Taken off notice in Senate Commerce, Labor & Agriculture 03/30/2010.  
**House Status:** House Civil Practice Subcommittee deferred to summer

study.

## RETAIL TRADE

### [SB 0486](#)

Marrero

### **HB 1709**

Stewart M.

**Efficiency standards for certain products.** Requires the commissioner of commerce and insurance to adopt rules establishing minimum efficiency standards for new products, including bottle-type water dispensers, commercial hot food holding cabinets, DVD players and recorders, portable electric spas, as well as other products. Specifies minimum efficiency standards for these products. (21 pp.) (S: Marrero; H: Stewart M.)

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

**House Status:** Referred to House Commerce Industrial Impact Subcommittee.

### [SB 2981](#)

Tate

### **HB 3595**

Turner J.

**Home solicitation sales clarified.** Adds to list of items excluded from definition of "home solicitation sales" farm equipment or motor vehicles or both; or insurance and securities sales or agreements. Provides buyers in home solicitation sales with additional cancellation rights. Establishes additional notice requirements for sellers. Allocates the cost of any notary witnessing the signatures to sellers. (S: Tate; H: Turner J.)

**House Co-Sponsors:** Jones U.; Miller L.; Richardson; Pruitt

**Senate Status:** Senate Commerce, Labor & Agriculture deferred to 03/30/2010.

**House Status:** House Consumer Affairs Subcommittee deferred to summer study.

## TAXES BUSINESS

### **SB 3073**

Herron

### [HB 3085](#)

Fitzhugh

**Limited excise tax exemptions for certain businesses.** Creates a limited excise tax exemption for the first \$25,000 in net income of any business having annual profits of less than \$100,000 for tax years 2010 and 2011. Creates a limited excise tax exemption for the first \$15,000 in net income of any business having annual profits between \$100,000 and \$200,000 for tax years 2010 and 2011. (S: Herron; H: Fitzhugh)

**Senate Status:** Taken off notice in Senate Finance Tax Subcommittee 03/09/2010.

**House Status:** Referred to House Finance Budget Subcommittee.

## TAXES PROPERTY

### [SB 2037](#)

Norris

### **HB 1990**

**Liens for uncollected property taxes.** Provides that trustee's failure to publish notice of enforcement of lien for uncollected property taxes cannot be used as a defense in any suit for tax collection. Includes

Fitzhugh

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

property taxes due or delinquent on the property in the lawful charges to preserve the value of the property that a court must order a person redeeming the property to pay. (S: Norris; H: Fitzhugh)

**Amendment:** House amendment 1 corrects typographical errors by changing "country" to "county" and "suites" to "suits." Senate amendment 2 removes the provision of this bill which specifies that failure of the trustee to make publication is not a defense in a legal action to collect taxes.

**Senate Status:** Senate 04/20/2009 passed with amendment 2.

**House Status:** House 04/27/2009 concurred in Senate amendment 2.

**Other Status:** Enacted as Public Chapter 0185 (effective 05/07/2009).

## TAXES SALES

[SB 0390](#)

Black

**HB 1572**

West

**Sales tax exemption for residential wind and solar energy.** Exempts from state sales and use taxes the installation and purchase of solar and wind energy systems that are exclusively for residential use. (S: Black; H: West)

**Senate Status:** Taken off notice in Senate Finance Tax Subcommittee 02/20/2009.

**House Status:** Referred to House Finance Budget Subcommittee.

**SB 0657**

Stanley

[HB 0131](#)

Hardaway

**Report on sunseting sales tax exemptions.** Requires the commissioner of revenue to report by January 15, 2010, on the feasibility of assigning expiration dates in a staggered manner to sales tax exemptions. Specifies that, if determined feasible, each exemption would be reauthorized every 10 years. Broadly captioned. (S: Stanley; H: Hardaway)

**Senate Status:** Taken off notice in Senate Finance, Ways & Means 04/23/2009.

**House Status:** House Rep. McDaniel Study Committee Subcommittee deferred to January 2010.

[SB 1118](#)

Berke

**HB 1690**

Yokley

**Reduces sales tax on Energy Star qualified products.** Reduces the sales tax rate on Energy Star qualified products to 3.5 percent. (S: Berke; H: Yokley)

**Senate Status:** Taken off notice in Senate Finance Tax Subcommittee 03/18/2009.

**House Status:** Referred to House Finance Budget Subcommittee.

**SB 1167**

Ford O.

[HB 1162](#)

**Exemption - Energy Star qualified products.** Creates sales tax exemption for Energy Star qualified washers, air conditioners, programmable thermostats, light fixtures and bulbs, and refrigerators

Fincher

when purchased by building contractor for use and installation in newly constructed residential homes. (S: Ford O.; H: Fincher)

**Senate Status:** Taken off notice in Senate Finance Tax Subcommittee 04/01/2009.

**House Status:** Referred to House Finance Budget Subcommittee.

**SB 1670**

Finney L.

[HB 1197](#)

Pitts

**Abolishes sales and use taxes.** Deletes entire portion of code dealing with transactions subject to sales and use taxes. Broadly captioned. (S: Finney L.; H: Pitts)

**Senate Status:** Taken off notice in Senate Finance Tax Subcommittee 04/01/2009.

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

[SB 1801](#)

Herron

**HB 2024**

Maddox

**Reduced sales tax for Energy Star products.** Reduces the sales tax rate on Energy Star qualified products to 3.5%. (S: Herron; H: Maddox)

**Senate Status:** Taken off notice in Senate Finance Tax Subcommittee 03/18/2009.

**House Status:** House Budget Subcommittee 06/15/2009 deferred to next calendar.

## **TORT LIABILITY**

**SB 3749**

Bunch

[HB 3038](#)

Dennis

**Duty of care to trespasser for injury.** Establishes that an owner or occupant of land does not owe a duty of care to a trespasser on such land and is not liable for any injury to a trespasser. Clarifies this legislation does not affect liability for injury that may result from the common law doctrine of attractive nuisance. (S: Bunch; H: Dennis)

**Senate Co-Sponsor:** Ketron

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

**House Status:** Referred to House Judiciary Civil Practice Subcommittee.

[SB 3754](#)

Bunch

**HB 3905**

McCord

**Duty of care not owed to trespasser.** Specifies that an owner, lessee, or occupant of land does not owe a duty of care to a trespasser on such land and is not liable for any injury to a trespasser on such land, in including injury caused by the owner, lessee, or occupant's negligent conduct. (S: Bunch; H: McCord)

**Senate Status:** Senate passed 04/19/2010.

**House Status:** House Civil Practice Subcommittee deferred to the call of the chair.

## **TRANSPORTATION VEHICLES**

**SB 0025**

Harper  
**HB 2068**  
Lynn

**Registration plates for front and back of certain trucks.** Requires all trucks and truck tractors, other than trucks with a three-quarter ton rating or less and motor homes, to have registration plates attached to both the front and rear of such vehicles. (S: Harper; H: Lynn)

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

**House Status:** Referred to House Transportation Public Safety Subcommittee.

**SB 0092**

Tracy  
**HB 0149**  
Casada

**Violation of traffic law by commercial driver.** Increases to 15 days from 10 days the time in which the department of safety must notify the licensing authority in the state that issued the commercial driver's license that driver had violated a traffic law. Also increases to 15 days from 10 days the time in which the clerk of the court of jurisdiction shall notify the department of the conviction. (S: Tracy; H: Casada)

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

**House Status:** House Transportation Public Safety Subcommittee deferred to the call of the chair.

**SB 0323**

Johnson J.  
**HB 0661**  
Sargent

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

**Remote sensing motor vehicle inspection.** Authorizes the air pollution control board in any county to provide an enhanced inspection and maintenance program utilizing remote sensing devices that will identify vehicles that comply with the air quality criteria determined by the board. Encourages the board to utilize technologies that can increase motorist convenience and compliance with air quality criteria. (S: Johnson J.; H: Sargent)

**Amendment:** Senate amendment 1 limits the bill upon becoming law to those counties that have been designated by the air pollution control board to have an inspection and maintenance program. Requires any board, entity or vendor that contracts to perform annual emissions testing to purge all identifying information regarding motor vehicles that are not registered in a county that has been designated by the board to have an inspection and maintenance program.

**Senate Status:** Senate 03/19/2009 passed with amendment 1.

**House Status:** House passed 04/20/2009.

**Other Status:** Enacted as Public Chapter 0123 (effective 05/05/2009).

**SB 0966**

Tracy  
**HB 1333**  
Harmon

**Notification regarding violations by commercial drivers.** Extends from 10 days to two calendar weeks when the department is required to notify the driver licensing authority of a conviction of any resident or nonresident holder of a commercial driver license of any violation relating to motor vehicle traffic control. (S: Tracy; H: Harmon)

**House Co-Sponsors:** Dean; Fraley

**Amendment:** House Transportation Committee amendment 1 allows the

court, instead of the Department of Safety, to determine the length of time a driver's license is revoked after the conviction of vehicular homicide. Senate Transportation Committee amendment 1 includes the same language as the House amendment but with a different drafting code. House Budget Subcommittee amendment 1 rewrites the bill. Alters the department of revenue's authorization for removing an operator's driver's license upon receiving the operator's conviction record. Requires the department of revenue to remove an operator's driver's license for the amount specified by the court order. Establishes an effective date as July 1, 2010 or before, unless the operator can prove that the period of time the person was prohibited from driving by the court has expired.

**Senate Status:** Senate Transportation 04/27/2010 recommended with amendment. Sent to Calendar Committee.

**House Status:** Set for House Finance, Ways & Means Committee 05/04/2010.

**SB 1135**

Burks

[HB 0068](#)

Fincher

**Registration for owners of multiple commercial vehicles.** Directs commissioner of revenue to establish system of registration for owners of four or more commercial freight vehicles to allow annual registration for all such vehicles to expire on February 28 each year instead of alternate, interval renewal for each vehicle. (S: Burks; H: Fincher)

**Senate Status:** Taken off notice in Senate Transportation 04/14/2009.

**House Status:** Referred to House Transportation Public Safety Subcommittee.

[SB 1279](#)

Bunch

**HB 1599**

Swafford

**Transferring new liens on certificates of title.** Increases to \$5.50 from \$5 the fee due the department of revenue for noting new liens or encumbrances on certificate of title and transferring liens or encumbrances from one lienor to the lienor's assignee upon a certificate of title when the transaction does not involve a change of ownership. (S: Bunch; H: Swafford)

**Senate Status:** Taken off notice in Senate Transportation 04/21/2009.

**House Status:** Failed in House Transportation Public Safety Subcommittee 04/21/2009 for lack of a motion.

**SB 1325**

Berke

[HB 1312](#)

Harmon

**Trailers, semi-trailers, pole trailers over 10,000 lbs.** Requires the department of safety to inspect and certify all trailers, semi-trailers, and pole trailers, with a gross vehicle weight rating of 10,000 pounds or more that are not required to be titled and registered, for compliance with safety rules and regulations. (S: Berke; H: Harmon)

**Amendment:** Senate Transportation Committee amendment 1, House Transportation Committee amendment 1 authorizes a TN Highway Patrol Officer with Level I training and probable cause to believe a commercial

vehicle weighing less than 26,000 lbs. is being operated with unsafe loading or mechanical conditions to stop such motor vehicle for inspection. Allows the officer to implement out-of-service requirements.

**Senate Status:** Senate Transportation 04/27/2010 recommended with amendment. Sent to Calendar Committee.

**House Status:** Set for House Finance, Ways & Means Committee 05/04/2010.

**SB 1551**  
Burchett  
[HB 0853](#)  
Mumpower

**Fire extinguishers on certain trucks.** Expands existing equipment requirement of fire extinguishers on certain trucks to include pickup trucks commercially registered. (S: Burchett; H: Mumpower)

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

**House Status:** Referred to House Transportation Public Safety Subcommittee.

**SB 2289**  
Kyle  
[HB 2331](#)  
Miller L.

**Payment of titling and registration fees by credit card.** Authorizes the commissioner of revenue to accept credit and debit cards for payment of titling and registration fees and taxes. Allows commissioner to impose a surcharge or convenience fee for use of such cards. Increases from \$5.00 to \$5.50 the fee for noting on a certificate of title the extension of any mortgage therein described and noted thereon. Specifies that personal buses that are not used in a trade or business are subject to registration fees for Class B. Revises other various provisions governing taxation, titling, registration, and regulation of motor vehicles. (Part of Administration Package) (S: Kyle; H: Miller L.)

**House Co-Sponsor:** Turner M.

**Senate Status:** Senate Transportation deferred to 05/27/2009.

**House Status:** Taken off notice in House Transportation Rural Roads Subcommittee 02/10/2010.

**SB 2699**  
Stewart E.  
[HB 2486](#)  
Harmon

**LED lights required for rear of certain vehicles.** Requires motor vehicles or trailers transporting a load of logs, long pulpwood, poles or posts which extend more than four feet beyond the rear of the vehicle, at night to mount strobe or LED light at back of projecting loads. (S: Stewart E.; H: Harmon)

**Amendment:** House Transportation amendment 1 requires motor vehicles or tractor trailers that transport logs, long pulpwood, poles, or posts that project four feet or more beyond the rear of the vehicle to have amber strobe lights that is plainly visible on the sides at a radius of 180 degrees of the projecting load.

**Senate Status:** Set for Senate Transportation Committee 05/05/2010.

**House Status:** House Transportation 02/23/2010 recommended with

amendment. Sent to Calendar & Rules.

**SB 2964**

Beavers

**HB 2972**

Evans

**Persons with prior DUI convictions.** Reduces the alcohol level in a person's blood or breath required to constitute offense of DUI from .08 percent to .02 percent in cases where such person has one or more prior DUI convictions. (S: Beavers; H: Evans)

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

**House Status:** Referred to House Judiciary Criminal Practice Subcommittee.

**SB 3021**

Burks

**HB 3121**

Fincher

**Proof of insurance for vehicle registration or renewal.** Requires TN vehicle owners to be in full compliance with the TN Financial Responsibility Law of 1977, maintaining required insurance or a cash deposit or bond in the required amount. (S: Burks; H: Fincher)

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

**House Status:** Referred to House Transportation Committee. House Government Operations will review if recommended.

**SB 3433**

Tracy

**HB 3851**

Marsh

**Safety devices on trailers.** Requires a safety device than has been approved by the department of safety to be placed between the trailer and the ball hitch of the motor vehicle towing the trailer. Specifies that a violation is a Class C misdemeanor. (S: Tracy; H: Marsh)

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

**House Status:** Referred to House Transportation Public Safety Subcommittee.

**SB 3586**

Ketron

**HB 2875**

Curtiss

**Red flags used to mark a projecting load on motor vehicle.** Allows use of red flags made from plastic materials instead of cloth to mark a projecting load on a motor vehicle, subject to approval of the commissioner of the department of transportation. (S: Ketron; H: Curtiss)

**Amendment:** Senate amendment 1, House Government Operations Committee amendment 1 rewrites the bill. Allows the commissioner to revoke or suspend certificates of authorization, conduct hearings, and promulgate rules and regulations for automobile clubs and associates in accordance with the Uniform Administrative Procedures Act. Institutes an annual \$20.00 license fee for all counties.

**Senate Status:** Senate 03/24/2010 passed with amendment 1.

**House Status:** Set for House Commerce Committee 05/04/2010.

**SB 3871**

Kyle

**HB 3828**

Cobb T.

**Vehicle axles: weight specifications on public highways.** Revises certain provisions regarding maximum weight per axle or group of axles allowed on public highways. (Part of Administration Package) (S: Kyle; H: Cobb T.)

**Senate Co-Sponsor:** Finney L.  
**House Co-Sponsor:** Turner M.

**Senate Status:** Senate passed 03/18/2010.  
**House Status:** House passed 04/14/2010.  
**Other Status:** Sent to governor 04/20/2010.

**SB 3907**  
Kyle  
**HB 3791**  
Pitts

**Traffic citations information & commercial vehicles.** Specifies and adds types of information that must be included in all traffic citations and court records abstracts. Adds additional civil penalties for commercial truck operators who violate out-of-service orders. Extends certain penalties concerning commercial vehicles to non-commercially licensed persons. Requires commercial drivers to possess a medical card or proof of exemption from the medical card requirement. (Part of Administration Package) (S: Kyle; H: Pitts)

**Senate Co-Sponsor:** Jackson  
**House Co-Sponsor:** Turner M.

**Senate Status:** Senate passed 04/05/2010.  
**House Status:** House Budget Subcommittee deferred to last calendar.

**HB 2528**  
Casada

**Notification regarding commercial driver violations.** Increases to 15 days from 10 days time in which department must notify licensing state and commercial driver license information system that commercial driver has violated traffic law. Also increases to 15 days from 10 days time in which clerk must notify department of conviction of commercial driver violating traffic law. (H: Casada)

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

**HJR 0777**  
Bone

**Safety study on tractor trailers on the interstate.** Requires the department of transportation and the department of safety, in consultation with the Tennessee Trucking Association and the American Trucking Association, to conduct a study relative to safety issues involving tractor trailers and other large motor vehicles parking alongside interstate highways and adjacent areas, including, but not limited to, medians, right-of-ways, rest areas, parking areas, and entrance and exit ramps. (H: Bone)

**House Co-Sponsor:** Harmon

**Senate Status:** Senate Transportation 04/27/2010 recommended. Sent to Calendar Committee.  
**House Status:** House 04/19/2010 adopted.

**UTILITIES**

**SB 1232**  
Bunch  
[HB 0913](#)  
Hill

**Businesses to enroll on Do Not Call registry.** Allows business telephone subscribers to enroll on the Tennessee Do Not Call Register. (S: Bunch; H: Hill)

**Senate Status:** Taken off notice in Senate Commerce, Labor & Agriculture 04/21/2009.

**House Status:** Withdrawn in House 04/09/2009.

[SB 2814](#)  
Black  
**HB 2894**  
Maggart

**Payment of garbage collection and disposal service fees.** Allows utility districts to enforce payment of garbage collection and disposal service fees by filing a lien. Requires to be given to property owner, if different than utility user, 90 days prior to the filing of any action that would include levying on the real property. (S: Black; H: Maggart)

**Amendment:** Senate amendment 1, House State & Local Government Committee amendment 1 rewrites the bill to authorize a water utility district to enter into a contract with the municipality of Goodlettsville in Davidson-Sumner County which provides and charges for garbage and refuse collection and disposal services, to bill and collect the monthly municipal charge for such services, and to enforce the collection of such charges in any manner authorized by law for collecting unpaid debts due and owing. Notice must be given prior to any action being taken that may affect the property owner, when the property owner is not the user of the garbage service.

**Senate Status:** Senate 03/11/2010 passed with amendment 1.

**House Status:** House Budget Subcommittee deferred to the last calendar.

## **WORKERS COMPENSATION**

**SB 2840**  
Stewart E.  
[HB 2844](#)  
Matheny

**Lengthens suspension of workers' compensation insurance.**

Lengthens suspension of requirement that sole proprietors and partners maintain workers' compensation insurance on themselves from March 28, 2011 until April 1, 2012. Same as SB 2841/HB 2845 but has broader caption. (S: Stewart E.; H: Matheny)

**Workers' Compensation Advisory Council comment:** The Council recommends that as many people within the construction industry, including all employees, should have workers' compensation coverage. There should be reasonable checks to ensure that all documents are valid before a workers' compensation exemption is granted. If a sole proprietor is involved, the sole proprietor must own 100% of his or her business to qualify as an independent contractor. Definitions should be clear with bright line understanding, so insurers and others can understand and to avoid judicial interpretation. These programs should be implemented as early as possible. The Council is available to discuss further issues related to construction and workers' compensation.

**Senate Status:** Taken off notice in Senate Commerce, Labor & Agriculture 03/16/2010.

**House Status:** Taken off notice in House Consumer & Employee Affairs 04/28/2010.

**Other Status:** Workers' Compensation Advisory Council 03/05/2010 released with comment.

**SB 2841**

Stewart E.

[HB 2845](#)

Matheny

**Extension of workers' compensation suspension.** Extends suspension of requirement for sole proprietors and partners to maintain workers' compensation insurance on themselves from March 28, 2011 to April 1, 2012. (S: Stewart E.; H: Matheny)

**Workers' Compensation Advisory Council comment:** The Council recommends that as many people within the construction industry, including all employees, should have workers' compensation coverage. There should be reasonable checks to ensure that all documents are valid before a workers' compensation exemption is granted. If a sole proprietor is involved, the sole proprietor must own 100% of his or her business to qualify as an independent contractor. Definitions should be clear with bright line understanding, so insurers and others can understand and to avoid judicial interpretation. These programs should be implemented as early as possible. The Council is available to discuss further issues related to construction and workers' compensation.

**Senate Status:** Taken off notice in Senate Commerce, Labor & Agriculture 03/16/2010.

**House Status:** Taken off notice in House Consumer & Employee Affairs 04/28/2010.

**Other Status:** Workers' Compensation Advisory Council 03/05/2010 released with comment.

[SB 3162](#)

Johnson J.

**HB 3948**

Matheny

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

**Rental and Assignment of PPO Network Rights.** Enacts the Rental and Assignment of PPO Network Rights. Requires contracting agent that sells, leases, assigns, transfers, or conveys its list of contracted medical providers and their contractual reimbursement rates, upon entering or renewing a medical provider contract, to disclose to the medical provider whether the list of contracted medical providers may be sold, leased, transferred, or conveyed to other payers or agents; to disclose whether workers' compensation payers to whom the list of contracted medical providers may be sold, leased, transferred, or conveyed may be permitted to pay a medical provider's contracted rate if less than the workers' compensation fee schedule; to allow medical providers, upon the initial signing or renewal of a medical provider contract, to decline to participate in networks solely to serve workers' compensation payers that are sold, leased, transferred, or conveyed to workers' compensation payers; and to maintain a web page that contains a complete listing of

customers to whom the network is sold, leased, transferred, or conveyed, as well as to maintain a toll-free telephone number whereby medical providers may access workers' compensation payer summary information and a list of lessees of the network. Sets forth what information must be delineated in the explanation of payment or explanation of review transmitted to the medical provider. Requires a workers' compensation payer to demonstrate that it is entitled to pay a contracted rate within 30 days of the receipt of a written request from a medical provider who has received a claim payment from the workers' compensation payer. (S: Johnson J.; H: Matheny)

**Senate Co-Sponsors:** Southerland; Ketron; Crowe; Tate

**Workers' Compensation Advisory Council comment:** Workers' Compensation Advisory Council recommends for passage with the additional comments that the concerns from nonvoting members regarding the time period between the opportunities to participate in discount rates would be lengthy. There was also a concern for a lack of notification when a contract is assigned to a third party.

**Senate Status:** Senate passed 03/22/2010.

**House Status:** House passed 04/05/2010.

**Other Status:** Enacted as Public Chapter 0792 (effective 01/01/2011).

**SB 3500**

Beavers

[HB 3628](#)

Weaver

**Suspension of exemption for contractors made permanent.** Makes permanent the exemption that sole proprietors and partners engaged in the construction industry do not have to carry workers' compensation insurance on themselves. Retains provision that proprietors and partners must carry workers' compensation insurance on any subcontractor, employee, or worker not otherwise covered by a workers' compensation policy. Broadly captioned. (S: Beavers; H: Weaver)

**Workers' Compensation Advisory Council comment:** The Council recommends that as many people within the construction industry, including all employees, should have workers' compensation coverage. There should be reasonable checks to ensure that all documents are valid before a workers' compensation exemption is granted. If a sole proprietor is involved, the sole proprietor must own 100% of his or her business to qualify as an independent contractor. Definitions should be clear with bright line understanding, so insurers and others can understand and to avoid judicial interpretation. These programs should be implemented as early as possible. The Council is available to discuss further issues related to construction and workers' compensation.

**Senate Status:** Taken off notice in Senate Commerce, Labor & Agriculture 04/20/2010.

**House Status:** Taken off notice in House Consumer & Employee Affairs 04/28/2010.

**Other Status:** Workers' Compensation Advisory Council 03/05/2010

released with comment.

**SB 3591**

Ketron

[HB 3163](#)

Curtiss

**Insurance for sole proprietors, partners.** (1) Shortens suspension of requirement that sole proprietors and partners maintain workers' compensation insurance on themselves from March 28, 2011, until July 1, 2010. (2) Effective July 1, 2010, creates a procedure for sole proprietors, partners, officers of corporations, and members of limited liability companies engaged in the construction industry to file for an exemption from obtaining workers' compensation insurance to cover themselves. Provides that certificate of election will last for two years. Limits to three the number of independent contractors, with no employees, that have exempted themselves from obtaining workers' compensation insurance on any one project. (3) Provides that "residential contractor" does not include any person building dwelling or other structure, or performing maintenance, repairs, or making additions to structures, on person's own property for person's own use and for which person receives no compensation. (S: Ketron; H: Curtiss)

**Senate Co-Sponsor:** Tate

**House Co-Sponsor:** Pitts

**Amendment:** Senate Commerce amendment 1 rewrites the bill. Deletes effective date of March 28, 2011 when sole proprietors and partners engaged in the construction industry will be required to carry workers' compensation coverage on themselves and replaces it with March 1, 2011. Creates a procedure for sole proprietors, partners in a limited partnership or limited liability partnership, officers of corporations, and members of limited liability companies engaged in the construction industry to file for an exemption from obtaining workers compensation insurance to cover themselves. Authorizes the Secretary of State to charge a maximum fee of \$100 for a construction services provider registration or renewal and \$100 for a construction services provider workers' compensation exemption. Creates the Workers' Compensation Employee Misclassification Education and Enforcement Fund. Requires that all money in the fund be allocated to the Secretary of State's office to administer the provisions of this bill as amended. Requires any surplus in the fund, beginning in fiscal year 2013-2014, be allocated to the Department of Labor and Workforce Development and the Secretary of State. Creates a taskforce to study issues relative to employee misclassification and workers' compensation. Authorizes the Secretary of State to promulgate rules and regulations. Senate Commerce amendment 2 deletes the definition of commercial construction project found in Section 13 of Senate Commerce amendment 1. Defines commercial construction project as any construction project that is not: the construction, erection, remodeling, repair, improvement, alteration or demolition of one, two, three or four family unit residences not exceeding three stories in height or accessory use structures in connection with the residences; the construction, erection, remodeling,

repair, improvement, alteration or demolition of any building or structure for use and occupancy by the general public which a small commercial building contractor is authorized to bid on and contract for; or performed by any person, municipality, county, metropolitan government, cooperative, board, commission, district, or any entity created or authorized by public act, private act or general law to provide electricity, natural gas, water, waste water services, telephone service or any combination thereof, for sale to consumers in any particular service area. Senate Commerce amendment 3 adds intermediate contractors to Senate Commerce amendment 1's provisions for general contractors or subcontractors. Senate Commerce amendment 4 corrects typographical errors in Senate Commerce amendment 1. Specifies that, in a construction services provider's application for exemption, the federal employee identification number is required if the applicant is a sole proprietor or a business entity for which the applicant is a member, partner or officer seeking exemption. House Consumer & Employee Affairs Committee amendment 1 rewrites the bill. Deletes effective date of March 28, 2011, when sole proprietors and partners engaged in the construction industry will be required to carry workers' compensation coverage on themselves and replaces it with March 1, 2011. Creates a procedure for sole proprietors, partners in a limited partnership or limited liability partnership, officers of corporations, and members of limited liability companies engaged in the construction industry to file for an exemption from obtaining workers' compensation insurance to cover themselves. Authorizes the Secretary of State to charge a maximum fee of \$100 for a construction services provider registration or renewal and \$100 for a construction services provider workers' compensation exemption. Creates the Workers' Compensation Employee Misclassification Education and Enforcement Fund (WCEMEEF). Requires that all money in the fund be allocated to the Secretary of State's office to administer the provisions of this bill as amended. Creates a taskforce to study issues relative to employee misclassification and workers' compensation. Terminates the taskforce on June 30, 2014. Requires the taskforce to make recommendations to the General Assembly regarding the allocation of any surplus in the WCEMEEF beginning March 1, 2013 and each fiscal year thereafter. Requires that recommendations must include a minimum of 80 percent allocated to the Department of Labor and Workforce Development and the Board of Licensing Contractors. Authorizes further allocations to the Secretary of State. (32 pp.)

**Workers' Compensation Advisory Council comment:** The Council recommends that as many people within the construction industry, including all employees, should have workers' compensation coverage. There should be reasonable checks to ensure that all documents are valid before a workers' compensation exemption is granted. If a sole proprietor is involved, the sole proprietor must own 100% of his or her business to

qualify as an independent contractor. Definitions should be clear with bright line understanding, so insurers and others can understand and to avoid judicial interpretation. These programs should be implemented as early as possible. The Council is available to discuss further issues related to construction and workers' compensation.

**Senate Status:** Senate Commerce, Labor & Agriculture 03/30/2010 recommended with amendment 4 and previously adopted amendments 1, 2 & 3.

**House Status:** Set for House Government Operations Committee 05/04/2010.

**Other Status:** Workers' Compensation Advisory Council 03/05/2010 released with comment.

**SB 3603**

Ketron

[HB 3162](#)

Curtiss

**Insurance for sole proprietors and partners.** Lengthens suspension of requirement that sole proprietors and partners maintain workers' compensation insurance on themselves from March 28, 2011, until June 30, 2011. (S: Ketron; H: Curtiss)

**House Co-Sponsor:** Pitts

**Workers' Compensation Advisory Council comment:** The Council recommends that as many people within the construction industry, including all employees, should have workers' compensation coverage. There should be reasonable checks to ensure that all documents are valid before a workers' compensation exemption is granted. If a sole proprietor is involved, the sole proprietor must own 100% of his or her business to qualify as an independent contractor. Definitions should be clear with bright line understanding, so insurers and others can understand and to avoid judicial interpretation. These programs should be implemented as early as possible. The Council is available to discuss further issues related to construction and workers' compensation.

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

**House Status:** Taken off notice in House Consumer & Employee Affairs 04/28/2010.

**Other Status:** Workers' Compensation Advisory Council 03/05/2010 released with comment.

**SB 7001**

Ketron

[HB 7007](#)

Pitts

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

**Workers compensation requirements for contractors.** Liability of principal intermediate contractor or subcontractor is clarified to state that sole proprietors and partners shall not be required to carry workers compensation insurance on themselves. Revision takes place immediately upon becoming law, but then only effective until February 28, 2011. At that time, the next revision will go into effect. That revision states that if a sole proprietor or partner is working as an intermediate contractor or subcontractor, then workers compensation insurance shall be required on themselves. (S: Ketron; H: Pitts)

**Senate Co-Sponsors:** Barnes; Herron; Black; Berke

**House Co-Sponsors:** Matheny; Evans; Bass; Tidwell; Moore; Yokley; Maddox; Fincher; Williams K.; Campfield; Cobb T.; Sontany; Lundberg; Curtiss; Barker; Lollar; McDonald; Bone; Hackworth; Miller L.; Brooks, Kevin; Fitzhugh; Jones U.; Shaw; Naifeh; DeBerry L.; Carr; Hensley; Hawk; Shipley; Lynn; Litz; Johnson P.; Rich; Dunn; Hill; Johnson C.; Montgomery; Favors; West; Sargent; Niceley; Fraley; Faulkner; Brown; Gilmore; Coley; Ramsey B.; Towns; Camper; Stewart M.; DeBerry J.; McManus; Dennis; Eldridge; White M.; Cooper B.

**Amendment:** Senate amendment 1 changes the date to March 28, 2011, from February 28, 2011, on which the requirement for sole proprietors and partners who are engaged in the construction industry to obtain workers' compensation would be reinstated.

**Senate Status:** Senate 01/15/2010 passed with amendment.

**House Status:** House passed 01/15/2010.

**Other Status:** Enacted as Public Chapter 7001 (effective 01/22/2010).