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## Summary of 2016 Public Acts

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**Municipal Technical  
Advisory Service**

**INSTITUTE FOR  
PUBLIC SERVICE**

# **SUMMARY OF 2016 PUBLIC ACTS**

**Prepared by:**

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## **WARNING**

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

## SUMMARY OF PUBLIC ACTS 2016

### TABLE OF CONTENTS

|                                     |    |
|-------------------------------------|----|
| Alcohol                             | 4  |
| Animals                             | 7  |
| Authorities, Boards and Commissions | 7  |
| Civil Procedure                     | 8  |
| Contracts                           | 8  |
| Crimes and Criminal Procedure       | 9  |
| Economic Development                | 13 |
| Education                           | 14 |
| Elections                           | 23 |
| Environment                         | 23 |
| Finance                             | 24 |
| Firearms                            | 25 |
| General Government                  | 25 |
| Labor                               | 27 |
| Law Enforcement                     | 28 |
| Motor Vehicles and Traffic          | 30 |
| Personnel - Benefits                | 31 |
| Planning and Zoning                 | 31 |
| Public Safety                       | 32 |
| Purchasing                          | 34 |
| Records                             | 35 |
| Taxes – Excise                      | 36 |
| Taxes – Hall                        | 36 |

## TABLE OF CONTENTS CONTINUED

|                      |    |
|----------------------|----|
| Taxes – Hotel/Motel  | 37 |
| Taxes – Property     | 38 |
| Taxes – Sales        | 38 |
| Tobacco              | 38 |
| Transportation       | 39 |
| Utilities            | 43 |
| Workers Compensation | 44 |

## SUMMARY OF PUBLIC ACTS 2016

### Alcohol

**Chapter No. 695 (HB2123/SB2086). Pigeon Forge prohibition on manufacturers building on U.S. Highway 441.** Amends Title 57, Chapter 2 by authorizing Pigeon Forge’s governing body to adopt an ordinance that prohibits the construction or operation of any licensed manufacturer within 1000 ft. of the state right-of-way of U.S. Highway 441. Provides that this provision is not applicable to any licensed manufacturer in operation and open to the public before or on the effective date of this act.

*Effective March 24, 2016.*

**Chapter No. 786 (HB1996/SB2089). Gatlinburg authorized to impose a distance requirement between distilleries.** Amends T.C.A. § 57-2-103 by authorizing Gatlinburg to adopt an ordinance imposing a maximum distance not to exceed 1000 ft. between distilleries manufacturing distilled spirits. Distilleries licensed, open and operating prior to the effective date of the act are exempt from the distance requirement. Transfer of an ownership interest in a distillery that is exempt does not change the exempt status.

*Effective April 12, 2016.*

**Chapter No. 787 (HB2586/SB2094). Amendments to the WIGS legislation.** Amends T.C.A. § 57-3-803 by authorizing an applicant for a retail food store wine license to seek a certificate from the local jurisdiction prior to July 1, 2016. Provides that the Alcoholic Beverage Commission (“ABC”) can approve or reject any application prior to July 1, 2016. Allows a wholesaler to solicit orders from a retail food store that the ABC has issued a letter of approval to and sell and deliver wine to the stores as well. Prohibits the delivered wine from being made available to customers for sale prior to July 1, 2016, but allows the shelves to be stocked prior to that date. Restricts the number of package stores a retail licensee can have to 2, except for those licensees that had more than 2 package stores prior to the effective date of this act.

*Effective April 12, 2016. Section 1 repealed on July 5, 2016.*

**Chapter No. 791 (HB2304/SB2396). Authorization for Blackberry Farm to sell beer and alcohol for on-premises consumption.** Amends T.C.A. § 57-4-102(20)(F) by authorizing Blackberry Farm to hold a manufacturer’s license or a nonmanufacturer nonresident seller’s permit or both. Also authorizes Blackberry Farm to offer tastings with or without charge and sell sealed bottles in a tasting room or a gift shop on the hotel premises. Also provides that the entity can sell beer and alcoholic beverages by the drink for on-premises consumption, except in the tasting rooms and gift shop.

*Effective April 12, 2016.*

**Chapter No. 830 (HB2301/SB2113). Consumption of alcoholic beverages at retail food stores.** Amends T.C.A. § 57-3-817 by deleting the language that required the premises of the on-premises licensee to be separate and distinct from the premises of a retail food store and the business of the on-premises

licensee to be operated separately and distinctly from the operation of the business of the retail food store wine licensee. Also amends T.C.A. § 57-4-201 by providing that the ABC is authorized to issue a limited license to a retail food store which authorizes a restaurant within a retail food store to serve wine but no other alcoholic beverages within a designated area of the retail food store. A restaurant is not required to comply with the seating requirements or requirements related to minimum sales of a wine only licensee as long as the retail food store provides prepared food for sale to customers and pays a certain licensee fee.

*Effective April 21, 2016.*

**Chapter No. 857 (HB1989/SB1799). Self-distribution permits allowed.** Amends T.C.A. § 57-3-207(o) by authorizing certain farm wine permittees to obtain self-distribution permits.

*Effective July 1, 2016.*

**Chapter No. 874 (HB1276/SB0913). Alcohol, beer and wine permitted to be sold at certain movie theaters.** Amends T.C.A. § 57-4-102(37) by authorizing alcohol, beer and wine to be sold at movie theaters that serve food to patrons in auditoriums that allow dining at each seat in the auditorium. Requires the theater to have a local beer permit for on-premises consumption. Also requires anyone making a purchase of alcohol, beer or wine to present government issued photo identification that includes the individual's date of birth. Requires the auditoriums to periodically be visually monitored and requires the alcohol, beer or wine to be in distinct cups. Also deletes the requirement in T.C.A. § 57-4-101(a)(16) that alcohol, beer and wine only be sold in areas where individuals 21 years and older are allowed.

*Effective April 27, 2016.*

**Chapter No. 922 (HB1735/SB1469). Sale of alcoholic beverages for on-premises consumption authorized at certain facilities.** Amends T.C.A. § 57-4-102(26) by authorizing alcohol and wine to be sold for on-premises consumption at the Salt Box in Putnam County, Lillie Bell's in Franklin, Mt. Brushy in Morgan County and Laurel Valley Golf Course in Blount County.

*Effective April 27, 2016.*

**Chapter No. 953 (HB2520/SB1766). On-premises consumption of alcohol permitted.** Amends T.C.A. §§ 57-4-102(8), 57-4-102(19) and 57-4-102(26) by authorizing the Holston Hills Country Club in Knoxville, the Orpheum Theater's Halloran Center in Memphis and Porter Inn in Nashville to serve alcohol for on-premises consumption.

*Effective April 27, 2016.*

**Chapter No. 964 (HB1915/SB1910). On-premises consumption of alcohol permitted.** Amends T.C.A. § 57-4-102 by authorizing Bessie Smith Cultural Memorial Center in Chattanooga to sell alcoholic beverages for consumption on premises.

*Effective April 27, 2016.*

**Chapter No. 965 (HB2018/SB1937). Historic Rugby’s designation changed for purposes of serving alcoholic beverages on premises.** Amends T.C.A. § 57-4-102 by changing the designation of Historic Rugby, in Rugby, TN, from a premiere type tourist resort to a “historic interpretive center” allowed to sell alcoholic beverages for on-premises consumption.

*Effective April 27, 2016.*

**Chapter No. 976 (HB1866/SB2096). Manufacturers of alcoholic beverages authorized to use items incidental to the tasting of alcoholic beverages, rent out the manufacturer’s premises and touch, handle and pour product at tastings.** Amends T.C.A. § 57-3-202 by authorizing a licensed manufacturer of alcoholic beverages to use items related to or incidental to tasting alcoholic beverages manufactured on the premises at tastings either on or off the manufacture's premises. Lists the items authorized for use. Authorizes a manufacturer to rent or lease any portion of the premises for public or private events. Prevents events from being held on certain bonded premises without permission from the Alcohol and Tobacco Tax and Trade Bureau. Provides that owners, officers, employees, representatives and agents of the manufacturer can touch, handle and pour products of the manufacturer at tastings.

*Effective April 27, 2016.*

**Chapter No. 1022 (HB0634/SB0396). On-premises consumption authorized at Reds Ale House.** Amends T.C.A. § 57-4-102(26) by designating Reds Ale House in Crossville as a premier type tourist resort which authorizes the restaurant to sell alcoholic beverages for on-premises consumption.

*Effective April 28, 2016.*

**Chapter No. 1045 (HB1994/SB1879). Delivery Service provisions amended.** Amends T.C.A. § 39-17-703 by prohibiting any person from receiving, transporting, or possessing alcohol with the intent to deliver it to customers for a fee, unless the individual is doing so in accordance with Title 57. Also amends T.C.A. § 57-3-224 and following by creating a delivery service license to be issued by the ABC to any delivery service that delivers prepared food from restaurants to customers and alcohol or beer or both from a retail package store or an entity with a beer permit for off-premises consumption. Requires the delivery service to have available for an ABC representative or local law enforcement officer’s inspection, a copy of the customer’s order that includes certain enumerated information, when an order is for more than 2 gallons of alcohol. Deletes the 1 gallon per customer, per delivery language. Also authorizes the delivery service to charge a fee for delivery to either the customers, retailers or beer permittees for the deliveries made.

*Effective April 28, 2016.*

**Chapter No. 1068 (HB0301/SB0844). Various alcohol provisions amended.** Amends T.C.A. § 57-3-204 by authorizing licensed retail package stores in the terminal buildings of commercial air carrier airports. Permits the package store to sell alcoholic beverages that are manufactured in Tennessee and packaged in tamper-resistant sealed packages that indicate that the customer is not to consume the alcoholic beverage until reaching his/her final destination. Also amends T.C.A. § 57-3-406(k) by prohibiting a delivery service, delivering alcoholic beverages or beer purchased from a retailer in accordance with T.C.A. § 57-3-104, to deliver to a location more than 100 miles from the licensed premises of the retailer where the alcohol or beer was purchased. Also amends T.C.A. § 57-3-801 by authorizing the city of

Elkton to conduct a referendum to authorize the sale of wine at retail food stores within the municipality.

*Effective May 20, 2016.*

## **Animals**

**Chapter No. 740 (HB1529/SB2529). Livestock required to be examined before action taken based upon claim of livestock cruelty.** Amends T.C.A. § 39-14-211 by prohibiting entry onto the property of another, arrest, interference with usual and customary agricultural and veterinary practices, confiscation or any other action authorized when there is an allegation of livestock cruelty, until such time as the livestock is examined by the Commissioner of Agriculture or a duly authorized agent trained to conduct livestock cruelty examinations, a graduate of an accredited college of veterinary medicine that specialized in livestock practice or a graduate of an accredited college of agriculture with a specialty in livestock, and the individual conducting the examination believes that a violation of Title 39, Chapter 14, Part 2 has occurred.

*Effective April 7, 2016.*

**Chapter No. 1013 (HB1911/SB1876). Animal control agency authorized to seize dogs trespassing.** Amends T.C.A. § 44-8-408 by authorizing a local government, through a resolution or ordinance, to allow an animal control agency to seize and take into custody any dog found trespassing on the premises of another.

*Effective April 28, 2016.*

## **Authorities, Boards and Commissions**

**Chapter No. 761 (HB1588/SB1530). Regional Transportation Authority of Middle Tennessee extended.** Amends T.C.A. §§ 4-29-237 and 4-29-239 by extending the Regional Transportation Authority of Middle Tennessee (“Authority”) until 2021. Requires the Authority to appear before the joint government operations committee no later than December 31, 2016, to report on the Nashville Area Metropolitan Planning Organization’s regional transportation plan.

*Effective April 19, 2016.*

**Chapter No. 800 (HB1434/SB1659). Disposition of derelict and abandoned aircraft by an airport authority.** Amends Tennessee Code Annotated, Title 66, Chapter 29 by authorizing the airport authority at a public-use airport to retain for its own use or a governmental entity’s use, trade, sell or disposal of an abandoned or derelict aircraft, after certain notice procedures are satisfied. Also provides the means in which an airport authority can perfect a lien against a derelict or abandoned aircraft to satisfy all unpaid fees and charges for the use of the airport by the aircraft and all unpaid costs incurred by the airport authority for the transpiration, storage and removal of the aircraft.

*Effective April 14, 2016.*

**Chapter No. 909 (HB2639/SB2665). Four Lake Regional Industrial Development Authority name changed.** Amends T.C.A. §§ 64-5-201 and 4-29-239 by changing the name of Four Lake Regional Industrial Development Authority to Tennessee Central Economic Authority.

*Effective July 1, 2016.*

### **Civil Procedure**

**Chapter No. 580 (HB1417/SB1433). Fees for in-person service of process.** Amends T.C.A. § 8-21-901 by increasing the fee that constables and sheriffs can charge for in-person service of process to \$40.00.

*Effective July 1, 2016.*

**Chapter No. 582 (HB1467/SB1488). Fees for unsuccessful service of process.** Amends T.C.A. § 8-21-901 by authorizing a constable or sheriff to charge the same amount for an unsuccessful service of process as would be charged for a successful service of process, as long as the service was attempted in accordance with the law.

*Effective March 10, 2016.*

**Chapter No. 737 (HB2593/SB2484). Statute of limitation on civil claim for child sex abuse.** Amends Tennessee Code Annotated, Title 28, Chapter 3, Part 1 by extending the time frame for a civil action to be brought for injury or illness caused by child sex abuse perpetrated when the injured individual was a minor, but not discovered at the time of the abuse, to within 3 years of the time of the discovery of the abuse. Provides that the knowledge of a parent or guardian shall not be imputed to an injured minor. Also provides that no action shall be brought against the alleged perpetrator or the estate of the alleged perpetrator after he/she is deceased, later than 7 years after the injured individual turns 18. If the action is brought more than 1 year from the date the injured individual turns 18, admissible and credible evidence corroborating the abuse must be offered.

*Effective April 7, 2016.*

### **Contracts**

**Chapter No. 817 (HB0261/SB0377). “Iran Divestment Act” enacted.** Amends Tennessee Code Annotated, Title 12 by adding Chapter 12, which is to be known as the “Iran Divestment Act.” Requires the chief procurement officer for the State, no more than 120 days after the effective date of this Act, to publish on the State’s website, using credible information freely available to the public, a list of persons determined to be engaged in investment activities with Iran. Prohibits a person identified on the list from contracting with a local government and makes any contract entered into void. Provides that after the effective date of this Act, every bid or proposal made to a local government for goods or services, when competitive bidding is required, must contain the following certification subscribed and affirmed by the bidder as true under the penalty of perjury:

“By submission of this bid, each bidder and each person signing on behalf of any bidder certifies, and in the case of a joint bid each party thereto certifies as to its own

organization, under penalty of perjury, that to the best of its knowledge and belief that each bidder is not on the list created pursuant to § 12-12-106.”

Allows the certification to be submitted electronically. Prohibits a bid from being considered or an award being made if the bidder does not provide the above-mentioned certification to the local government, except under limited enumerated circumstances.

*Effective July 1, 2016.*

## **Crimes and Criminal Procedure**

### **Chapter No. 583 (HB1474/SB1493). Private investigators exempt from window tint requirement.**

Amends T.C.A. § 55-9-107 by exempting any automobile owned or leased by private investigators and private investigation companies licensed under Tennessee Code Annotated, Title 62, Chapter 26 from the statutory provisions related to window tint.

*Effective July 1, 2016.*

**Chapter No. 633 (HB1777/SB1966). Evading Arrest.** Amends T.C.A. § 39-16-603 by making evading arrest while operating a motor vehicle a Class E felony. Provides that if the flight or attempt to elude creates a risk of death or injury to an innocent bystander, pursuing law enforcement officers, or other third parties, the offense becomes a Class D felony.

*Effective July 1, 2016.*

**Chapter No. 671 (HB1432/SB1459). Lesser included offenses.** Amends T.C.A. § 40-18-110 by making aggravated sexual battery a lesser included offense of aggravated rape, aggravated rape of a child and rape of a child.

*Effective July 1, 2016.*

**Chapter No. 718 (HB2199/SB2577). Time frame for fingerprints to be submitted to TBI when individual is booked on a vehicular impairment offense.** Amends T.C.A. § 8-4-115 by requiring the law enforcement agency that books an individual charged with a vehicular impairment offense to mail 2 sets of properly completed fingerprint cards to the TBI within 5 business days of the individual being booked for the offense, if the fingerprints are maintained manually. Provides that if the fingerprints of a person arrested for a vehicular impairment offense are transmitted to the TBI electronically, the fingerprints are to be transmitted within 5 days of booking.

*Effective July 1, 2016.*

**Chapter No. 720 (HB0829/SB0668). Time frame for service of certain orders of protection.** Amends T.C.A. § 40-11-150 by providing that an order of protection that has been issued against an individual arrested for stalking, aggravated stalking or especially aggravated stalking and certain offenses in Title 39, Chapter 13 where the victim of the offense is a domestic abuse victim, should be served on the

individual while he/she is incarcerated, if possible. If it cannot be served during the 12 hour hold, it should be served as soon as possible after the individual's release.

*Effective July 1, 2016.*

**Chapter No. 729 (HB1964/SB1921). Notification of attempt to purchase a firearm.** Amends T.C.A. § 38-6-109 by requiring the instant check unit of the TBI to contact any agency making entry of an order of protection into the national crime information center within 1 day of an individual whom an order of protection has been taken out against, attempting to purchase a firearm.

*Effective April 7, 2016.*

**Chapter 788 (HB1811/SB2106). Unauthorized use of an unmanned aircraft near a critical infrastructure facility.** Amends T.C.A. § 39-13-903 by making it a criminal offense to use an unmanned aircraft to conduct surveillance, gather evidence or collect information about or photograph or record within 250 feet of certain critical infrastructure facilities (electric power generation system, petroleum or chemical storage facility, etc.), without the owner's consent.

*Effective July 1, 2016.*

**Chapter 860 (HB1811/SB2608). Unauthorized installation of an electronic tracking device.** Amends T.C.A. § 39-13-606 by making it a criminal offense for someone who leases a vehicle to knowingly install, conceal or otherwise place an electronic tracking device in or on the vehicle without the consent of the lessee.

*Effective July 1, 2016.*

**Chapter No. 872 (HB1244/SB1376). Offense of unlawful exposure created.** Amends Tennessee Code Annotated, Title 39, Chapter 17, Part 3 by creating the offense of unlawful exposure, a Class A misdemeanor, for distributing an image of the intimate parts of another identifiable person, with the intent to cause emotional distress.

*Effective July 1, 2016.*

**Chapter No. 873 (HB1253/SB1189). Definitions for drug paraphernalia and marijuana amended.** Amends T.C.A. § 39-17-402(12)(c) by changing the definition of drug paraphernalia to include anything used, intended to be used for injecting, inhaling, or otherwise introducing marijuana concentrates and marijuana oils into the human body. Also amends T.C.A. § 39-17-402(16) by changing the definition of marijuana to include concentrates and oils.

*Effective July 1, 2016.*

**Chapter No. 876 (HB1478/SB1572). Test for alcohol and drug content in blood.** Amends T.C.A. § 55-10-406 by prohibiting the blood of a driver of a motor vehicle from being tested for alcohol and/or drugs unless the test or tests are ordered by a law enforcement officer, having probable cause to believe that the individual was driving under the influence of any intoxicant, controlled substance, controlled substance analogue, drug substance affecting the central nervous system or combination thereof, or

that the person committed the offense of vehicular assault, aggravated vehicular assault, vehicular homicide or aggravated vehicular homicide.

*Effective July 1, 2016.*

**Chapter No. 884 (HB1666/SB2282). Offense of harassment expanded.** Amends T.C.A. § 39-17-308 by expanding the conduct that constitutes harassment to include, communicating a threat to another person with the intent that the communication be a threat of harm to the victim when a reasonable person would perceive the communication as a threat of harm, frequently communicating with someone without lawful purpose for the purpose of annoying, offending, alarming, or frightening the recipient and due to the actions does annoy, offend, alarm or frighten the recipient, or communicating with another person, with the intent to harass that person, that the person's relative or other person has been injured or killed when the communication is known to be false. Provides that certain records/information can be obtained from electronic communications service providers that operate a website that offers social network services in this state, if a warrant, court order, or the consent of the person who sent, posted or displayed images or communications on the website is obtained.

*Effective July 1, 2016.*

**Chapter No. 893 (HB2102/SB2279). Expungement of record in cases of mistaken identity.** Amends T.C.A. § 40-32-101 by providing that anyone arrested, charged or indicted due to a case of mistaken identity is entitled to have his/her record expunged, after providing evidence of the fact that the person was arrested because law enforcement thought he/she was someone else.

*Effective April 27, 2016.*

**Chapter No. 900 (HB2102/SB2279). List related to the lawful capture of images using an unmanned aircraft expanded.** Amends T.C.A. § 39-13-902 by expanding the list of lawful uses of an unmanned aircraft to capture images to include certain land surveying activities, planning, locating, designing, constructing, maintaining or operating transportation programs or projects by the Tennessee Department of Transportation ("TDOT") or an individual under contract with the TDOT, and photogrammetric mapping by individuals who hold a "certified photogrammetrist" designation from a national organization that has a process for certifying photogrammetrists. Restricts the manner in which the images can be used and requires images captured by law enforcement to be used only for the lawful purpose for which the images are captured.

*Effective July 1, 2016.*

**Chapter No. 941 (HB1448/SB1663). Registration on the sex offender registry in certain unlawful photography cases.** Amends T.C.A. § 39-13-605 by making a conviction for the unlawful photography of another an offense that could require registration on the sex offender registry, if the judge orders registration.

*Effective July 1, 2016.*

**Chapter No. 951 (HB2043/SB1761). Haley's Law amended.** Amends T.C.A. § 39-15-402 by deleting the provisions that allowed a child to be treated by prayer alone, in lieu of medical or surgical treatment, in

accordance with the recognized tenants and practices of a church or religious organization, with that means of treatment not being considered child abuse, neglect or endangerment.

*Effective July 1, 2016.*

**Chapter No. 958 (HB2120/SB1841). Statute of limitations extended for aggravated statutory rape.**

Amends T.C.A. § 40-2-101 by extending the statute of limitations for prosecuting any offense committed against a child on or after July 1, 2016 that constitutes aggravated statutory rape to 15 years from the date the child turns 18.

*Effective July 1, 2016.*

**Chapter No. 969 (HB1779/SB1962). Stalking definition amended.** Amends T.C.A. § 39-17-315 by including as part of the definition of stalking a pattern of conduct made up of 2 or more separate distinct acts that evidence a continued purpose, including but not limited to acts in which the perpetrator directly, indirectly or through a third party, by any action, method, device or means, follows, monitors, looks at, has surveillance on, threatens or communicates to a person, or interferes with a person's property. Also includes sending electronic communications through electronic mail, text messages and other platforms using the Internet, websites or social media to the definition of "unconsented contact." Also provides that stalking may be prosecuted pursuant to § 39-11-103 in any county where 1 or more elements to the offense are committed.

*Effective July 1, 2016.*

**Chapter No. 979 (HB2195/SB2121). Definition of "promoting prostitution" amended.** Amends T.C.A. § 39-13-512 by adding language that exempts from the definition of "promoting prostitution," an individual who is both working as a prostitute and promoting his/her services when the intent is only to solicit business for himself or herself and no one else.

*Effective July 1, 2016.*

**Chapter No. 1014 (HB1981/SB1586). Manufacturing marijuana concentrate using inherently hazardous substances.** Amends Tennessee Code Annotated, Title 39, Chapter 17, Part 4 by making it a criminal offense to knowingly manufacture marijuana concentrate by a process that includes the use of "inherently hazardous substances" and to own, manage, operate or otherwise control the use of premises where marijuana concentrate is being manufactured using these substances.

*Effective July 1, 2016.*

**Chapter No. 1030 (HB0622/SB1317). Offense of "Underage Driving While Impaired" amended.**

Amends T.C.A. § 55-10-415 by changing the age for the offense of "underage driving while impaired" to 16 through 18 years of age. Also adds that a juvenile can be charged with the offense for being under the influence of a controlled substance analogue or a controlled substance. Provides that if a juvenile's drivers license is suspended or revoked due to a violation of this provision, the juvenile may apply to the judge for a restricted license.

*Effective July 1, 2016.*

**Chapter No. 1032 (HB1645/SB1447). Statute of limitation for prosecuting certain child abuse offenses extended.** Amends T.C.A. § 40-2-101 by extending the statute of limitation for prosecuting any act

committed after July 1, 2016 that constitutes aggravated child abuse or aggravated child neglect or endangerment to 10 years from the time the child reaches 18 years old or the time in which the prosecution must be commenced pursuant to T.C.A. § 40-2-101(b).

*Effective July 1, 2016.*

**Chapter No. 1038 (HB1694/SB1682). Offense of “sexual contact by an authority figure” amended.**

Amends T.C.A. § 39-13-509 by deleting the language that required an act that constituted the offense of sexual contact by an authority figure to be committed on a minor at least 13 years of age.

*Effective July 1, 2016.*

**Chapter No. 1052 (HB2370/SB2424). Assault against a law enforcement officer must be reported for prosecution.** Amends T.C.A. § 39-13-101 by requiring any conduct by an inmate against a correctional officer, guard, jailer or any other full-time employee of a local jail or workhouse, that constitutes assault, to be reported by the Department of Corrections to the appropriate district attorney general for prosecution.

*Effective April 28, 2016.*

**Chapter No. 1075 (HB1427/SB2576). Determination of prior arrest history required before bail is set.**

Amends Tennessee Code Annotated, Title 40, Chapter 11, Part 1 by adding a new section that requires an arresting officer or the agency of an arresting officer to exercise due diligence in determining whether an individual being arrested for vehicular assault, aggravated vehicular assault, vehicular homicide, aggravated vehicular homicide or DUI, has a previous arrest for any of these offenses by checking the individual’s criminal history, prior to bail being set.

*Effective July 1, 2016.*

**Chapter No. 1086 (HB2399/SB2611). Offense of “statutory rape by an authority figure” amended.**

Amends T.C.A. § 39-13-532 by making statutory rape by an authority figure a Class B felony. Also adds individuals who have parental or custodial authority over a victim by virtue of the individual’s legal, professional, or occupational status and uses the position to accomplish the sexual contact to the list of individuals who can be charged with statutory rape by an authority figure.

*Effective July 1, 2016.*

## **Economic Development**

**Chapter No. 588 (HB1688/SB1645). Filing of annual PILOT lessee reports.** Amends T.C.A. §§ 7-53-305, 7-67-114, and 48-101-312 by requiring the filing of annual PILOT lessee reports and other economic development reports with the Comptroller of the Treasury, instead of the State Board of Equalization.

*Effective March 10, 2016.*

**Chapter No. 759 (HB1194/SB0302). Tax credit for jobs created in adventure tourism districts.** Amends T.C.A. § 67-4-2109 by authorizing businesses to receive tax credits for jobs created in tourism development districts subject to certain criteria.

*Effective April 19, 2016 and applies to jobs created on or after July 1, 2017 and to applications submitted for the credit after July 1, 2017.*

**Chapter No. 777 (HB1692/SB1728). Industrial development corporation authorized to waive a lessee's payment in lieu of taxes with authorization.** Amends T.C.A. §§ 7-53-101 and 7-53-305 by adding definitions to the provisions related to industrial development corporations and authorizing industrial development corporations to waive the corporation's lessees' payments in lieu of taxes after receipt of a formal delegation of such authority from the municipality or municipalities that formed the corporation.

*Effective April 12, 2016.*

**Chapter No. 845 (HB1556/SB2560). Administration of tourism development districts transferred.** Amends T.C.A. §§ 11-11-202 through 11-11-204 by transferring the administration of the Tennessee Adventure Tourism and Rural Development Act of 2011 from the Tennessee Department of Economic and Community Development to the Tennessee Department of Tourism ("Tourism"). Requires local governments to submit the plans for adventure tourism district to Tourism and the Tennessee Department of Revenue for approval.

*Effective April 19, 2016.*

**Chapter No. 1027 (HB0809/SB0750). Aeronautics Economic Development Fund.** Amends Tennessee Code Annotated Title 4, Chapter 3, Part 23 by establishing the Aeronautics Economic Development Fund within the state treasury. Authorizes grants to be made from the fund to local governments or their economic development organizations, and other political subdivisions of the state, including airport authorities that may be used to facilitate economic development activities related to aeronautics and aeronautics related programs and activities administered by one of the agencies authorized to receive the grant.

*Effective July 1, 2016.*

## **Education**

**Chapter No. 529 (HB0238/SB0433). Type A school buses authorized to be used for 15 years.** Amends T.C.A. § 49-6-2109 by authorizing Type A school buses to be used for 15 years. Provides that if the bus reaches 15 years of service during the school year, the owner of the bus is allowed to continue to operate the bus for the remainder of the school year, as long as the bus continues to meet all requirements for safe use and operation. Requires the owner to immediately notify the Department of Safety in writing, via certified mail, when the school bus reaches the 15<sup>th</sup> year requiring discontinuance.

*Effective January 28, 2016.*

**Chapter No. 532 (HB1488/SB1470). School board meeting through electronic means.** Amends T.C.A. § 49-2-203 by removing the language that prohibited the Metro Nashville Public school board from meeting through electronic means.

*Effective February 24, 2016.*

**Chapter No. 575 (HB1630/SB1685). Removal of drill requirements for teachers.** Amends T.C.A. § 49-5-201 by removing the requirement that teachers give fire, intruder and additional safety drills throughout the school year.

*Effective March 8, 2016.*

**Chapter No. 620 (HB1568/SB1735). Individualized Education Accounts.** Amends T.C.A. §§ 49-10-1402 and 49-10-1405 by providing that students with certain disabilities who are residents of Tennessee attending a Tennessee school for the first time are eligible to receive an individualized education account (“IEA”). Also provides that the Tennessee Department of Education is to remit funds to a student’s IEA on at least a quarterly basis.

*Effective March 22, 2016.*

**Chapter No. 622 (HB1756/SB1858). Appropriation to priority schools for nonrecurring expenditures.** Amends T.C.A. § 49-3-314 by authorizing counties and municipalities to appropriate nonrecurring funds to priority schools for nonrecurring expenditures. Requires a written agreement to be in place between the municipality and the LEA that establishes the nonrecurring use of the funds. Provides that the agreement is to be reviewed by the Tennessee Department of Education before it takes effect to ensure the nonrecurring nature of the expenditures. Also provides that the appropriation will be excluded from the maintenance of effort requirement and from the apportionment requirements in T.C.A. § 49-3-315.

*Effective March 22, 2016.*

**Chapter No. 623 (HB2071/SB1992). Suicide prevention policy and training required for each LEA.** Amends Tennessee Code Annotated, Title 49, Chapter 6 by requiring all employees of an LEA to attend an annual in-service on suicide prevention. Also requires each LEA to develop a policy on suicide prevention. Requires the Tennessee Department of Education to develop a model suicide prevention policy that local LEAs may use. Provides that no person shall have a cause of action for any loss or damage caused by any act or omission resulting from the implementation of this provision or resulting from any training or lack thereof. Also provides that the training required by the provision does not impose any specific duty of care.

*Effective July 1, 2016.*

**Chapter No. 660 (HB1905/SB2186). Inclusion of religion in curriculum for educational purposes only.** Amends Tennessee Code Annotated, Title 49, Chapter 6, Part 10 by requiring that religion in textbooks, instructional materials, curriculum or academic standards be for educational purposes only. Provides that prior to the 2016-2017 school year, each local school board adopt a policy regarding appropriate inclusion of religion in the curriculum and instructional materials, after public comment on the policy is

allowed. Requires each LEA to make publically available a syllabus for all grades 6-12 relative to social studies, science, math, and English courses. The syllabus must include specific information.

*Effective March 29, 2016.*

**Chapter No. 667 (HB1755/SB1687). Computer science courses approved to meet graduation requirement.** Amends Tennessee Code Annotated, Title 49, Chapter 6, Part 60 by requiring the State Board of Education to approve appropriate computer science courses that every candidate for a full high school diploma may enroll in and complete to satisfy the elective focus requirement for graduation beginning with the 2016-2017 school year.

*Effective March 31, 2016.*

**Chapter No. 669 (HB2148/SB1983). Physical education requirements for LEAs.** Amends T.C.A. § 49-6-1021 by requiring each LEA to integrate physical education for students in kindergarten through grade 1 for a minimum of 3, 15 minute periods of non-structured activity per day, for students in grades 2 through 6 a minimum of 2, 20 minute periods of non-structured activity at least 4 times a week and for students in grades 7 through 12 a minimum of 90 minutes of physical activity per week.

*Effective July 1, 2016.*

**Chapter No. 673 (HB1807/SB1731). Charter school authorizer fee for the State Board of Education.** Amends Tennessee Code Annotated, Title 49, Chapter 13 by providing that when the State Board of Education (“State Board”) is the chartering authority for a charter school, the State Board will receive an annual authorizer fee of up to 4% of the charter school’s per student state and local funding as allocated under T.C.A. § 49-13-112 for the first 2 years and then 3% for all subsequent years. Requires the State Board to set the authorizer fee by April 1 of each year. Also requires that the fees only be used for “fulfilling authorizing obligations.” Provides that if the total amount of authorizer fees collected exceed the amount used by the state board in performing authorizer duties, the amount remaining is to be distributed to the authorized charter schools. Requires the State Board to publically report on the State Board’s website, by December 1 of each year, the amount of authorizer fees collected in the previous school year and the authorizing obligations fulfilled using the fees.

*Effective July 1, 2016.*

**Chapter No. 677 (HB1974/SB2088). Schools required to conduct annual AED training and have annual AED and CPR drills.** Amends T.C.A. § 49-2-122 by requiring every public school with 1 or more AEDs to conduct an annual AED training for all school staff. Requires the annual training to include a specific curriculum. Provides that staff meetings or in-service days allocated to training in emergency first aid and CPR may be used for AED training as well. Also requires every school with 1 or more AEDs to conduct an annual CPR and AED drill.

*Effective July 1, 2016.*

**Chapter No. 703 (HB1485/SB1899). New voluntary Pre-K program requirements.** Amends T.C.A. § 49-6-101 et seq. by requiring that all new voluntary Pre-K programs are “highly qualified.” Requires any LEA applying for a Pre-K program and funding to include new enumerated information in the application. Also requires a specific growth portfolio to be used to evaluate the teachers in the programs. Provides

that the Office of Early Learning is to annually make the applications submitted by the top performing Pre-K programs available to each LEA.

*Effective April 6, 2016.*

**Chapter No. 710 (HB2260/SB2118). Fingerprint background checks required for certain referees.**

Amends T.C.A. § 49-5-413 by requiring each individual engaged or contracted to referee or officiate interscholastic athletic events to submit to a background check unless a satisfactory background check was done when the individual registered for work as an official for the sporting event.

*Effective April 6, 2016.*

**Chapter No. 712 (HB1419/SB2508). Use of student growth data in teacher evaluations.** Amends T.C.A. § 49-1-302 by excluding student growth evaluation composites generated by assessments administered in the 2015-2016 school year from the student growth measure part of a teacher or principal's evaluation for the 2015-2016 and 2017-2018 school years, when the student growth data is accessible, if the exclusion results in a higher evaluation score for the teacher or principal. Also provides that for the 2015-2016 and 2017-2018 school years, the most recent year's student growth evaluation composite shall account for 35% of growth data required in a teacher's evaluation, if the use results in a higher evaluation score. Provides that for teachers without access to individual student growth data, 30% of their evaluations will be comprised of student achievement data with 15% of the evaluation criteria based upon student growth as represented by TVASS evaluation composites. However in the 2015-2016 school year, no evaluation criteria is to be based upon TVASS unless the inclusion of the scores result in a higher evaluation score for the teacher.

*Effective April 6, 2016.*

**Chapter No. 733 (HB2261/SB2117). Director of schools association membership expanded.** Amends T.C.A. § 49-2-2101 by authorizing principals, assistant principals and system-wide supervisors to join director of schools associations as affiliate members for purposes of professional development coursework and related activities. Also provides that funds for a director of schools membership can be paid for from local school funds budgeted for this purpose, but cannot be included in any matching funds otherwise required for participation in the BEP. The same is true for the affiliate memberships. No part of the affiliate membership funds can be used for lobbying and government relations. The chairs of the Senate and House education committees are authorized to request a report detailing the professional development activities for affiliate members at any time.

*Effective April 7, 2016.*

**Chapter No. 752 (HB1642/SB1654). Teacher and retired teacher incentives for serving as Tennessee Promise scholarship program mentors.** Amends T.C.A. § 49-4-708 by providing that teachers may be granted credit for up to 1 day of in-service each year for serving as mentors in the Tennessee Promise scholarship program and completing all required mentorship tasks. Also makes retired teachers who serve as mentors in the Tennessee Promise scholarship program and complete all of the required mentorship tasks, eligible for the Tennessee State employee discount program.

*Effective April 12, 2016.*

**Chapter No. 754 (HB1722/SB2518). Display of the U.S. flag on school property and at school events.**

Amends T.C.A. § 49-6-1001 by requiring that all displays of the U.S. flag on school property and at school events comply with federal law. Provides that a local school board is required to allow the display of the U.S. flag on school property or at a school event as long as the flag is displayed in accordance with federal law.

*Effective April 12, 2016.*

**Chapter No. 757 (HB1931/SB1900). “Student Online Personal Protection Act”.** Amends T.C.A. § 49-1-702 by requiring the operator of an Internet web site, online service, online application or mobile application used primarily for K-12 school purposes and designed and marketed for K-12 purposes to safeguard the personal information obtained about the students and only use or disclose it in certain enumerated situations.

*Effective July 1, 2016.*

**Chapter No. 770 (HB2236/SB2172). Community of schools authorized.** Amends Tennessee Code Annotated, Title 49, Chapter 6, Part 24 by authorizing the formation of a community of schools and granting the community of schools the same rights and privileges as a community school. Encourages community schools and a community of schools to implement holistic programs that adopt positive behavior reinforcement and then share the successes and failures of the programs with the Department of Education so that the information can be disseminated to similar schools. The schools are encouraged to provide literacy programs, tutoring for all ages, provide adult education classes and establish local Internet network architecture that can be extended throughout the community.

*Effective April 19, 2016.*

**Chapter No. 783 (HB1976/SB2002). Counseling and interventions for students involved in acts of harassment, intimidation, bullying or cyber-bullying.** Amends T.C.A. § 49-6-4503 by requiring each LEA to establish a procedure for referral to appropriate counseling and support services, those students involved in an act of harassment, intimidation, bullying or cyber-bullying when deemed necessary by the principal. The counseling may be performed by properly trained school staff such as social workers and psychologists. Requires that a principal or his/her designee initiate an investigation for any report of harassment, intimidation, bullying or cyber-bullying within 48 hours of the report being made, unless additional time is necessary. Appropriate interventions are to be made within 20 calendar days of the report being made, unless additional time is necessary. Also requires the parent or legal guardian of any student involved in an act of harassment, intimidation, bullying or cyber-bullying to be notified immediately of the student’s involvement and the availability of counseling and support services. Requires a report to be provided to the Department of Education annually, beginning August 1, 2016, that includes specific information about reports of harassment, intimidation, bullying or cyber-bullying made during the previous school year. Encourages each LEA to review the policy that the school has adopted relative to harassment, intimidation, bullying or cyber-bullying at least every 3 years and submit any changes made to the policy to the commissioner of the Department of Education in a timely manner.

*Effective July 1, 2016.*

**Chapter No. 793 (HB2592/SB2504). Funds from a student’s Individualized Education Account used to make contributions to a student’s Achieving a Better Life Experience account.** Amends T.C.A. §§ 49-10-1403 and 71-4-801 et seq. by authorizing funds in a student’s Individualized Education Account to be used to make contributions to the student’s Achieving a Better Life Experience (“ABLE”) account, if the student is participating in the ABLE program. Requires the funds in the ABLE account to be used for the student’s educational expenses only.

*Effective April 12, 2016.*

**Chapter No. 802 (HB1780/SB1862). Posting requirement for signs containing the toll-free telephone number to report child abuse or neglect.** Amends Tennessee Code Annotated, Title 49, Chapter 6, Part 3 by requiring each elementary and secondary school to post in a clearly visible location in a public area of the school that is widely used by students, an 8 ½ x 11 or larger sign that contains, in bold print, the toll-free telephone number to the hotline operated by the Tennessee Department of Children’s Services that takes reports of child abuse or neglect. Provides that the sign must be written in a clear and simple manner, direct students to call 911 for emergencies and provide instructions on how to access the Department’s website.

*Effective April 14, 2016.*

**Chapter No. 807 (HB2147/SB2098). Patriotic Societies permitted to speak at schools.** Amends Tennessee Code Annotated, Title 49, Chapter 6, Part 3 by requiring principals to allow members of a "patriotic society" to speak to students for no more than 10 minutes one day at the beginning of the school year about civic involvement and the opportunities that exist to join the society. Verbal or written notice must be provided to the principal by the members of the society of their intent to come speak to students and the principal must provide verbal or written notice back of the time and date available.

*Effective April 14, 2016.*

**Chapter No. 844 (HB1537/SB2540). 11<sup>th</sup> grade testing required to assess readiness for postsecondary education.** Amends T.C.A. § 49-6-6001 et seq. by requiring every student in the 11th grade to take an examination to assess readiness for college. Provides that if funds exist, each student may retake the exam at least once before graduation. Requires each LEA to inform parents how they can assess the questions and answers on their student's standardized test. Requires the information related to accessing the test and answers to be posted on the LEA’s website and requires the LEA to publically provide the information through other means of dissemination. Provides that by September 1 of every year, each LEA shall submit to the Tennessee Department of Education, documentation of compliance with this part in the manner prescribed by the commissioner.

*Effective July 1, 2016.*

**Chapter No. 882 (HB1638/SB1598). Authority to admit and transfer students and funding for students going to regional schools focused on STEM.** Amends T.C.A. § 49-6-3104 by authorizing a local board of education to admit students from outside of their respective local school systems and arrange for the transfer of students within their system to schools located outside of their district. Also authorizes a local school board to enter into agreements with other local school boards for the admission or transfer of students from one system to another. Provides that when a system creates a regional school

specifically focused on STEM, BEP funds are required to follow the student into the LEA to which the student is transferring and no tuition may be charged by the receiving LEA. Prohibits the total state and local BEP funds associated with an impacted student to exceed the amount of total state and local BEP funds provided for a student in the receiving LEA. Allows the LEAs to enter into an agreement whereby additional funds may be transferred from the sending LEA to the receiving LEA for purposes of educating the child.

*Effective July 1, 2016.*

**Chapter No. 885 (HB1691/SB2603). Distribution of mixed drink tax proceeds.** Amends T.C.A. § 57-4-306 by extending the current formula for distribution of mixed drink tax proceeds.

*Effective July 1, 2016.*

**Chapter No. 889 (HB1879/SB2497). “Course Access Program Act” enacted.** Amends Tennessee Code Annotated, Title 49 by enacting the “Course Access Program Act.” Provides that beginning in the 2017-2018 school year, eligible students may enroll in no more than 2 course access program courses, as determined by the LEA, unless specifically authorized to take more by the LEA or unless the student’s parent or guardian signs the student up to take additional courses. Provides that when a parent or guardian signs a child up for additional courses, the parent or guardian is responsible for paying the required tuition and fees for the additional courses. The LEA may review the courses that students have enrolled in to make sure that they are academically appropriate and will not hinder the student from graduation. The LEA may establish an authorization process for course providers. Provides that the State Board of Education will promulgate rules that LEAs are to use when authorizing course providers. The LEA is to establish a course review and approval process as well. Provides that the courses are to be reviewed annually and that LEAs may enter into reciprocity agreements with other LEAs for the purpose of authorizing and approving high-quality providers and courses for the program. Requires each LEA to provide written notice to students and parents of the available courses and the deadlines for enrolling, publish information and eligibility guidelines on the LEAs website. Also requires the LEA to establish policies and procedures to ensure that credits earned through the course provider are reflected on the student’s official transcript and counted towards graduation requirements. Also provides that an LEA can establish its own online program or supplemental course offering and provides the mechanisms for paying the providers.

*Effective April 27, 2016.*

**Chapter No. 928 (HB1979/SB1566). Authorization to extend the time frame for registration renewal for charitable solicitation.** Amends T.C.A. § 48-101-506(e) by providing that the Secretary of State may extend the time that educational institutions have for filing a registration renewal application for charitable solicitation to not more than 90 days, during which time the previous registration remains in effect. If the educational institution has been provided an extension to file an exempt organization return by the IRS, the Secretary of State may extend the time from application renewal for a period not to exceed 60 days, during which time the previous registration remains in effect.

*Effective July 1, 2016.*

**Chapter No. 957 (HB2426/SB1831). Awarding additional quality points in grading system for completion of certain classes.** Amends T.C.A. § 49-6-408 by requiring any LEA that uses a uniform grading system for student application for postsecondary financial assistance through TSAC, but for other purposes adopts a grading system based on quality points, to assign additional quality points in the other grading system for completion of honors, statewide dual credit, AP classes, national industry certification and IB. Provides how the additional points are to be assigned.

*Effective July 1, 2016.*

**Chapter No. 961 (HB2489/SB1864). Non-profit volunteers permitted to assist students through before and after school activities.** Amends Title 49, Chapter 6 by requiring the Commissioner of Education to promulgate rules that create an application based program that allows 501(c)(3) non-profit corporations that have at least 750 volunteers, to come into a school and teach students in K-3rd grades through various before and after school activities in subjects including reading comprehension, foreign languages and math. Requires the Department of Education to maintain and publish a list of all recognized non-profit corporations that are eligible to volunteer through this program. Provides that an LEA must approve the non-profit before the volunteers can begin assisting in the schools. Also provides that a non-profit can appeal an LEA's decision not to allow the non-profit to come into the schools and assist. Provides that approval can be revoked and requires any revocation to be reported to the Commissioner of Education. Also grants the commissioner the ability to waive any provision of this act, except the requirement that volunteers submit to background checks and the requirement that they adhere to the LEA's instruction practices and policies, if necessary to accommodate implementation of this program in any LEA.

*Effective April 27, 2016 for purposes of promulgating rules and January 1, 2017 for all other purposes.*

**Chapter No. 999 (HB2009/SB2499). Certain academic standards amended.** Amends T.C.A. § 49-6-1026 by authorizing the State Board of Education to approve academic standards for an elective state-funded course consisting of nonsectarian, nonreligious, academic study of the Bible. Also requires the State Board of Education to include in the social studies standards, at the appropriate grade level, courses and content designed to educate children about the United States and Tennessee governments.

*Effective April 27, 2016.*

**Chapter No. 1008 (HB0577/SB1378). Database with the names of individuals authorized to drive school buses.** Amends T.C.A. § 49-6-2107 by requiring each LEA that provides transportation services to submit to the Department of Safety, the names of every person authorized to drive a school bus. Requires the Department to maintain a database with the names of all the individuals submitted and to notify the appropriate LEA if the drivers license or driving privileges of a person named is suspended or revoked. Requires the LEA to revoke any individual's authorization to drive a school bus if notification is received from the Department of Safety that the individual's license has been revoked or suspended. Also requires the LEA to notify the individual of the status of his/her license. The individual is also

required to notify the LEA when his/her license is revoked or suspended. Provides that the individual can seek reinstatement of the authorization once his/her license is reinstated and all other requirements for driving a school bus are met.

*Effective July 1, 2016.*

**Chapter No. 1020 (HB2574/SB2565). Formula for calculating BEP and amended requirements related to use of BEP funds for instructional salaries and wages imposed.** Amends T.C.A. § 49-3-307 by changing the criteria used to calculate BEP funding beginning in the 2016-2017 school year. Provides that the new component amount for instructional salaries is \$44,430 for fiscal year 2016-2017. Increases the classroom technology component of the formula to \$40,000,000. Provides funding for 12 months of medical insurance for teachers. Also amends T.C.A. § 49-3-306 to require all funds appropriated through the BEP funding formula for instructional salaries and wages, which is, to be expended by the LEA on instructional salaries and wages, unless the LEA's average licensed salary exceeds the statewide average salary. Provides that if the licensed salary exceeds the statewide average salary, the funding can be used for instructional benefits. Requires an LEA to maintain its budgeted level of local funding for salaries and wages from the prior year, subject to certain exceptions, and prohibits an LEA from using increases in state funding for instructional salaries and wages to offset local expenditures in these categories.

*Effective April 28, 2016.*

**Chapter No. 1049 (HB1751/SB2249). Authority for school personnel to carry concealed handguns in certain counties.** Amends Tennessee Code Annotated, Title 49, Chapter 6, Part 8 by authorizing the local school board in Wayne and Pickett counties to adopt a policy allowing the director of schools, in consultation with the principal of each school, to authorize and select employees who may carry concealed handguns within and on the grounds of the school to which the employee is assigned. Enumerates that the employee must possess a valid handgun carry permit and meet additional qualifications. Requires the director of schools to notify local law enforcement of employees authorized to carry concealed weapons and requires the employees working at interscholastic athletic events to wear insignia that clearly identifies them as being school security or being in the authorized possession of a handgun. Provides that an employee's authorization to carry on school grounds becomes ineffective upon the suspension, revocation or expiration of the employee's handgun carry permit, upon the termination of the employee's employment with the school, or at the discretion of the school board and director of schools with or without cause.

*Effective July 1, 2016.*

**Chapter No. 1058 (HB2616/SB2635). LEAs to implement dyslexia screening procedures.** Amends Title 49, Chapter 1, Part 2 by requiring all LEAs to implement the universal dyslexia screening procedures developed by the Tennessee Department of Education. Provides that the screening can be requested for any student by the student's parent or guardian, teacher, counselor, or school psychologist. Requires the LEA to convene a school-based problem solving team to analyze screening and progress monitoring data to assist teachers in planning and implementing appropriate instruction and evidence-based interventions for all students, after the universal screening is conducted. Requires the LEA to notify the parents or legal guardian, provide the parents or legal guardian with information and resource materials related to dyslexia, provide the student with appropriate dyslexia-specific interventions, and monitor

the student's progress using a tool designed to measure the effectiveness of the intervention, if the screening indicates that a student has characteristics of dyslexia. Also creates a Dyslexia Advisory Council.

*Effective July 1, 2016.*

## **Elections**

**Chapter No. 650 (HB1475/SB1671). Early voting period eliminated for certain elections.** Amends T.C.A. § 2-6-102 by eliminating the early voting period in the case of a special general election, when there is no opposition, including no write in candidate that has filed the notice required pursuant to T.C.A. § 2-7-133(i) and no other items are on the ballot.

*Effective July 1, 2016.*

**Chapter No. 696 (HB2124/SB2087). Seat designations for city commissioner positions in Pigeon Forge.** Amends T.C.A. § 6-20-101 by designating positions in elections for city commissioners in Pigeon Forge as Seat A, Seat B, Seat C, Seat D and Seat E. Requires any candidate for the commission to designate, upon qualifying for election, the seat that the candidate is seeking. Provides that in each regular city election, all voters may vote for 1 candidate for each designated seat that is open by reason of expiration of a commissioner's term. Requires a 2/3 vote of the municipality's legislative body to be effective.

*Effective March 24, 2016.*

**Chapter No. 827 (HB0682/SB0774). Election laws amended.** Amends T.C.A. § 2-7-104 by prohibiting the spouse of a candidate on a ballot from being appointed as a poll watcher. Also amends T.C.A. § 2-3-204 by requiring referendum elections to be held at least 75 days from the date the election commission is directed to hold the election, but not more than 90 days from the date. Also provides that if a referendum election is set by an election commission and the date falls within 90 days of an upcoming regular primary or general election being held in the jurisdiction voting in the referendum, the commission is authorized to reset the referendum election to coincide with the regular primary or general election.

*Effective April 21, 2016.*

## **Environment**

**Chapter No. 648 (HB2197/SB2225). Implementation of a plan for processing organic waste.** Amends T.C.A. § 68-211-603 by requiring the Commissioner of Tennessee Department of Environment and Conservation to supplement the most recent State Solid Waste and Materials Management Plan by incorporating the findings and recommendations derived from a study conducted relative to the processing of organic waste.

*Effective March 23, 2016.*

**Chapter No. 771 (HB1541/SB2544). Automotive fluid collection centers encouraged to collect oil and other automotive fluids.** Amends T.C.A. § 68-211-1001 et seq. by authorizing automotive fluid collection centers to collect antifreeze, transmission fluid or power steering fluid in addition to motor oil. Also provides that TDEC can offer incentives for these centers and develop management standards for the collection of these other automotive fluids, if the standards will promote the health and welfare of the public.

*Effective July 1, 2016.*

**Chapter No. 877 (HB1503/SB1690). Adjusting underground storage tank fees.** Amends T.C.A. § 68-215-110 by authorizing the Underground Storage Tanks and Solid Waste Disposal Control Board to lower or suspend the fees for underground storage tanks after consideration of the financial implications of a fee adjustment.

*Effective April 27, 2016.*

## **Finance**

**Chapter No. 626 (HB2419/SB2176). Biennial budgets authorized by the Comptroller under certain conditions.** Amends T.C.A. § 9-21-403 by authorizing the Comptroller to allow a municipality to submit a biennial budget (2 annual budgets every 2 years), when the municipality is operating with sufficient financial resources to more than adequately service any debt the municipality has issued. Provides that the Comptroller can revoke the authority at any time for any reason. Also provides that any municipality that has been granted such authority will automatically have the authority revoked, if short-term financing is used to meet operating expenses. Requires all budget amendments to be submitted to the Comptroller, as well as any other reports that may be requested by the Comptroller.

*Effective March 22, 2016.*

**Chapter No. 738 (HB1426/SB1446). Definition of “public works project” expanded.** Amends T.C.A. § 9-21-105 by expanding the definition for what constitutes a “public works project” for which local governments may issue bonds to include facilities or capital expenditures paid or incurred with respect to development of affordable housing or workforce housing in Metro Nashville.

*Effective April 7, 2016.*

**Chapter No. 832 (HB1801/SB2380). Interfund loans made from funds derived from the sale of any Tennessee Private Act hospital.** Amends T.C.A. § 9-21-408 by authorizing local governments to make interfund loans in accordance with T.C.A. § 9-21-408 with all funds derived from the sale of any Tennessee Private Act hospital. Provides that the proceeds from a sale shall not be used for any purpose contrary to law or an applicable court order. Authorizes capital outlay notes to be issued from these funds for a period not to exceed the end of the 20th year following the fiscal year in which the notes were issued, if authorized by the Comptroller. Requires that each year following the fiscal year in which the notes were issued, no less than 1/20<sup>th</sup> of the original principal amount of the notes be retired. The Comptroller or his/her designee may waive the retirement requirement.

*Effective July 1, 2016.*

## Firearms

**Chapter No. 638 (HB0682/SB0774). New firearm prohibition signage required.** Amends T.C.A. § 39-17-1359 by requiring a sign to be used as the method of posting any prohibition related to the possession of weapons on public or private property. Requires the sign to include the phrases “NO FIREARMS ALLOWED” and “As authorized by T.C.A. § 39-17-1359.” Requires the sign and the words to be certain heights and widths. Businesses, corporations and government entities that used signs to post as of January 1, 2015 have until January 1, 2018 to replace existing signs with those that meet the requirements of this provision.

*Effective July 1, 2016.*

**Chapter No. 698 (HB1644/SB1559). Handgun carry policies at private K-12 schools and institutions of higher education.** Amends Tennessee Code Annotated, Title 49, Chapter 50, Part 8 by authorizing a private K-12 school to establish a handgun carry policy applicable to any property on which the school is located that is owned and operated by the school and any building or structure located on the school property. Provides that if the school permits the possession of handguns, certain requirements must be met, including providing a copy of the policy to any police department with jurisdiction over the school. Also amends Tennessee Code Annotated, Title 49, Chapter 7, Part 1 by authorizing private institutions of higher education to do the same.

*Effective April 6, 2016.*

**Chapter No. 864 (HB2389/SB2395). Prohibition against implementing, regulating and enforcing certain international laws and treaties.** Amends T.C.A. § 38-3-115 by prohibiting personnel, public funds and property of the state or local governments from being used to implement, regulate or enforce any international law or treaty regulating the ownership, possession or use of firearms of firearms ammunition or accessories, if it would result in a violation of Tennessee law, on or after July 1, 2016.

*Effective April 19, 2016.*

## General Government

**Chapter No. 601 (HB2129/SB2138). Historical preservation of memorials related to historic figures and events.** Amends Tennessee Code Annotated, Title 4, Chapter 1, Part 4 by enacting the “Tennessee Heritage Protection Act of 2016.” Provides that no memorial regarding a historic conflict, entity, event, figure or organization that is on public property may be removed, renamed, relocated, altered, rededicated or otherwise disturbed or altered, without the permission of the Tennessee Historical Commission.

*Effective March 11, 2016.*

**Chapter No. 621 (HB1698/SB1838). Processing fee for credit and debit card payments.** Amends T.C.A. § 9-1-108 by deleting the language that capped the credit and debit card processing fee that could be charged by a municipality to not more than 5%.

*Effective March 22, 2016.*

**Chapter No. 674 (HB2418/SB2007). Automatic removal of a member of an emergency communications district board.** Amends T.C.A. § 7-86-314 by providing for the automatic removal of any member of an emergency communication district board, on or after July 1, 2016, when the member has 4 consecutive unexcused absences or fails to attend at least 50% of the regularly scheduled meetings within a 12 month period. The chair of the board or the board of directors is required to notify the appointing authority in writing that a member has been removed and a vacancy exists. Provides that when a member is removed, a successor shall be appointed to serve out the remainder of the term.

*Effective March 29, 2016.*

**Chapter No. 683 (HB1955/SB1619). State mandated health benefit.** Amends Tennessee Code Annotated, Title 56, Chapter 7, Part 10 by providing that any state mandated health benefit that takes effect after March 24, 2016, will apply to private health insurance issuers, any state and local government insurance programs and any managed care organization contracting with the State to provide insurance through TennCare.

*Effective March 24, 2016.*

**Chapter No. 685 (HB1685/SB1642). Award of attorneys' fees and reasonable costs to certain government employees sued in their individual capacities.** Amends Tennessee Code Annotated, Title 29, Chapter 20 by providing that when a claim is filed with a Tennessee federal court, the Tennessee Claims Commission, Board of Claims or any other judicial body established by the State or a governmental entity of the State, against a state or local government employee in the person's individual capacity and the claim arises from actions or omissions of the employee acting in his/her official capacity or under color of law, and that person successfully defends the claim or the claim is dismissed with or without prejudice after at least 45 days from when a responsive pleading is filed asserting that the employee was not acting in his/her individual capacity, the court or other judicial body, on motion, will award reasonable attorneys' fees and costs incurred by the employee in defending the claim. Provides that if the state or local government pays for counsel to represent the employee in the claim, the attorneys' fees must be paid to the governmental entity. Also provides that the attorneys' fees will be calculated at a reasonable rate paid to attorneys with similar experience in private practice in the county where the proceedings were initiated.

*Effective June 1, 2016.*

**Chapter No. 692 (HB1631/SB2005). Notification of a security breach.** Amends T.C.A. § 47-18-2107 by requiring a municipality to disclose a security system breach to any resident whose personal information, whether encrypted or unencrypted, was or may have been compromised, within 45 days of the discovery or notification of the breach, unless law enforcement needs additional time to investigate.

*Effective July 1, 2016.*

**Chapter No. 727 (HB1932/SB2300). Neighborhood Preservation Act amended.** Amends T.C.A. § 13-6-101 et seq. by making the Neighborhood Preservation Act applicable to vacant and unoccupied residential property, as well as occupied residential property.

*Effective April 7, 2016.*

**Chapter No. 728 (HB1941/SB2591). Standard for establishing a farm as a public or private nuisance.**

Amends T.C.A. § 43-26-103 by providing that it is a rebuttable presumption that a farm is not a public or private nuisance, but that presumption may be overcome only if the person asserting the nuisance establishes by a preponderance of the evidence that the farm operation, based upon expert testimony, does not comply with generally accepted agricultural practices or the farm or farm operation alleged to have caused the nuisance does not comply with applicable statutes or rules, including statutes and rules administered by the Department of Agriculture or the Department of Environment and Conservation.

*Effective April 7, 2016.*

**Chapter No. 924 (HB2436/SB1480). Rehabilitation of dilapidated or abandoned cemeteries.** Amends T.C.A. § 46-2-107 by permitting a local government, by majority vote of its legislative body, to take from the general fund or solicit, receive and utilize funds from all other sources to rehabilitate or maintain dilapidated or abandoned cemeteries or portions thereof subject to certain limitations.

*Effective July 1, 2016.*

**Chapter No. 947 (HB2033/SB1736). Immunity from civil liability.** Amends Tennessee Code Annotated, Title 39, Chapter 17, Part 13 by providing that any person, business, or entity that owns, controls or manages property and has the authority to prohibit weapons on the property by posting in accordance with T.C.A. § 39-17-1359, is immune from civil liability for any claim that a person might bring based upon the person, business or entity's failure to prohibit weapons by posting on the property. Also provides that immunity does not apply to any person, business or entity whose conduct or failure to act is the result of gross negligence or willful or wanton misconduct.

*Effective July 1, 2016.*

**Chapter No. 1067 (HB0255/SB1200). Courts authorized to dismiss or continue nuisance actions under certain conditions.** Amends T.C.A. § 29-3-106 by authorizing a court to dismiss a petition related to nuisance or continue an action, pending further action by the defendant, when the defendant property owner has not been the person keeping, maintaining or carrying on the nuisance, the defendant property owner can demonstrate that he/she was unaware of the nuisance prior to receiving the required notice, and he/she has voluntarily taken steps to abate the nuisance after receiving the notice, without involvement from the court.

*Effective July 1, 2016.*

## **Labor**

**Chapter No. 587 (HB1674/SB1621). Prohibition on requiring companies to employ certain employees.**

Amends Tennessee Code Annotated, Title 12, Chapter 4, Part 1 by prohibiting a municipality from requiring a company bidding or contracting to provide services on public construction projects to employ individuals who reside within the municipality or who are within a specific income range, unless otherwise required by federal law.

*Effective March 10, 2016.*

**Chapter No. 606 (HB2002/SB2103). Prohibition on limiting questions asked by certain employers during the hiring process.** Amends T.C.A. § 7-51-1802 by prohibiting a municipality from conditioning the ability of a company to do business within the municipality or to contract with the municipality on the fact that the company is prohibited from requesting certain information on an application for employment or during the hiring process.

*Effective March 17, 2016.*

**Chapter No. 828 (HB1830/SB1965). E-Verify provisions amended.** Amends T.C.A. § 7-51-1802 by authorizing a municipality, as an employer, to make a request for and obtain the name of the individual who made a complaint, if a complaint was made, against the city for violation of the statutory language requiring identification to be obtained from non-employees providing labor or services and E-Verify to be used for employees, if the commissioner of the Tennessee Department of Labor and Workforce Development determines that evidence of a violation of the statutory provisions exists and thereafter issues a notice and initial order related to the violation. Provides that the time frame for compliance with the provisions in this part is within 45 days of the date of the initial order being issued, in order to avoid the issuance of a final order, which is not subject to further review.

*Effective July 1, 2016.*

## **Law Enforcement**

**Chapter No. 530 (HB0176/SB0190). Attendance at the Jerry F. Agee Tennessee Law Enforcement Training Academy and qualifications for salary supplement amended.** Amends T.C.A. § 38-8-201 by authorizing individuals who are not law enforcement officers but who are pursuing a degree with a major in law enforcement, criminal justice or police science in a college or university in Tennessee or former members of the military who have been honorably discharged and who served for a minimum of 3 years full-time service in the military, to attend the Jerry F. Agee Tennessee Law Enforcement Training Academy. The students and former military must meet certain requirements to enroll. Also amends T.C.A. § 38-8-111 by providing that when an officer does not complete the in-service training program required in order to receive the salary supplement because the officer dies in the line of duty, the officer's designated beneficiary will receive the salary supplement despite the fact that the officer did not complete the in-service training.

*Effective February 1, 2016.*

**Chapter No. 756 (HB1747/SB1729). Policy related to public disclosure of drugs and alcohol contributing to an accident.** Amends Tennessee Code Annotated, Title 55, Chapter 10, Part 1 by requiring every law enforcement agency to adopt a policy that describes when law enforcement personnel may disclose to the public information or records concerning the use of drugs or alcohol by a driver as a contributing factor in a motor vehicle accident. The policy is required to include that a good faith effort is to be made to notify the immediate family before such information is disclosed to the public.

*Effective July 1, 2016.*

**Chapter No. 801 (HB2445/SB1767). Law enforcement authorized to administer epinephrine in certain situations.** Amends Tennessee Code Annotated, Title 63, Chapter 1, Part 1 by authorizing a law enforcement agency to develop an epinephrine-administration protocol in accordance with this act, that has been developed by a licensed physician. When an agency has developed a protocol, a health care prescriber may prescribe an epinephrine kit in the name of the agency and a pharmacist may dispense the kit. In coordination with a local emergency medical service, an officer may administer epinephrine to treat an anaphylactic reaction if he/she is authorized to do so by the officer's agency, has completed the required training within 12 months, and administers the epinephrine in accordance with the protocol adopted by the officer's agency. Removes liability for an injection from the physician, pharmacist and officer, unless the physician, pharmacist or officer acts with reckless disregard for safety.

*Effective July 1, 2016.*

**Chapter No. 862 (HB2256/SB2337). "Pawnbrokers Restitution Act" enacted.** Amends Tennessee Code Annotated, Title 45, Chapter 6, in part by requiring law enforcement officers with probable cause to believe that property in the possession of a pawnbroker is misappropriated or stolen to, upon the expiration of the 10 day period that the pawnbroker has to work out any disagreement regarding ownership with the alleged owner, place a written hold on the property.

*Effective July 1, 2016.*

**Chapter No. 896 (HB2122/SB2304). Mandatory law enforcement-related death reports.** Amends T.C.A. § 38-10-102 by requiring all state and local government law enforcement and correctional agencies and courts to submit to the director of the Tennessee Bureau of Investigations ("TBI") reports documenting law enforcement-related deaths. Authorizes the TBI and the Tennessee Department of Health to promulgate rules related to the collection and reporting of the information.

*Effective April 27, 2016 for purposes of promulgating rules and July 1, 2017 for all other purposes.*

**Chapter No. 972 (HB2421/SB2049). "Missing Citizens Alert Program" enacted.** Amends T.C.A. § 38-6-121 by requiring local law enforcement agencies to coordinate the "Missing Citizens Alert Program." Encourages local law enforcement agencies to develop area-specific protocols for implementation of the "Missing Citizens Alert Program." Allows local law enforcement agencies to seek assistance from certain non-profits when putting together the program.

*Effective July 1, 2016.*

**Chapter No. 1061 (HB1736/SB2376). Law enforcement's role related to employees carrying handguns on property owned, operated or controlled by a public institution of higher education.** Amends T.C.A. § 39-17-1309 by allowing employees of public institutions of higher education to carry handguns on property owned, operated, or controlled by the institution, subject to certain exceptions. Requires the employee to provide written notification of the employee's intent to carry to all law enforcement agencies that have jurisdiction over the property owned, operated or controlled by the institution. Requires the law enforcement agency to maintain the employee's name and any other information that might identify the employee as confidential, except that it can be disclosed to an administrative officer of the institution who is responsible for school facility security, as long as that individual is not the

employee's supervisor or responsible for evaluating the employee. The administrative officer is also required to maintain the information as confidential. Provides that the information must only be disclosed by a law enforcement agency for law enforcement purposes.

*Effective July 1, 2016.*

**Chapter No. 1073 (HB1270/SB1372). Law enforcement officers required to provide information about the Tennessee Statewide Automated Victim Information and Notification Service.** Amends Tennessee Code Annotated, Title 40, Chapter 38, Part 1 by requiring law enforcement officers, responding to the report of a crime, to provide alleged victims of domestic assault, domestic abuse, vandalism, false imprisonment, stalking or order of protection or restraining order violations, information about the Tennessee Statewide Automated Victim Information and Notification Service. Requires the officer to provide written materials, if they are available and inform the alleged victim about the purpose of the program and the requirements for participating in the program. Requires any law enforcement agency that does not already have written materials about the Tennessee Statewide Automated Victim Information and Notification Service to obtain materials, if they are available, by July 1, 2016, from either the Tennessee Sheriff's Association or the victim witness coordinator in the D.A.'s office.

*Effective July 1, 2016.*

## **Motor Vehicles and Traffic**

**Chapter No. 584 (HB1483/SB1448). Recycling vehicle authorized to stop on a highway.** Amends T.C.A. § 55-8-158 by authorizing the driver of a recycling vehicle to stop, park or leave the vehicle standing attended or unattended on a highway outside of a business or residential district, as long as there is not less than 18 ft. of free passage for other vehicles, the vehicle's hazard lights are flashing while it is stopped or standing, and the hazard lights are visible from a distance of 200 ft. in either direction of the highway.

*Effective July 1, 2016.*

**Chapter No. 663 (HB2305/SB2463). Proof of financial responsibility.** Amends T.C.A § 55-12-102 by requiring individual drivers, beginning January 1, 2017, to have written proof of liability insurance coverage of at least 1.) \$65,000 through a single limit policy applicable to 1 accident, a split limit policy of not less than \$25,000 for bodily injury or death of 1 person, not less than \$50,000 for bodily injury or death to 2 people or more in one accident and not less than \$15,000 for damage or property in 1 accident, 2.) a deposit of cash with the commissioner of safety for \$65,000 or 3.) a bond filed with the Commissioner of the Department of Safety for \$65,000. Provides that any insured holding a policy within the amounts required prior to January 1, 2017 will be in compliance with the financial responsibility laws until that policy expires.

*Effective March 29, 2016.*

## **Personnel-Benefits**

**Chapter No. 605 (HB1919/SB1779). Tennessee Consolidated Retirement System and compliance with the Internal Revenue Code.** Amends various provisions in Tennessee Code Annotated, Title 8, Chapters 34, 36, and 37 by bringing the provisions related to the Tennessee Consolidated Retirement System into compliance with Internal Revenue Code regulations.

*Effective March 17, 2016.*

**Chapter No. 851 (HB1775/SB1969). Authority to garnish earnings expanded.** Amends T.C.A. § 26-2-214 by authorizing the garnishment of earnings of independent contractors and other similarly situated individuals. Also provides that this authorization does not change the underlying relationship between the parties, whether it be an employer-employee relationship or that of an independent contractor.

*Effective September 1, 2016.*

**Chapter No. 931 (HB1870/SB1587). Local government employees' pension accounts subject to execution and garnishment.** Amends Title 26, Chapter 2, Part 1 by providing that the pension accounts of local government employees are subject to execution and garnishment for payments required pursuant to a qualified domestic order.

*Effective July 1, 2016.*

**Chapter No. 1063 (HB2512/SB2481). Eligibility for unemployment benefits.** Amends T.C.A. § 50-7-303 by providing that a claimant for unemployment benefits who left his/her most recent job due to sickness, disability or pregnancy becomes eligible for unemployment compensation upon providing satisfactory proof to the unemployment administrator in the form of medical documentation that he/she was forced to leave work due to sickness, disability, or pregnancy, provided written notification to the most recent employer that he/she had to leave as soon as it was reasonably practical, subsequently medical proof was provided which stated that the claimant was able to return to work, claimant returned to his/her most recent work and offered to work and perform claimant's former duties and the employer did not reemploy the claimant and the claimant is otherwise eligible to receive unemployment benefits.

*Effective July 1, 2016.*

## **Planning and Zoning**

**Chapter No. 693 (HB2417/SB2006). Increased number of members on the BZA.** Amends T.C.A. § 13-7-205 by providing that the chief legislative body can create a board of zoning appeals with 3, 5, 7 or 9 members.

*Effective March 24, 2016.*

**Chapter No. 822 (HB1632/SB1636). Prohibition against zoning ordinances enacted for purposes of establishing long-term affordable or workforce housing.** Amends T.C.A. § 66-35-102 by prohibiting local governments from enacting or enforcing any zoning regulation, requirement or condition of

development imposed by land use or zoning ordinances, resolutions or regulations or pursuant to any special permit, special exception or subdivision plan that requires the direct or indirect allocation of a percentage of existing or newly constructed private residential or commercial rental units for long-term retention as affordable or workforce housing. Provides that the language applies to all current and future zoning regulations. Also provides that the language does not preclude incentive-based programs designed to increase the construction and rehabilitation of moderate or lower cost private resident or commercial rental units.

*Effective April 21, 2016.*

**Chapter No. 992 (HB2040/SB2375). “Temporary family healthcare structures” authorized.** Amends Title 13, Chapter 7 by providing that a zoning ordinance may consider a temporary family healthcare structure as a permitted accessory use in any single-family residential zoning district on lots zoned for single-family detached dwellings when the structures are being used by a caregiver in providing care for a mentally or physically impaired person and the structure is on property owned or occupied by the caregiver as his/her residence. Requires all "temporary family healthcare structure" to comply with all requirements for accessory dwelling structures of this type and all setback requirements that apply to the primary structure and any maximum floor area ratio limitations that may apply to the primary structure. Limits the number of these structures on a parcel of land to 1. Also requires the structure to comply with any applicable requirements of the Department of Health and any local codes and ordinances related to connecting to any water, sewer, and electric utilities that are serving the primary residence. Prohibits the advertising of the structure on the exterior of the structure or anywhere else on the property. Requires that before such a structure is built, the person proposing to install it obtain a permit from the local government. Provides that the local government can charge a fee of no more than \$100.00 for the permit and cannot withhold the permit if the individual provides sufficient proof of compliance with this act. Proof of compliance can be required by the local government on an annual basis as long as the structure remains on the property and may involve the inspection of the structure at various times convenient to the caregiver. Requires the removal of the facility within 30 days of the physically or mentally challenged individual no longer needing or receiving assistance. Authorizes the local government to fine the property owner \$50.00 a day for noncompliance with the act and each day of noncompliance constitutes a separate offense. Authorizes the local government to revoke a permit and seek injunctive relief in circuit court against anyone violating the provisions of this act.

*Effective July 1, 2016.*

## **Public Safety**

**Chapter No. 682 (HB1512/SB1485). Care Alert Program revised.** Amends T.C.A. § 38-6-121 by providing that care alerts for missing citizens will be issued for any person whose age is at least 60 at the time that he/she is reported missing, who is believed to be in danger because of age, health conditions or physical disability in combination with the environment or weather conditions, or is believed to be unable to return to safety without assistance. Provides that alerts will also be issued for any person who suffers from a documented case of dementia, whose whereabouts are unknown, who is believed to be in danger due to the dementia or physical impairment and who is believed to be unable to return to safety

without assistance. Also provides that alerts will be issued for any person who is at least 18 years old at the time he/she is reported missing, whose whereabouts are unknown, who has intellectual, developmental or physical disabilities and is believed to be in danger and unable to return to safety without assistance.

*Effective March 24, 2016.*

**Chapter No. 805 (HB2054/SB1989). Authorized use of epinephrine auto-injectors.** Amends Tennessee Code Annotated, Title 68, Chapter 140 by permitting authorized entities, or entities where allergens capable of causing anaphylaxis are present, to obtain a prescription from a health care prescriber for epinephrine auto-injectors and obtain auto-injectors from a pharmacist using the prescription in the entity's name. Also authorizes an employee or agent of an authorized entity to use an epinephrine auto-injector on an individual who is believed to be experiencing anaphylaxis, when the employee has the required training. Also allows an authorized entity to store the injectors in an emergency public access station for use by a layperson under the remote supervision of a medical professional. Provides immunity from civil liability for the authorized entity, the employee or agent of the entity administering the injection, the health care prescriber, the pharmacist, the medical professional and the organization providing the required training. Requires an authorized entity to report to the Tennessee Department of Health each incident of an injection being administered on the premises of the entity, pursuant to this statute.

*Effective April 14, 2016 for purposes of promulgating rules and July 1, 2016 for all other purposes.*

**Chapter No. 808 (HB2174/SB2137). "Kari's Law" enacted.** Amends Tennessee Code Annotated, Title 7, Chapter 68 by enacting Kari's Law which requires an entity that owns or controls a telephone system that is capable of outbound dialing or access to configure the telephone system to allow a person initiating a 911 call on the telephone system direct access to 911 service without an additional code, digit, prefix, postfix, or trunk access code. Provides that if an entity would be required to replace or upgrade any component of its telephone system in order to comply with this law, the entity is not required to comply until the entity utilizes a phone system that is capable of being configured without a replacement or upgrade.

*Effective January 1, 2017.*

**Chapter No. 815 (HB1553/SB2557). Reporting accidents on and ceasing operations of amusement devices.** Amends T.C.A. § 68-121-118 by requiring the owner or operator of any amusement devices to cease operation of and report in writing, any fatality, serious physical injury or serious incident to the commissioner of the Tennessee Department of Labor and Workforce Development within 24 hours of the incident. Also provides that operation of the amusement device shall cease until a qualified third-party examiner conducts an inspection and determines that the device and related equipment is safe for public use and Labor and Workforce Development authorizes the owner to resume operations. The inspector is required to initiate the inspection within 24 hours of receipt of the report of the incident.

Failure to comply with these reporting and inspection requirements will result in a civil penalty of \$300 per day.

*Effective July 1, 2016.*

**Chapter No. 836 (HB2212/SB2450). Notification related to lead and copper levels in water.** Amends T.C.A. § 68-221-720 by requiring a public water system to notify the commissioner of Tennessee Department of Environment and Conservation no later than 24 hours after the system confirms that the lead and copper 90<sup>th</sup> percentile lead action level has been exceeded. No later than 72 hours after confirmation, customers in the area where the sample was collected are to be notified.

*Effective January 1, 2017.*

**Chapter No. 1002 (HB2571/SB2553). “Tennessee Prescription Safety Act of 2016” enacted.** Amends T.C.A. § 53-10-301 et seq. by enacting the “Tennessee Prescription Safety Act of 2016.” The relevant part of the act provides that law enforcement personnel have access to the confidential information in the controlled substance database as long as the personnel are engaged in the official investigation and enforcement of state or federal laws involving controlled substances or violations of this act and as long as the personnel have complied with the requirements of the act. Requires officers and agents of law enforcement agencies to be preapproved through an application process in order to request information from the database. Requires the application to be resubmitted each year by November 20<sup>th</sup>. Requires all information that the law enforcement agency obtains from the database to be maintained as confidential and any of the information that is used in a criminal or administrative action to be placed under seal or have all of the identifying information for the patient redacted. Also requires all of the information from the database in the possession of a law enforcement agency to be treated in the same manner as evidence. Provides that if law enforcement personnel has probable cause to believe, based upon information obtained from the database, that a healthcare practitioner may have acted in violation of the law, the law enforcement personnel must consult with the appropriate licensing board. Also provides that any law enforcement officer using the database for unauthorized purposes may have his/her authorization revoked and may be charged criminally.

*Effective April 27, 2016.*

## **Purchasing**

**Chapter No. 646 (HB2108/SB1737). Exemption from certain gasoline taxes.** Amends T.C.A. § 67-3-401 by removing the requirement that a municipality purchase 500 gallons of petroleum products with delivery complete within 72 hours following commencement of the delivery, in order for the municipality to be exempt from taxation of the petroleum products.

*Effective March 23, 2016.*

**Chapter No. 935 (HB1629/SB1615). Authorization for local governments to enter into cooperative purchasing agreements with the federal government.** Amends T.C.A. § 12-3-1205(b) by permitting local governments to enter into cooperative purchasing agreements with the federal government, to the extent federal law allows such agreements. Provides that construction machinery and fuel, fuel products

and lubricating oils cannot be purchased through a cooperative purchasing agreement with another state or the federal government.

*Effective July 1, 2016.*

## **Records**

**Chapter No. 618 (HB1682/SB1639). Confidentiality of certain information maintained by the Comptroller's office.** Amends T.C.A. § 10-7-504(a)(22) by making survey records, responses, data and identifying information made and received by the Comptroller's office confidential. The language does not apply to the Office of Open Records Counsel.

*Effective March 22, 2016.*

**Chapter No. 686 (HB2347/SB1742). Local government RFP and RFQ records confidential until intent to award is announced.** Amends T.C.A. § 10-7-504 by making proposals and statements of qualifications received by a municipality in response to a personal service, professional service or consultant service request for proposals or request for qualifications solicitation and any related records, including but not limited to evaluations, names of evaluation committee members and all related memoranda or notes, confidential until the intent to award the contract is announced.

*Effective March 24, 2016.*

**Chapter No. 705 (HB1860/SB1946). Certain tax information available to local governments.** Amends T.C.A. § 67-1-1704(d) by permitting the Tennessee Department of Revenue to disclose tax returns and tax information to local governments, upon receipt of a written request, when the information is being requested for purposes of ascertaining whether the allocations from state levied taxes are being distributed to the correct unit of local government. Requires the local government to maintain the information as confidential and only disclose it to the individual to whom it relates, except as otherwise allowed by law. Provides that local government employees are subject to the same penalties and restrictions as state employees who have access to tax returns and information.

*Effective April 6, 2016.*

**Chapter No. 722 (HB2082/SB2033). Written public records policy required.** Amends T.C.A. § 10-7-503 by adding additional definitions to the open records act. Also provides that all entities subject to the public records act are required to have a written public records policy in place no later than July 1, 2017, that has been approved by the appropriate governing authority. The policy is required to include the process for how to request inspection or copies and a copy of any required form, the process the entity uses for responding to request, including the redaction process, a statement of any fees charged for copies, and procedures for billing and payment, and the name or title and contact information for the individual(s) designated as the public records request coordinator. Also adds that no "personally identifying" information about any citizen of this state shall be publically disclosed, except in certain situations. Requires the Office of Open Records Counsel to develop a model best practices and public

records policy and submit the policy to the Advisory Committee on Open Government for review and comment before making the model publically available.

*Effective July 1, 2016.*

**Chapter No. 974 (HB1997/SB2083). Tourism promotion information confidential.** Amends Tennessee Code Annotated, Title 6, Chapter 54, Part 2 by making records that address the specific amount of money expended in a given market for digital or traditional media or the specific detail of targeted audiences identified for marketing purposes confidential in municipalities whose primary industry is tourism. Provides that aggregate amounts expended for marketing activities is public information.

*Effective April 27, 2016.*

**Chapter No. 1009 (HB1543/SB2546). Identity of vendor used for protection of government property, government employee information and citizen information confidential.** Amends T.C.A. § 10-7-504 by making the identity of the vendors who provide to the State, goods and services used for protection of government property, government employee information, or citizen information confidential. Provides that the same information is only confidential for local governments, if the local government votes in the affirmative to make the information confidential. Provides that the amount paid to the vendor is public record and the identity of the vendor must be provided to the Comptroller or Fiscal Review upon request.

*Effective April 28, 2016.*

## **Taxes-Excise**

**Chapter No. 704 (HB1899/SB1938). Extension of the temporary tax on bottled soft drinks and barrels of beer.** Amends T.C.A. §§ 57-5-201 et seq. and 67-4-402 by extending the temporary tax on bottled soft drinks and barrels of beer until July 1, 2022.

*Effective June 1, 2016.*

## **Taxes-Hall**

**Chapter No. 1055 (HB1536/SB2539). Angel investor tax credit established.** Amends Tennessee Code Annotated, Title 67, Chapter 2, by establishing an angel investor tax credit of 33% of the value of a cash investment made by an investor that can be used to reduce the investor's hall income tax liability. Provides the criteria for the company that the investor can invest in and receive the tax credit.

*Effective January 1, 2017.*

**Chapter No. 1064 (HB0813/SB0047). Reduction and eventual elimination of the Hall Income Tax.** Amends Tennessee Code Annotated, Title 67, Chapter 2, Part 1 by reducing the Hall income tax amount that is levied and collected from an individual on income derived from dividends and interest paid on stocks and bonds to 5% per year. Also provides that it is the legislative intent of the General Assembly

that the amount levied be reduced by 1% each year through enactments of legislation beginning with the 110<sup>th</sup> General Assembly until the tax is eliminated in January 2022.

*Effective May 20, 2016 and applicable to tax years beginning January 1, 2016.*

## **Taxes-Hotel/Motel**

### **Chapter No. 796 (HB1465/SB1450). Accessibility of information related to the hotel/motel tax.**

Amends Tennessee Code Annotated, Title 67, Chapter 4, Part 14 by authorizing the tax collector of occupancy taxes in a municipality to publish a notice that lists the name of each operator who has failed to collect or remit occupancy taxes due or delinquent and the amount owed or delinquent, if the amount exceeds \$10,000 and has been due or delinquent for at least 120 days or if the amount that is due or delinquent exceeds \$50,000. Requires the notice to be published, at the expense of the municipality, once a week for 2 consecutive weeks in the month of January, in a newspaper of general circulation or one or more newspapers published or widely distributed in the municipality, unless no newspaper is published in the municipality and then the notice can be placed on the courthouse door. Prohibits an operator's name and the amount of taxes due or delinquent from being published in the notice if all or any portion of the amount due or delinquent is the subject of a lawsuit filed by the operator challenging the collection of the tax. Also provides that records, documents and other information pertaining to a tax on the privilege of occupancy in a hotel is not subject to the confidentiality provisions in 67-1-1701 et seq.

*Effective April 14, 2016.*

**Chapter No. 890 (HB1913/SB1875). Occupancy tax levy authorized for Spring Hill.** Amends T.C.A. § 67-4-1425 by authorizing the city of Spring Hill to levy an occupancy tax not to exceed 3% of the cost of a hotel/motel room upon approval of a 2/3 vote of the governing body. The proceeds are to be used solely for tourism development purposes and the manner of collection and administration is to be set out in an ordinance.

*Effective April 27, 2016.*

**Chapter No. 933 (HB2041/SB1604). Occupancy tax levy authorized for Dandridge.** Amends T.C.A. § 67-4-1425 by authorizing the town of Dandridge to levy an occupancy tax not to exceed 2% of the cost of a hotel/motel room upon approval of a 2/3 vote of the governing body. The proceeds are to be used solely for tourism development purposes and the manner of collection and administration is to be set out in an ordinance.

*Effective April 27, 2016.*

## **Taxes-Property**

**Chapter No. 642 (HB1846/SB1987). Property taxes for housing authorities.** Amends T.C.A. § 67-5-203 by exempting a public housing authority from property taxes when the housing authority enters into a lease that permits the housing authority to purchase the property for a nominal amount at the end or before the end of the lease.

*Effective March 23, 2016.*

**Chapter No. 685 (HB1685/SB1642). Limitation on assessing rollback taxes on disqualified property.** Amends T.C.A. § 67-5-1008 by providing that a landowner whose land has previously been classified as agricultural, forest or open space but is disqualified from such classification due to a change in the law or an assessor's correction of a prior error of law or fact, shall not have his/her disqualified property assessed for rollback taxes, unless the erroneous classification was due to the landowner's fraud, deception, intentional misrepresentation, omission or misstatement.

*Effective March 24, 2016.*

**Chapter No. 1065 (HB2156/SB1796). Property tax relief provisions amended.** Amends T.C.A. § 67-5-704 by deleting the income threshold for disabled veterans seeking property tax relief. Also provides that reimbursement on property tax paid by low-income elderly and disabled individuals is to be paid on the first \$23,500.00 of the full market value of the property.

*Effective May 20, 2016.*

## **Taxes-Sales**

**Chapter No. 1048 (HB1652/SB2239). Sales Tax Holiday weekend changed.** Amends T.C.A. § 67-6-393 by moving the Sales Tax Holiday weekend up to the last weekend in July, beginning the last Friday of the month.

*Effective April 28, 2016.*

## **Tobacco**

**Chapter No. 847 (HB1657/SB2350). Additional smoking prohibitions authorized.** Amends T.C.A. § 39-17-1551 by authorizing Metro Nashville and all municipalities in Sullivan County to prohibit smoking on the grounds of a swimming pool owned or operated by the local government or an outdoor amphitheater with a seating capacity of at least 6,000 owned or operated by the local government.

*Effective July 1, 2016.*

## Transportation

**Chapter No. 823 (HB1711/SB11705). Classes of electric bicycles created and authorized uses enumerated.** Amends Title 55, Chapter 8 by creating 3 classes of electric bicycles and adding that electric bicycles are not subject to the laws related to motor vehicles, including financial responsibility, drivers license, and titling and registration requirements. Permits electric bicycles in classes 1 and 2 to be operated on any part of a street or highway where bicycles are authorized to travel. Authorizes a local governing body to prohibit the use of class 1 or 2 electric bicycles on paths and trails, if the prohibition is necessary, in the interest of safety. Prohibits the use of class 3 electric bicycles on paths or trails where bicycles are authorized to be used, except when the path or trail is adjacent to a street or highway or when the local government allows the bicycle to be operated on paths or trails through resolution or ordinance. Prohibits the use of electric bicycles on sidewalks, except when the local government authorizes the use through resolution or ordinance and the electric motor is disabled. Any resolution or ordinance passed related to the operation of electric bicycles is required to use the definitions for the different classes of electric bicycles and any reference in a resolution or ordinance to motor vehicles is not applicable to electric bicycles. Provides that electric bicycles shall be restricted, limited or excluded by resolution or ordinance on any roadway, highway or street, to the same extent as bicycles. A violation of this provision is a class C misdemeanor. Makes it a delinquent act for any person under the age of 14 to operate a Class 3 electric bicycle on a street or highway. Requires the operator and passenger of a class 3 electric bicycle to wear a properly fitted and fastened bicycle helmet. A violation of this provision is punishable by a \$50.00 fine only. Requires helmets that meet federal safety regulations must be worn by anyone riding a Class 3 electric bicycle. Violation of this requirement is a Class C misdemeanor. Knowingly operating an electric bicycle in violation of any of the requirements in this act is a Class C misdemeanor.

*Effective April 21, 2016.*

**Chapter No. 842 (HB1416/SB1608). "Slow Poke" law enacted.** Amends Tennessee Code Annotated, Title 55, Chapter 8 by enacting the "Slow Poke Law." Prohibits a person from operating a vehicle in the passing lane on the interstate or a multilane divided highway with three or more lanes in each direction, except when passing other vehicles, subject to certain exceptions. Authorizes TDOT to use the existing electronic overhead informational displays located on the interstate system to provide periodic messages related to the restrictions on the use of the left lane. Makes a violation of this provision a Class C misdemeanor punishable by a \$50 fine only.

*Effective July 1, 2016.*

**Chapter No. 852 (HB1789/SB1828). 12 months to build and begin displaying an outdoor changeable message sign with a digital display.** Amends T.C.A. § 54-21-122(f) by requiring a person who is granted a permit or an addendum to a permit authorizing a changeable message sign with a digital display to erect and begin displaying an outdoor advertising message on the changeable message sign no later than 12 months after the date the permit or addendum is granted. Provides that a person can, before the expiration of the 12 months, pay a fee and apply to the commissioner of Transportation for a 12 month

extension. Provides that the permit for any sign not erected and operating within the required time frame will be revoked.

*Effective July 1, 2016.*

**Chapter No. 878 (HB1523/SB1473). Bridge and highway designations.** Amends Tennessee Code Annotated, Title 54 by designating certain bridges and highways after individuals.

*Effective April 27, 2016.*

**Chapter No. 892 (HB2064/SB1971). Jurisdiction over tourist oriented directional signs.** Amends T.C.A. § 54-5-1301 et seq. by establishing that TDOT has sole and exclusive jurisdiction over the design, erection, installation and maintenance of tourist oriented directional signs (“TODS signs”) that are located within the right-of way of any highway that is part of the state highway system, including any signs within any municipality’s corporate limits. Provides that TODS signs refer only to the specific category of guide signs authorized in the Manual on Uniform Traffic Control Devices for use on rural conventional roads to display business identification and directional information for eligible tourist-oriented facilities. Requires illegal signs to be removed by the local government or the facility. Provides that if TDOT orders the removal of a sign and it has not been removed within 180 days of the order, TDOT can remove the sign and pass the cost of removal on to either the local government or the facility. Provides that Sevierville is exempt from the requirement that non-TDOT installed signs be removed. Also provides that TDOT will develop and maintain an inventory of TODS signs and the initial inventory is to be completed no later than July 1, 2018.

*Effective April 27, 2016.*

**Chapter No. 923 (HB1471/SB1479). Special permit issued by TDOT authorizing overweight and over dimensional vehicles to use highways.** Amends T.C.A. § 55-7-205 by authorizing the Commissioner of TDOT to issue a special permit that allows vehicles that are overweight and overdimensional to use the highways 24 hours a day, 7 days a week, for 10 calendar days each trip. The permit prohibits the vehicles from moving between the hours of 6:00 a.m. and 9:00 a.m. and 3:00 p.m. and 6:00 p.m. Monday through Friday in certain counties and on Saturdays and Sundays and during certain holidays. The loads are required to be marked in a certain way if they are being carried by a tractor trailer or similar vehicle. The provision does not apply to modular homes, site built homes and houseboats.

*Effective July 1, 2016.*

**Chapter No. 944 (HB1487/SB1697). Operating motor vehicles in bicycle lanes.** Amends Tennessee Code Annotated, Title 55, Chapter 8, Part 2 by making it an offense for any person to operate a motor vehicle in a bicycle lane, except in certain situations enumerated in T.C.A. §§ 55-8-158 and 55-8-160, when yielding to the right-of-way of an authorized emergency vehicle, when turning into an intersecting or adjoining highway, drive or road or when loading or unloading passengers from paid and public transportation. Provides that a first offense violation will result in a warning citation, a second offense a fine of \$20.00 and a third or subsequent offense, a fine of \$50.00. Also provides that this provision does not preempt a more restrictive resolution or ordinance that has been enacted or will be enacted by a

local government. Prohibits the driver of a motor vehicle from using a bicycle lane to pass another motor vehicle on the right.

*Effective July 1, 2016.*

**Chapter No. 967 (HB2022/SB1953). Buses authorized to operate on the shoulder and in the right-of-ways of state highways.** Amends T.C.A. § 55-8-118 by authorizing the driver of a bus owned by a publically owned transit system to overtake and pass a vehicle on the right when operating on the shoulder or right-of-way of a highway that is part of the state highway system, when authorized by TDOT. Provides that any other driver, except a driver operating an authorized emergency vehicle, commits a Class C misdemeanor when operating a vehicle on the shoulder or right-of-way of a state highway. Excludes school buses from the definition of "bus" for purposes of this act. Authorizes TDOT to take any action necessary to implement this program, but requires any funding used for the program to be specifically appropriated by reference in the general appropriations act.

*Effective April 27, 2016.*

**Chapter No. 975 (HB2407/SB2093). Public-private partnership for transportation purposes authorized.** Amends Title 54 by enacting the "Public-Private Transportation Act of 2016" which permits public-private partnerships for purposes of developing, redeveloping, or operating "transportation facilities." Allows public entities to solicit, receive, consider, evaluate and accept proposals for qualifying transportation facilities. Also allows public entities to do the same for unsolicited proposals. Makes the information or record used by the public entity to accept or reject a proposal confidential until after a public entity selects a private entity to enter into an agreement with, except that proprietary information will remain confidential. Requires the private entity to obtain a certificate from the public entity before developing, redeveloping or operating a transportation facility. Also includes provisions for revoking a certificate. Allows for interim agreements to be entered into. Requires the agreements to contain specific information that is enumerated. Allows public entities to contract with private entities for transportation services. Also allows the private entity to charge fees to the transportation services. Provides that a public entity can dedicate property that it owns for use as a qualified transportation facility, if it serves the public purpose of this Act. Also provides that condemnation can be used to obtain needed property for a project. Includes language related to how the projects can be financed. Permits the public entity to take any action necessary to obtain state, federal or local funding for the projects.

*Effective April 27, 2016 for purposes of promulgating rules and October 1, 2016 for all other purposes.*

**Chapter No. 998 (HB2510/SB2492). Language required on red light camera enforcement violations and citations.** Amends T.C.A. § 55-8-198 by requiring every notice of violation or citation that is issued based solely upon evidence obtained from a traffic enforcement camera used to enforce traffic violations at red lights as provided for in T.C.A. § 55-8-110(a)(3) or any municipal law or ordinance that mirrors substantially, duplicates or incorporates by cross-reference the language in T.C.A. § 55-8-110(a)(3), to have "Non-payment of this notice or citation cannot adversely affect your credit score or report, driver's

license, and/or automobile insurance rates,” printed in bold-face type and a font that is the same size as the largest font on the violation or citation.

*Effective April 27, 2016.*

**Chapter No. 1015 (HB2045/SB2229). Regulating the use of autocycles.** Amends various provisions in Tennessee Code Annotated, Titles 11, 47 and 55 related to the operation of autocycles and other all-terrain vehicles. Defines an autocycle as a three-wheeled motorcycle that has safety belts, a steering wheel, and nonstraddle seating and is manufactured in accordance with safety requirements for motorcycles. Prohibits a person operating an autocycle from carrying a child as a passenger, if the child is required to be secured in a motor vehicle, unless the autocycle has an enclosed cab, meets federal motor vehicle safety standards for motor vehicles, or the child is secured in accordance with the language in T.C.A. § 55-9-602.

*Effective July 1, 2016.*

**Chapter No. 1036 (HB1484/SB1596). Driving a school bus while using a portable electronic device.** Amends T.C.A. § 55-8-192 by making it a Class A misdemeanor to drive a school bus with children on it while using a portable electronic device. Provides that the offense can occur while the school bus is in motion and while it is stopped to load and unload children. Creates an exception for calling 911 or emergency personnel. Also amends T.C.A. § 55-50-501 by requiring the Commissioner of Safety to permanently revoke the school bus endorsement of anyone convicted of using a portable electronic device while driving a bus with children on it.

*Effective July 1, 2016.*

**Chapter No. 1077 (HB1511/SB1589). Texting while driving penalty increased.** Amends T.C.A. § 55-8-199 by making texting while driving a moving traffic violation. Also requires any person found guilty of texting while driving to attend and complete a driver education course, on a first offense.

*Effective July 1, 2016.*

**Chapter No. 1087 (HB2530/SB2149). Local government authorized to allow community service in lieu of paying fines for driving on revoked, suspended or cancelled licenses.** Amends Tennessee Code Annotated, Title 55, Chapter 50 by authorizing local governments to establish through ordinance, a community service program that allows any person who is indigent and who has been convicted of driving on a canceled, revoked or suspended license, to complete community service work in lieu of paying the fines and other costs imposed by the conviction. The community service program is to be administered and monitored by the same entity that administers court-ordered community service.

*Effective May 20, 2016.*

## **Utilities**

**Chapter No. 645 (HB2055/SB1988). Extension of natural gas franchises.** Amends T.C.A. § 65-4-107 by providing that a privilege or franchise for natural gas shall be extended indefinitely until such time as a subsequent natural gas privilege or franchise is approved by the Tennessee Regulatory Authority. Adds this language to T.C.A. §§ 6-2-201 and 6-19-101.

*Effective March 23, 2016.*

**Chapter No. 792 (HB1850/SB2417). Green infrastructure in combined sewer areas.** Amends T.C.A. § 7-35-401(b)(1) by authorizing that installation of green infrastructure practices within areas containing collecting systems designed to convey both sanitary sewage and storm water.

*Effective April 12, 2016.*

**Chapter No. 818 (HB0857/SB1049). Metro Nashville authorized to charge a solid waste collection, processing and disposal fee.** Amends T.C.A. § 68-211-835 by authorizing Metro Nashville to impose and collect a solid waste collection, processing and disposal fee to be used for the establishment of a solid waste collection, processing and disposal service, to include convenience centers, the establishment and maintenance of material recovery venues and programs, and to cover the costs borne by Metro Nashville as a consequence of disposal. Requires the amount of the fee to bear a reasonable relationship to the cost of providing the services, venues and programs being established. The fee is required to be set by the legislative body in consultation with and subject to the approval of the Underground Storage Tanks and Solid Waste Disposal Control Board.

*Effective April 21, 2016.*

**Chapter No. 995 (HB2439/SB2430). Johnson City authorized to form an energy authority.** Amends Tennessee Code Annotated, Title 7 by enacting the "Municipal Energy Authority Act." Allows Johnson City to form an energy authority.

*Effective April 27, 2016.*

**Chapter No. 1007 (HB1892/SB1830). Post-construction storm water requirements.** Amends T.C.A. § 69-3-108 by prohibiting any national pollutant discharge elimination system permit issued to a local government that administers a municipal separate storm sewer system ("ms4") from imposing post-construction storm water requirements that are more stringent than the minimum required by federal law. Provides that any permit that includes numeric or narrative effluent limitations to manage post-construction storm water must allow the local government administering the ms4, discretion in selecting measures to meet any such effluent limitations. Prohibits the State from requiring any ms4 to impose post-construction storm water requirements that are more stringent than the minimum required by federal law. Requires any local government that adopts more stringent requirements to do so by ordinance or resolution. Provides that any local government currently imposing more stringent requirements than federal law requires are grandfathered in until such time as the governing body seeks coverage under any future permit. Provides that once coverage is sought under a new permit, the governing body will be required to adopt more stringent requirements through ordinance or resolution.

Also requires the local government to provide the local legislative body any proposed control measures that exceed the minimum requirements in federal law, in writing, at least 30 days in advance of a vote on the control measures in order to provide for a public comment period.

*Effective April 22, 2016.*

**Chapter No. 1050 (HB2381/SB2364). Hamilton County WWTA placed in wind down and appeal procedures established related to water and waste water authorities.** Amends Tennessee Code Annotated, Title 68, Chapter 221, Part 6 by revoking Hamilton County Water and Waste Water Authority's authority to operate after July 1, 2021. Provides specific information about how the wind down and ultimate dissolution of the authority is to take place. Also adds language in T.C.A. § 68-221-608 that establishes the appeals process for any individual who feels aggrieved by action taken by an authority's board or personnel.

*Effective July 1, 2016.*

## **Workers' Compensation**

**Chapter No. 816 (HB1559/SB2563). Workers' compensation judges to approve settlement agreements.** Amends T.C.A. §§ 50-6-240 and 50-6-217 by authorizing parties to workers' compensation claims to settle amongst themselves, but requires the settlement to be reduced to writing and submitted to a judge of the court of workers' compensation for approval before it becomes binding. Allows for the settlement of future medical benefits, as long as it is clear in the settlement that the employee has been fully informed on the consequences of such settlement. Prohibits employees that are considered permanently and totally disabled from entering into settlement agreements for future medical benefits. Requires all permanent disability claims to be settled only with the approval of a judge. Allows a party to file a claim for increased benefits in certain situations. Also amends T.C.A. § 50-6-217 to provide that any party aggrieved by an order issued by a workers' compensation judge may appeal to the court of workers' compensation appeals.

*Effective April 14, 2016.*

**Chapter No. 1056 (HB2582/SB2416). Various workers' compensation provisions amended.** Amends T.C.A. § 50-6-201 by requiring an employee or an employee's representative to provide the employee's employer written notice of a work injury within 15 days of the injury. Also provides that reasonable attorney's fees and reasonable costs may be awarded to an employee, including reasonable and necessary court reporting fees and expert witness fees for both depositions and trials, when an employer fails to furnish appropriate medical, surgical and dental treatment or care, medicine, medical and surgical supplies, crutches, artificial members and other apparatus that has been provided for in a settlement, order or other judgement under Title 50, Chapter 6 or wrongfully denies a claim by filing a timely notice of denial or fails to timely initiate any of the benefits to which the employee is entitled to under Title 50, Chapter 6. Provides that this language applies to injuries that occur on or after July 1, 2016 but will not apply to injuries that occur after June 30, 2018. Amends T.C.A. § 50-9-101 by including a statement that sets out that it is the intent of the General Assembly that employers obtaining drug-free workplace certification be able to renew the certification on an annual basis without requiring repeated annual training of existing employees. Requires the employer to certify on a form that all

existing employees have been through the training at least once and have acknowledged annually in writing the existence of the employer's drug-free workplace policy. Also amends T.C.A. § 50-6-216 by prohibiting the ombudsman from giving legal advice if he/she is not a licensed attorney and allowing the ombudsman to only give limited legal advice if he/she is a licensed attorney. Also prohibits the ombudsman from making attorney referrals.

*Effective July 1, 2016.*