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Summary of 2019 Public Acts

Elisha Hodge

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**Municipal Technical
Advisory Service**
INSTITUTE FOR
PUBLIC SERVICE

SUMMARY OF 2019 PUBLIC ACTS

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WARNING

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

SUMMARY OF PUBLIC ACTS 2018

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Alcohol

Chapter No. 91 (HB0058/SB0323). Heritage Golf Course authorized to sell alcoholic beverages for on-premises consumption. Amends T.C.A. § 57-4-102 by designating the Heritage Golf Course in Nashville as a premier type tourist resort for purposes of authorizing the sale of alcoholic beverages for on-premises consumption.

Effective March 28, 2019.

Chapter No. 94 (HB0345/SB1078). Hours for retail sales on Sunday extended for manufacturers. Amends T.C.A. § 57-3-202 by extending the hours a manufacturer can sell its products on its licensed premises on Sundays from noon to 7:00 p.m. to 10:00 a.m. to 11:00 p.m.

Effective March 28, 2019.

Chapter No. 99 (HB0850/SB0598). Sporting facilities at colleges and universities authorized to sell alcoholic beverages for on-premises consumption. Amends T.C.A. § 57-3-202 by designating any facility on the campus of a public college or university that is designed and used for sporting events sanctioned by the institution, a sports authority facility for purposes of authorizing the sale of alcoholic beverages for on-premises consumption.

Effective April 8, 2019.

Chapter No. 136 (HB0683/SB1088). Certificates of compliance no longer required for certain license renewals. Amends T.C.A. § 57-3-213(d) by deleting the language that required a retail package store licensee to submit a certificate of compliance, signed by an official in the municipality where the store is located, each time the license was renewed.

Effective August 1, 2019.

Chapter No. 300 (HB0071/SB0181). Beer and alcohol sales permitted during regular operating hours. Amends T.C.A. § 57-4-101(a)(9) by allowing the Nashville Zoo and Zoo Knoxville to sell beer and alcohol for on-premises consumption during regular operating hours.

Effective May 8, 2019.

Chapter No. 301 (HB1066/SB0206). Elimination of requirement for manufacturers to pay privilege tax. Amends T.C.A. § 57-2-102 by deleting the language that required a manufacturer of alcohol to obtain a license from and pay a \$1000.00 privilege tax to the municipality in which the manufacturing plant is located.

Effective May 8, 2019.

Chapter No. 363 (HB1070/SB1417). Certain entities authorized to sell alcoholic beverages for on-premises consumption. Amends T.C.A. § 57-4-102 by designating Weir Park in Celina, Legacy Farms in Lebanon, Flat Hollow Marina in Speedwell, 121 Hotel in Nashville, and Sip-n-Scoop in College Grove as premier-type tourist resorts; Lebanon Theater in Lebanon and Center for the Arts in Murfreesboro as

community theaters; The Blake at Kingsport in Kingsport as a retirement center; Central Park Livingston in Livingston as an urban park center; and El Fogon in Hixson as a restaurant for purposes of authorizing the sale of alcoholic beverages for on-premises consumption.

Effective May 10, 2019.

Chapter No. 377 (HB1327/SB0498). Gross sales included in the calculation of rent for certain restaurant licensees. Amends T.C.A. §§ 57-4-102 and 57-4-103 by authorizing the City of Memphis to enter into lease agreements for property owned by the City with business owners that have restaurant licenses from the Tennessee Alcoholic Beverage Commission. Permits the calculation of the rent to be based in part on the gross sales of the restaurant, which may or may not include liquor sales. Allows for the City of Knoxville to do the same within an easement area granted to the City by TVA for commercial recreation and commercial recreation facilities in the Fort Loudoun Reservoir. Also amends T.C.A. § 57-5-103 by prohibiting a county or municipality from denying the issuance or renewal of a beer permit upon the basis that the lease between the business and the municipal landlord includes a provision that calculates a portion of the rent upon gross sales of the restaurant, which may or may not include liquor sales.

Effective May 10, 2019.

Chapter No. 435 (HB0794/SB1082). Sale of alcoholic beverages for on-premises consumption authorized in areas contiguous to certain licensed establishments. Amends T.C.A. §§ 57-4-101 and 57-4-102 by authorizing alcoholic beverages to be sold for on-premises consumption to customers seated at tables and chairs contiguous to the outside front wall of a licensee on Beale Street, subject to the City of Memphis's right of ownership and control, rules and conditions. Also authorizes a manufacturer located in the Chattanooga Choo Choo to include in its premises any contiguous area owned or controlled by the entity for purposes of on-premises consumption of alcohol and beer.

Effective May 22, 2019.

Authorities, Boards, and Commissions

Chapter No. 180 (HB0503/SB0918). Taxation of the East Tennessee Regional Agribusiness Marketing Authority. Amends T.C.A. § 64-10-119 by providing that the East Tennessee Regional Agribusiness Marketing Authority (hereinafter "Authority"), any property owned by the Authority, and the incomes and revenues derived from such properties are exempt from, all state, county, and municipal taxation. Also provides that any property sold by the Authority under a lease purchase agreement is not exempt from state, county, and municipal taxation. Provides that bonds issued by the authority are deemed to be securities issued by a public instrumentality or political subdivision of the State and the bonds and income derived from the bonds are exempt from state, county, and municipal taxation.

Effective April 23, 2019.

Codes Enforcement

Chapter No. 224 (HB0295/SB1190). Electrical inspectors employed by a municipality required to be certified by the State Fire Marshal's office. Amends T.C.A. § 68-120-118 by requiring any electrical inspector employed by a municipality after January 1, 2020, to be certified by the State Fire Marshal's office before enforcing electrical codes. Requires the State Fire Marshal to recognize and accept certification from nationally or internationally recognized certifying organizations to satisfy the standards and qualifications for certification.

Effective April 30, 2019, for purposes of promulgating rules and carrying out administrative duties necessary to effectuate this act and January 1, 2020, for all other purposes.

Crimes and Criminal Procedure

Chapter No. 40 (HB0154/SB0349). Provision related to the use of unmanned aircraft over venues amended. Amends T.C.A. § 39-13-903 by making it a criminal offense to use an unmanned aircraft to intentionally capture an image of an individual or event at, or drop any item or substance into, an open-air event venue where more than 100 individuals are gathered for a ticketed event.

Effective July 1, 2019.

Chapter No. 60 (HB0308/SB0306). Penalty increased for use of unmanned aircraft near critical infrastructure facility. Amends T.C.A. § 39-13-903(b) by making it a Class E felony to knowingly use an unmanned aircraft within 250 feet of the perimeter of any critical infrastructure facility for the purpose of conducting surveillance of, gathering evidence or collecting information about, or photographically or electronically recording critical infrastructure data.

Effective July 1, 2019.

Chapter No. 87 (HB0844/SB0357). Hemp excluded from the definition of marijuana. Amends T.C.A. § 39-170-402 by excluding hemp, which is defined as "the plant cannabis sativa L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol (THC) concentration of not more than three-tenths of one percent (0.3%) on a dry weight basis," from the definition of marijuana. Also adds additional requirements for those who are licensed to produce hemp in Tennessee and for the Department of Agriculture, as the agency regulating the production of hemp in Tennessee.

Effective April 4, 2019.

Chapter No. 104 (HB0973/SB0611). New offense created related to domestic violence cases. Amends T.C.A. § 39-16-507 by making it a Class A misdemeanor offense for any defendant in a domestic violence case or for anyone acting on behalf of a defendant to intentionally try to persuade, but not coerce, or

influence or attempt to influence, a witness or prospective witness in the case to testify falsely, withhold any truthful testimony or document, or elude legal process summoning the witness to testify or provide evidence or be absent from an official proceeding to which the witness has been summoned.

Effective July 1, 2019.

Chapter No. 123 (HB0723/SB0644). Expansion of offense of trafficking a person for a commercial sex act. Amends T.C.A. § 39-13-309 by expanding the offense of trafficking a person for a commercial sex act to include knowingly attempting to subject or attempting to benefit from, recruiting, enticing, providing, purchasing or obtaining an intended victim who is a law enforcement officer or a law enforcement officer who is 18 years of age or older posing as a minor. Also amends T.C.A. § 39-13-514 by including in the offense of patronizing prostitution, patronizing prostitution when the subject of the offense is a law enforcement officer or a law enforcement officer over the age of 18 posing as a minor. Makes the same changes to the offense of promoting prostitution.

Effective July 1, 2019.

Chapter No. 149 (HB0901/SB0481). Penalty increased for the offense of aggravated assault. Amends T.C.A. § 39-13-102 by increasing the penalty for the offense of aggravated assault when the victim of the assault is a law enforcement officer, firefighter, medical first responder, paramedic, EMT, healthcare provider, any other first responder, or an identifiable employee or contractor of a utility, when the victim is discharging or attempting to discharge their official duties.

Effective July 1, 2019.

Chapter No. 164 (HB0233/SB0222). Possession of cock fighting paraphernalia criminalized. Amends T.C.A. § 39-14-203 by making it a Class A misdemeanor to possess, own, buy or manufacture cock fighting paraphernalia with the intent that it be used in promoting, facilitating, training for, or furthering cock fighting. Defines “cock fighting paraphernalia.”

Effective July 1, 2019.

Chapter No. 184 (HB0832/SB1045). Loitering or conducting commercial activity prohibited in certain areas. Amends T.C.A. § 55-8-135 by making loitering or conducting commercial activity within or in the proximity of the median of a state highway, a Class C misdemeanor, except for a first offense which is punishable by a warning citation only. Includes exceptions for employees of, or agents, contractors, or other persons who are under contract with, or acting on behalf of a municipality or utility, and who are permitted by the Department of Transportation to stand or conduct any activity in, or in proximity to, the median of a state highway.

Effective July 1, 2019.

Chapter No. 187 (HB0761/SB1342). Provisions related to the administration of blood and breath tests amended. Amends T.C.A. § 55-10-406 by amending the language that establishes when and how a blood and breath test can be administered for purposes of determining whether an individual was driving under the influence.

Effective July 1, 2019.

Chapter No. 211 (HB0283/SB0290). Penalty increased for the offense of aggravated rape of a child. Amends T.C.A. § 39-13-531 by increasing the penalty for aggravated rape of a child to life imprisonment without the possibility of parole.

Effective July 1, 2019.

Chapter No. 251 (HB1151/SB1297). “Public place” defined. Amends T.C.A. § 39-13-511 by adding a definition of “public place” to the provision that establishes the offense of indecent exposure.

Effective July 1, 2019.

Chapter No. 268 (HB1364/SB1166). Offense of female genital mutilation amended. Amends T.C.A. § 39-13-110 by making it a criminal offense to knowingly mutilate a female, knowingly facilitate the mutilation of a female, or knowingly transport or facilitate the transportation of a female for the purpose of mutilation. Makes the offense a Class D felony. Also provides that any property used or derived from this conduct is subject to civil forfeiture. Provides that the statute of limitation for the offense when committed on a child after July 1, 2019, is no later than 25 years from the date that the child becomes 18 years old.

Effective July 1, 2019.

Chapter No. 303 (HB1284/SB0360). The “Prevention of Youth Access to Tobacco, Smoking Hemp, and Vapor Products Act” enacted. Amends Tennessee Code Annotated, Title 39, Chapter 17, Part 15 by enacting the “Prevention of Youth Access to Tobacco, Smoking Hemp, and Vapor Products Act.” Makes it a criminal offense to sale or distribute tobacco, vapor products, and smoking hemp to anyone under 18 years of age or to anyone else making a purchase on behalf of someone under 18 years of age.

Effective July 1, 2019.

Chapter No. 360 (HB1168/SB0659). New offenses created. Amends Tennessee Code Annotated, Title 39, Chapter 17, Part 9 by creating offenses for knowingly possessing a child-like sex doll, knowingly selling or distributing child-like sex dolls, or knowingly transporting a child-like sex doll into this state with the intention to sell or distribute it. Defines “child-like sex doll.” Makes the possession of such a doll a Class A misdemeanor and each of the other offenses Class E felonies subject to various fine amounts. Makes the fines collected subject to appropriation for distribution to child advocacy centers, court-appointed special advocates, and sexual assault centers.

Effective July 1, 2019.

Chapter No. 370 (HB0156/SB0264). Critical infrastructure vandalism provision amended. Amends T.C.A. § 39-14-411 by making the knowing destruction, injury, interruption, or interference with critical infrastructure or its operation “critical infrastructure vandalism.” Defines “critical infrastructure” to include infrastructure for services to the general public such as telephone, electric, water, sewer, and railroads. Makes this offense at least a Class E felony.

Effective July 1, 2019.

Chapter No. 374 (HB0407/SB0425). Sex offender provisions amended. Amends T.C.A. § 40-39-211 by adding language that makes it an offense for a convicted sex offender or violent sex offender, whose victim was a minor, to knowingly reside or conduct overnight visits at a residence where a minor resides,

even if the convicted offender is the parent of the minor residing in the home, when the offender has been convicted of a sexual offense or violent sexual offense of a child under the age of 12.

Effective July 1, 2019.

Chapter No. 393 (HB1340/SB1163). “Leigh Ann Act” enacted. Amends T.C.A. § 39-13-113 by enacting the “Leigh Ann Act” which makes it a Class A misdemeanor to knowingly violate a no contact order, issued prior to a defendant’s release on bond, following the defendant’s arrest for any offense where the alleged victim is a victim of domestic abuse as defined in § 36-3-601.

Effective July 1, 2019.

Chapter No. 398 (HB0917/SB1359). Criminal offense for causing a child not to attend school during an investigation created. Amends Tennessee Code Annotated, Title 49, Chapter 6, Part 30 by making it a criminal offense for a parent, guardian, or other legal custodian to withdraw, transfer, or in any way alter a child’s current enrollment in school with the intent to hinder an active child abuse or child neglect investigation. Makes this offense a Class A misdemeanor, unless the child is taken out of state, then the offense is a Class E felony.

Effective July 1, 2019.

Chapter No. 417 (HB0257/SB0265). Criminal offense created for sending certain medical supplies and equipment and billing TennCare. Amends Tennessee Code Annotated, Title 39, Chapter 15, Part 5 by making it a criminal offense to knowingly use a telephone or other communication or electronic device to obtain information concerning the medical condition or health of an elderly adult, send or cause to be sent medical supplies, equipment or medicine to that individual when the supplies or equipment was unsolicited or specifically refused and then file a claim or submit a bill with TennCare for reimbursement.

Effective July 1, 2019.

Chapter No. 432 (HB0754/SB1402). Offense created for transferring firearms to certain individuals. Amends T.C.A. § 39-17-1316(q) by making it a Class A misdemeanor to transfer a firearm to an individual knowing that he/she has been judicially committed to a mental institution or adjudicated as a mental defective, unless the person’s right to possess a firearm has been restored. Also makes it a Class A misdemeanor to transfer a firearm to an individual knowing that he/she is receiving inpatient treatment, pursuant to Title 33, at a treatment resource, other than a hospital.

Effective May 21, 2019.

Chapter No. 437 (HB0830/SB0684). Offense of aggravated unlawful photography created. Amends Tennessee Code Annotated, Title 39, Chapter 13, Part 6 by adding language that creates the offense of aggravated unlawful photography. Provides that a person commits the offense when knowingly photographing or causing to be photographed a minor, when the minor has a reasonable expectation of privacy, if the photograph depicts the minor in a state of nudity and was taken for the purpose of sexual arousal or gratification. Makes the offense a Class C felony.

Effective May 22, 2019.

Chapter No. 474 (HB0909/SB1039). The “Elderly and Vulnerable Adult Protection Act of 2019”

enacted. Amends various provisions in Tennessee Code Annotated, Title 39, Title 40, and Title 71 by enacting the “Elderly and Vulnerable Adult Protection Act of 2019,” which makes it a Class E felony to knowingly abuse an elderly adult and a Class D felony to knowingly abuse a vulnerable adult. Also makes it a Class A misdemeanor to knowingly sexually exploit an elderly or vulnerable adult. Also amends the process that authorizes a law enforcement officer to seek an ex parte order of protection for an elderly or vulnerable adult believed to be in immediate and present danger of abuse, neglect, financial exploitation, or sexual exploitation.

Effective May 24, 2019, for purposes of promulgating rules and January 1, 2020, for all other purposes.

Chapter No. 486 (HB0167/SB0403). Provision related to contraband in a penal institution amended.

Amends various provisions in Tennessee Code Annotated, Title 39, Chapter 16, including T.C.A. § 39-16-201 by making the introduction and possession of weapons, ammunition, and explosives in a penal institution where prisoners are housed or supervised a Class C felony, when the act is done knowingly and with unlawful intent. Also makes the introduction or possession of intoxicants, legend drugs, controlled substances, controlled substances analogues, or telecommunication devices in a penal institution where prisoners are housed or supervised a Class D felony, when the act is done knowingly and with unlawful intent.

Effective July 1, 2019.

Chapter No. 495 (HB0502/SB0911). Penalty increased for altering government records. Amends T.C.A. § 39-16-504 by increasing the penalty for (1) knowingly making a false entry in or a false alteration of a government record; (2) making, presenting, or using any record, document or thing with knowledge of its falsity and with intent that it will be taken as a genuine governmental record; or (3) intentionally and unlawfully destroying, concealing, removing, or otherwise impairing the verity, legibility or availability of a governmental record to a Class E felony.

Effective July 1, 2019.

Chapter No. 499 (HB0565/SB1252). Mandatory reporting provisions amended. Amends T.C.A. § 37-1-412 by making it a Class A misdemeanor, for the first violation, for failure of any person to make a required report of known or suspected child abuse or child sexual abuse. Makes any subsequent violation a Class E felony. Also amends T.C.A. § 37-1-615 by providing that any person required to report known or suspected child sexual abuse who knowingly fails to do so or knowingly prevents another person from doing so commits a Class A misdemeanor, for the first violation, and a Class E felony for any subsequent violation.

Effective July 1, 2019.

Economic and Community Development

Chapter No. 257 (HB0327/SB0355). Provisions related to redevelopment of brownfield sites amended.

Amends T.C.A. § 7-53-316 by providing that it is the intent of the General Assembly to encourage redevelopment of brownfield sites in economically disadvantaged areas of the state, not just within large and mid-sized counties. Provides that corporations receiving allocations under these provisions will cease to receive the allocations upon the maturity, being no longer than 30 years, of the original bond or obligation used to finance the project at the brownfield site. Also broadens the definition of “qualified cost” and amends the definitions of “redevelopment zone” and “urban brownfield redevelopment project.”

Effective April 30, 2019.

Chapter No. 382 (HB0690/SB0648). Sales tax revenue to be used to finance an event center in Clarksville. Amends T.C.A. § 67-6-103 by providing that state and local sales tax from the sale of concessions, goods and products, tickets, parking and other services, at a new event center being built in Clarksville, is to be apportioned and distributed to a public entity designated by Montgomery County, that is responsible for retirement of all or a portion of the debt incurred in building the event center.

Effective May 10, 2019.

Chapter No. 390 (HB1312/SB1122). Border Region Retail Tourism Development District Act amended.

Amends T.C.A. § 7-40-104(e) by authorizing a municipality that has a Border Region Retail Tourism Development District (hereinafter “district”) to remove certain properties that were once included in the certified district, from the district by passing a resolution to do so no later than June 30, 2019. Also provides that if a municipality elects to remove properties from the certified district, other adjacent property may become eligible to be included in the certified district in a total acreage amount less than or equal to the total acreage of those properties excluded.

Effective May 10, 2019.

Chapter No. 440 (HB0907/SB1094). Local option sales tax revenues reverted to sports authorities.

Amends T.C.A. § 67-6-712 by authorizing local option sales tax revenues collected in Metropolitan Nashville and Davidson County from sales of concessions, parking and related services, goods, and tickets for major league soccer games to be distributed to Nashville for use by the sports authority.

Effective May 22, 2019.

Chapter No. 498 (HB0524/SB1434). “Regional Retail Tourism Development District Act” enacted.

Amends Tennessee Code Annotated, Title 7 by enacting the “Regional Retail Tourism Development District Act,” which is to be used as a mechanism for providing tax incentives for development of retail and tourism facilities in Washington County.

Effective July 1, 2019.

Chapter No. 511 (HB0620/SB0537). Border Region Retail Tourism Development District Act further amended. Amends Tennessee Code Annotated, Title 7, Chapter 40 by specifying some additional costs that can be reimbursed through the Border Region Retail Tourism Development District Act. Also provides that no change to or deviation from a master development plan in a district, once certified, causes the district to lose its certification or disqualifies it from reimbursement of costs, if certain factors are met.

Effective June 3, 2019.

Education

Chapter No. 38 (HB0200/SB0245). Qualification of an applicant for an initial school bus endorsement amended. Amends T.C.A. § 55-50-302 by allowing an applicant for an initial school bus endorsement to be a minimum of 23 years old, instead of 25, if the individual is an honorably discharged veteran of the United States Armed Forces, a member of the National Guard or a reserve component of the United States Armed Forces, or a licensed teacher employed by an LEA. Enumerates the documentation that must be included with such an application.

Effective January 1, 2020.

Chapter No. 42 (HB0902/SB0730). Use of student growth data in teacher and principal evaluations. Amends T.C.A. § 49-1-302 by providing that when a teacher or principal's student growth data reflects an achievement level of "above expectations" or "significantly above expectations", the student growth data is to comprise 50% of the teacher's or principal's evaluation. Also provides that a teacher's most recent year's student growth data is to comprise the full 35% of the teacher's evaluation, if the use of such data results in a higher evaluation score for the teacher. Also excludes, for the 2018-2019 and 2019-2020 school year, student growth evaluation composites generated by assessments administered to students during the 2017-2018 school year, if the exclusion results in a higher evaluation score for the teacher.

Effective March 22, 2019.

Chapter No. 107 (HB0934/SB0790). Special education statutes overhauled. Amends Tennessee Code Annotated, Title 49, Chapter 10, Part 1 by making a number of changes to the statutes related to special education.

Effective April 11, 2019.

Chapter No. 108 (HB0953/SB0809). Career aptitude assessment required. Amends T.C.A. § 49-6-412 by requiring each LEA to administer a career aptitude assessment to students in grade 7 or 8. Requires the Department of Education to identify career aptitude assessments that LEAs may administer.

Effective April 11, 2019.

Chapter No. 134 (HB0034/SB0375). Raising funds for noneducational purposes authorized. Amends Tennessee Code Annotated, Title 49, Chapter 2, Part 1 by authorizing a local board of education to permit teachers, school employees, or other persons employed by the LEA to raise funds for noneducational purposes. Requires a local board of education that authorizes such funds to be raised to develop and adopt policies and procedures for the use and accounting of the funds. Requires the policy to include the sources from which the funds can be derived and the ways in which the funds can be used. Provides that any group or person raising funds under this provision is not a “school support organization.” Also provides that these funds are subject to audit by the Comptroller of the Treasury.

Effective April 9, 2019.

Chapter No. 138 (HB1194/SB1197). Dependent children of service members allowed to enroll in school. Amends Tennessee Code Annotated, Title 49, Chapter 6, Part 31 by requiring a board of education to allow a student who does not reside within the boundaries of the school district to enroll in a public school within the school district, if the student is a dependent child of a service member who is being relocated to Tennessee on military order and upon relocation will be a resident of the school district, when documentation that the student is a dependent of the service member and relocation is forthcoming is provided. Requires each board of education to adopt a policy establishing a reasonable period of time such documentation must be provided.

Effective April 9, 2019, and applies to students seeking enrollment in the 2019-2020 school year and each school year thereafter.

Chapter No. 146 (HB0241/SB0166). Enrollment in course access program courses limited. Amends T.C.A. § 49-18-103 by limiting the number of course access courses that a student may enroll in to 2 courses per school year, unless the student’s home LEA approves the student taking additional courses. The student’s home LEA must pay the tuition and fees required for the first 2 courses and the student is responsible for the tuition and fees for any additional courses taken each school year.

Effective July 1, 2019.

Chapter No. 153 (HB0946/SB0802). Report required on the expenditure of increased funding. Amends T.C.A. § 49-3-306 by providing that each year an LEA receives an increase in state funding for instructional salaries and wages, the LEA must submit a report to the Department of Education detailing how the additional funds were used.

Effective April 18, 2019.

Chapter No. 154 (HB0947/SB0803). Tennessee School Safety Center to establish school safety grants. Amends T.C.A. § 49-6-302 by providing that to the extent that appropriations to the Tennessee School Safety Center (hereinafter “Center”) allow, the Center is required to establish school safety grants to assist LEAs in funding programs that address school safety. Requires the Center to develop an application for the grants and for completed applications to be reviewed in consultation with the state-level school safety team. Includes the formula for distribution of the funds and priority of distribution.

Effective April 18, 2019.

Chapter No. 192 (HB0196/SB0180). Provision related to high school students on local boards of education amended. Amends T.C.A. § 49-2-202 by providing that no more than 4 high school students may serve as advisory, nonvoting members of a local board of education that operates one or more high schools, each year. Removes the requirement that ½ of the students be enrolled in the technology track and ½ be enrolled in the college preparatory track.

Effective July 1, 2019, and shall apply to boards of education allowing high school students to serve as advisory, nonvoting members for the 2019-2020 school year and each school year thereafter.

Chapter No. 194 (HB0102/SB0350). 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, 2019.

Chapter No. 205 (HB1083/SB0836). Revocation of a public charter school agreement. Amends T.C.A. § 49-13-122 by authorizing a chartering authority to revoke a public charter school agreement, if the public charter school is identified as a priority school. Provides that the revocation takes place immediately upon the close of the school year in which the school is identified as a priority school. Requires the public charter school identified as a priority school to develop and implement a comprehensive support plan, if the chartering authority does not revoke the public charter school agreement. Also provides that the public charter school agreement for any public charter school identified as a priority school for 2 consecutive cycles beginning in 2017 must be revoked. Any revocation is final and is not appealable.

Effective April 25, 2019.

Chapter No. 248 (HB0788/SB1251). Various education statutes amended. Amends various provisions within Tennessee Code Annotated, Title 49 related to public education.

Effective May 2, 2019.

Chapter No. 269 (HB0970/SB1195). Curriculum on human trafficking involving juveniles required. Amends T.C.A. § 49-6-1304 by requiring family life curriculum used in public schools to include instruction on the detection, intervention, and prevention of human trafficking involving juvenile victims. Requires the instruction to be in the form of video recordings approved by the LEA. Also amends T.C.A. § 49-6-3004 by requiring each local board of education, beginning with the 2019-2020 school year, to require each teacher employed by the board to receive a one-time in-service training, in the form of a video recording, on the detection, intervention, prevention, and treatment of human trafficking involving juvenile victims. Requires the local board of education to maintain a record of each teacher who completes the required training.

Effective July 1, 2019, and shall be applicable beginning with the 2019-2020 school year and each school year thereafter.

Chapter No. 274 (HB1374/SB1398). LEAs required to provide notice of college and career ready experiences offered. Amends T.C.A. § 49-6-414 by requiring each LEA to: (1) provide students and parents of students enrolled in grades 9-12 notification of all early college and career experiences offered by the LEA for the upcoming school year; (2) provide the notification by January 1 or at least one week before students enrolled in grades 9-12 register for classes for the upcoming school year, whichever is earlier, either electronically or through the mail; and (3) provide a list of all early college and career experiences offered by the LEA for the upcoming school year on the LEA's website.

Effective July 1, 2019.

Chapter No. 283 (HB0070/SB0020). Virtual Public School Act extended. Amends T.C.A. § 49-16-216 by extending the repeal date of the Virtual Public Schools Act from June 30, 2019, to June 30, 2023.

Effective May 8, 2019, and repealed June 30, 2023.

Chapter No. 304 (HB0559/SB0504). Internships with the State and local governments authorized. Amends Tennessee Code Annotated, Title 49, Chapter 6, Part 12 by authorizing LEAs to offer internship programs for elective credits in the high school curriculum through cooperative agreements with local or state governments in the geographic area served by the LEA. Requires the internship program to be a minimum of 6 weeks during either the summer or the school year.

Effective July 1, 2019.

Chapter No. 330 (HB0944/SB0800). Governor's Civics Seal established. Amends Tennessee Code Annotated, Title 49, Chapter 6, Part 10 by establishing the Governor's Civics Seal, which recognizes public schools and local education agencies that implement high-quality civic education programs that prepare students for career and civic life. Includes the criteria for obtaining such recognition.

Effective May 10, 2019.

Chapter No. 350 (HB0983/SB0185). Recall election for local board of education member authorized. Amends Tennessee Code Annotated, Title 49, Chapter 2, Part 2 by establishing the process for holding a recall election for members of the local board of education that have been elected or appointed to fill a vacancy in Madison County.

Effective May 10, 2019.

Chapter No. 366 (HB0866/SB0063). Comprehensive career and technical education requirements. Amends T.C.A. § 49-11-104 by requiring each LEA to make a comprehensive career and technical education program available to students in grades 6-12. Requires the Board of Career and Technical Education to conduct a survey in each county, city, and special school district in order to plan facilities for comprehensive career and technical training for middle school students.

Effective July 1, 2019, and shall apply to the 2019-2020 school year and each school year thereafter.

Chapter No. 376 (HB0091/SB0442). Assessment criteria for teachers teaching in pre-k and kindergarten. Amends T.C.A. § 49-6-105 by requiring each LEA that receives pre-k approval under §§ 49-6-103 through 49-6-110 to utilize the pre-k/kindergarten growth portfolio model or a comparable alternative measure of student growth, in the evaluation of pre-k and kindergarten teachers. Provides that employment termination decisions or adverse compensation decisions for pre-k teachers is not to be based solely on data generated by the growth portfolio model for the 2018-2019 school year.

Effective May 10, 2019.

Chapter No. 391 (HB0776/SB1135). AEDs and AED training required. Amends T.C.A. § 49-2-122 by requiring all public high schools, middle schools, and elementary schools to have at least one automated external defibrillator, or AED, placed within each school. Also requires each middle school and/or high school instructional class on CPR to include instruction on how to use an AED and the location of the AED in the school. Also requires each school to have a CPR and AED drill so that students are aware of the steps that must be taken in the event the use of an AED is required.

Effective July 1, 2019.

Chapter No. 394 (HB1158/SB1238). Threat assessment team required. Amends Tennessee Code Annotated, Title 49, Chapter 6 by adding a new part 26 that requires each LEA to adopt a policy for the establishment of a threat assessment team within the LEA. Requires the threat assessment team to include school personnel and local law enforcement and may include a representative from DCS, the local D.A.'s office, a mental health provider, and juvenile services. Requires the threat assessment team to receive training from local law enforcement or mental health service providers on how to assess individuals displaying a threat or disruptive behavior and establish appropriate interventions, conduct threat assessments, provide educational outreach to students and staff, and establish procedures for assessment, interventions, and responses to threats and disruptive behavior. Requires all incidents deemed to pose a risk to school safety to be documented, with any interventions and reported to the LEA, the local board of education, and the director of schools.

Authorizes the team to access law enforcement records and court files on any student that poses a threat of violence or exhibits significantly disruptive behavior. Gives the court and law enforcement agency discretion about whether to disclose the requested records. Also allows the LEA to disclose information in the student's educational record, in the event of an emergency, if the information is necessary to protect the health and safety of the student or other individuals. Removes liability for the provision of information to a threat assessment team and for the actions of a threat assessment team, in certain circumstances.

Effective May 10, 2019.

Chapter No. 413 (HB0207/SB0269). Disposal of surplus property. Amends T.C.A. § 49-6-2007 by providing that when property held by an LEA is sold as surplus property, the property is to be sold to the highest bidder after advertising in a newspaper of general circulation for 7 days prior to the sale and may be sold through an internet auction website used by the LEA, the local government, or the State. Requires the internet auction to be open for at least 7 days. Increases the value of property that can be considered surplus to a value less than \$500.00. Also allows an LEA to dispose of computers by selling or

trading them to a computer vendor or manufacturer as part of a proposal to purchase new computers for the LEA without having to comply with bidding requirements.

Effective May 21, 2019.

Chapter No. 418 (HB0268/SB0205). Cameras allowed on school buses to record passing motor vehicles. Amends T.C.A. § 55-8-151 by authorizing an LEA to purchase, install, operate, and maintain cameras on the exterior of school buses or enter into a contract with a private vendor to do the same for the purpose of recording images of motor vehicles violating the law by failing to stop when approaching a school bus that is stopped. An LEA that installs such cameras is to enter into a memorandum of understanding with the local law enforcement agency regarding the preservation of evidence from the cameras. Requires any LEA that contracts for transportation services to include in each contract language requiring the owner to allow the LEA, private vendor, or the local law enforcement agency reasonable access to the bus for purposes of installing, maintaining, or inspecting cameras or obtaining, gathering, or transmitting recorded images from the camera to enforce this provision. Makes the first offense violation of this provision that is based solely upon evidence from a camera that is installed on the exterior of a bus, a nonmoving traffic violation subject to a fine not to exceed \$50.00. A second or subsequent violation is a Class A misdemeanor. Requires the notice of citation to be sent to the registered owner of the vehicle. Provides that all of the proceeds from any fine imposed that is based solely upon evidence from a camera installed to the exterior of a bus is to be allocated to the LEA for certain uses.

Effective May 21, 2019.

Chapter No. 421 (HB0405/SB0170). Trauma-informed discipline policy required. Amends Tennessee Code Annotated, Title 49, Chapter 6, Part 41 by requiring each LEA and public charter school to adopt a trauma-informed discipline policy. Requires the Department of Education to develop guidance on trauma-informed discipline practices that LEAs must use to develop the policy this section requires.

Effective May 21, 2019.

Chapter No. 439 (HB2433/SB2015). Exclusion of nonrecurring funds from maintenance of local funding and apportionment requirements. Amends T.C.A. § 49-3-314 by providing that in any year that a local government appropriates funds for education for nonrecurring expenditures, including nonrecurring funds for priority schools, evidenced by a written agreement with the LEA establishing the use of such funds, such funds are to be excluded from the maintenance of local funding requirement and apportionment requirement. Requires that the agreement be reviewed by the Department of Education before becoming effective.

Also provides that if a local government appropriates nonrecurring funds for priority schools, evidenced by a written agreement with the LEA for use of the funds, such funds are also to be excluded from the maintenance of local funding requirement and from any apportionment requirement for each year that the school is identified as a priority school, plus one year. This agreement is also required to be reviewed by the Department of Education prior to becoming effective.

Effective May 22, 2019.

Chapter No. 442 (HB1016/SB1243). Provisions related to civics testing amended. Amends T.C.A. § 49-6-408 by requiring at least 50 of the 100 questions on the civics test that all high school students are required to take and pass in order to meet the social studies requirement and earn a full high school diploma upon graduation, to be taken from the U.S. citizenship test. Requires at least 29 questions to be about American government, at least 16 to be about American history, and at least 7 to be about integrated civics. Requires students to correctly answer at least 70% of the questions in order to receive a passing score. Requires a notation to be placed on the student's transcript that he/she received a passing score on the test.

Effective July 1, 2019.

Chapter No. 453 (HB1330/SB1058). Criteria amended for receipt of a community school grant. Amends T.C.A. § 49-6-2404 by requiring a community school to designate an individual to lead and coordinate the planning and implementation of programming for the school. Also provides that a community school is not eligible for a community school grant unless certain factors are met. Also amends T.C.A. § 49-6-2405 by providing the criteria for receipt of community school grants.

Effective May 22, 2019.

Chapter No. 465 (HB0664/SB0604). Alternative School provisions amended. Amends T.C.A. § 49-6-3402 by requiring students in grades 7-12 who have been suspended or expelled to attend alternative school or an alternative program, if there is space and staff available. Attendance at an alternative school or an alternative program is voluntary for students in grades 1-6 who have been suspended or expelled, unless the local board of education adopts a policy requiring their attendance.

Effective May 24, 2019.

Chapter No. 475 (HB0982/SB0187). Requirements for the administration of the TCAP test and the effective date of certain requirements related to P.E. Amends Tennessee Code Annotated, Title 49, Chapter 6, Part 60 by requiring the TCAP test administered during the 2019-2020 school year to be administered in paper format. Requires each LEA to participate in an online verification test conducted by the Department of Education before the tests are administered during the 2020-2021 school year.

Also amends T.C.A. § 49-6-1021 by making the language that requires each LEA to require each student in elementary school to participate in a physical education class that meets at least 2 times per full school week during the school year for a total of at least 60 minutes per full school week, effective beginning with the 2020-2021 school year.

Section 1 is effective May 24, 2019, and Section 2 is effective July 1, 2019.

Chapter No. 484 (HB1483/SB1046). Authorization to provide feminine hygiene products. Amends Tennessee Code Annotated, Title 49, Chapter 6, Part 4 by authorizing each LEA that is eligible for participation in the National School Lunch program to provide feminine hygiene products free of charge in all women's and girl's restrooms and locker rooms in school buildings where instruction is provided, except in restrooms and locker rooms designated for staff. Provides that the feminine hygiene products are for student use only.

Effective July 1, 2019.

Chapter No. 506 (HB0939/SB0795). School voucher program established. Amends Tennessee Code Annotated, Title 49, Chapter 6 by enacting the “Tennessee Education Savings Account Pilot Program” which establishes a program that allows education savings accounts (hereinafter “ESA”) to be created for eligible students to attend participating private schools in Davidson and Shelby Counties. Provides that each student who participates in the program is to be counted in the enrollment figures for the LEA in which the student resides and the ESA funds are to be subtracted from the state BEP funds otherwise payable to the LEA. Creates a school improvement fund that will be used to disburse an annual grant for the first 3 years of the program, subject to appropriations, to each LEA in an amount equal to the ESA amount subtracted from the LEA’s BEP funding for any student previously enrolled with the LEA for one full school year prior to participating in the program. Requires an LEA to provide a participating school that has admitted a participating student with a copy of the participating student’s complete school record in the possession of the LEA, to the extent permitted by state and federal law.

Effective May 24, 2019.

Elections

Chapter No. 44 (HB0013/SB0047). Election Commission expenses. Amends T.C.A. § 2-12-101 by providing that the counsel chosen to represent a county election commission in a case involving a municipal election is to be provided by the municipality and chosen by the election commission, unless the commission carries an insurance policy providing coverage for the types of claims asserted in the lawsuit. In which case, the terms of the insurance policy control with respect to legal representation.

Effective March 28, 2019.

Chapter No. 234 (HB1078/SB0726). Rutherford County allowed to establish convenient voting centers. Amends T.C.A. § 2-3-308 by allowing Rutherford County to establish convenient voting centers for federal, state, and local elections.

Effective April 30, 2019.

Chapter No. 445 (HB1077/SB0727). Wilson, Williamson, and Monroe Counties allowed to establish convenient voting centers on a pilot project basis. Amends T.C.A. § 2-3-302 by providing that after the required approval of the project plan, the county election commissions in Wilson, Williamson, and Monroe counties are authorized to establish convenient voting centers for 2019 local elections and 2020 state, federal, and local elections.

Effective July 1, 2019.

Environment

Chapter No. 110 (HB0259/SB0916). Alternative road analysis not required in order to obtain discharge permits for certain projects. Amends T.C.A. § 69-3-1081 by providing that if a discharge permit is required for a public transportation project commissioned by the federal, state, or a local government, the alternative road analysis required by Tenn. Comp. R. & Reg. 0400-40-07-.04(5) does not have to include alternative road locations, but must include other measures to avoid and minimize impacts to resource values.

Effective April 11, 2019.

Finance

Chapter No. 6 (HB0166/SB0201). Required reporting of an event of default. Amends T.C.A. § 9-21-151 by defining an “event of default” as default, acceleration, termination event, modification of terms, or other similar events under the terms of a financial obligation that reflects financial difficulty. Requires municipalities to disclose financial obligations and events of default on the Electronic Municipal Market Access (hereinafter “EMMA”) website within 10 business days. Also requires those entities not required to report events of default on EMMA to make the report to the Office of the Comptroller of the Treasury within 10 business days.

Effective March 20, 2019.

Firearms

Chapter No. 109 (HB0731/SB0907). Local government agencies authorized to contract with the Tennessee Department of Safety and Homeland Security for handgun carry permit renewal services. Amends T.C.A. § 39-17-1351 by authorizing the Tennessee Department of Safety and Homeland Security (hereinafter “Department”) to contract with local governments for the provision of any service related to the renewal of handgun carry permits. Authorizes an agency contracting with the Department to charge an additional \$4.00 for each renewal application for administrative costs.

Effective July 1, 2019.

Chapter No. 223 (HB0187/SB0446). Regulation of sports shooting ranges. Amends T.C.A. § 39-17-1314 by providing that a municipality or metropolitan government has the authority to regulate the location of a sport shooting range; however to the extent a municipality or metropolitan government regulates or enforces any regulations on a privately owned or operated sports shooting range, no restrictions may be placed on the privately owned sports shooting range that are greater than those placed on a range within the same municipality or metropolitan government owned by the governmental entity. Provides that any violation of this language can be challenged in accordance with § 39-17-1314(g).

Effective July 1, 2019.

Chapter No. 479 (HB1264/SB0705). Concealed handgun carry permit authorized. Amends Tennessee Code Annotated, Title 39, Chapter 17, Part 13 by authorizing the creation of a concealed handgun carry permit. Also provides that when a law enforcement officer is within his/her jurisdiction and is lawfully discharging his/her duties, the officer may disarm a permit holder at any time reasonably necessary for the protection of the permit holder, officer, or another individual. Requires the officer to return the handgun to the permit holder before allowing the permit holder to leave the scene, when the officer determines that the permit holder is not a threat, has not violated the provisions related to concealed carry, and is not arrested.

Effective January 1, 2020.

General Government

Chapter No. 11 (HB0242/SB0340). Transit fare cards not subject to the unclaimed property provisions. Amends T.C.A. § 66-29-102 by defining “transit fare card” as any pass or instrument purchased to utilize public transportation facilities or services. Exempts transit fare cards from the Uniformed Unclaimed Property Act.

Effective March 13, 2019.

Chapter No. 13 (HB0147/SB0051). Continued sale of Class C common fireworks authorized. Amends T.C.A. § 68-104-112 by allowing the continued sale of Class C common fireworks in Rutherford County after the 2020 federal census.

Effective December 31, 2020.

Chapter No. 61 (HB0775/SB0314). Removal of civil liability for use of an AED in certain situations. Amends T.C.A. § 68-140-406 by making any entity responsible for an AED program immune from civil liability for any personal injury that is the result of an act or omission related to the use or maintenance of an AED, when the use or maintenance does not amount to willful or wanton misconduct or gross negligence.

Effective March 28, 2019.

Chapter No. 66 (HB0106/SB0458). Sale of Class C common fireworks authorized. Amends T.C.A. § 68-104-112 by allowing the sale of Class C common fireworks in Millington, Tennessee.

Effective March 28, 2019.

Chapter No. 120 (HB0362/SB0359). Recordation of annexation resolution and deannexation ordinance required. Amends T.C.A. § 6-51-121 by requiring any municipality that annexes property through a referendum to record the resolution with the register of deeds in the county or counties where the annexation was approved. Requires the resolution to include a detailed description of the annexed territory, including but not limited to a map and parcel numbers of all real property within the annexed territory. Requires a copy of the resolution, map, and the detailed description to be sent to the Comptroller’s office and the assessor or property of each county affected by the annexation.

Also amends Tennessee Code Annotated, Title 6, Chapter 51, Part 2 by requiring that upon the passage of an ordinance for deannexation, the contracting municipality record the ordinance with the register of deeds in the county or counties where the deannexation was approved. Requires the ordinance to include a detailed description of the deannexed territory, including but not limited to a map and parcel numbers of all real property within the deannexed territory. Requires a copy of the ordinance, map, and the detailed description to be sent to the Comptroller's office and the assessor or property of each county affected by the deannexation.

Effective April 9, 2019.

Chapter No. 141 (HB0192/SB0576). Immunity for a defect or malfunction of certain software. Amends Tennessee Code Annotated, Title 38, Chapter 1 by providing that no person has a cause of action against a municipality or metropolitan government, its officers, employees, or agents for any defect or malfunction in a software program intended to assist families of non-communicative persons with registering the person with law enforcement in order to ensure the person's safety, when the program was designed and distributed in good faith and without cost to the recipient local government or user of the program. Also provides that immunity does not attach if the cause of action is based on gross negligence, willful misconduct, or bad faith.

Effective April 5, 2019.

Chapter No. 144 (HB0097/SB0026). "Children's Act for Clean Indoor Air" amended. Amends T.C.A. § 39-17-1604 by prohibiting the use of "vapor products", in addition to smoking, in certain areas where children are present. Violation of this provision is a Class B misdemeanor.

Effective April 17, 2019.

Chapter No. 158 (HB1021/SB0431). Municipalities and metropolitan governments preempted from regulating auxiliary containers. Amends Tennessee Code Annotated, Title 5, Chapter 51 by prohibiting a municipality or metropolitan government from adopting or enforcing any resolution, ordinance, or policy or regulation that (1) regulates the use, disposition, or sale of auxiliary containers; (2) prohibits or restricts auxiliary containers; or (3) enacts a fee, charge, or tax on auxiliary containers. Provides that this Act does not restrict recycling programs, the regulation of auxiliary containers on property owned by a municipality or metropolitan government, or the regulation of the containers at an event, concert, or sports venue owned by a public entity or managed by a municipality or metropolitan government.

Also amends Tennessee Code Annotated, Title 53, Chapter 8, Part 2 by providing that municipalities and metropolitan governments are preempted, except through zoning and the regulation of roadways, traffic, and the provision of utilities, from regulating both the sale and distribution of food and drink, food and drink sellers, vendors, vending machine operators, food establishments, and food service establishments in this State.

Also amends T.C.A. § 68-14-702 by providing that municipalities and metropolitan governments are preempted from regulating food and drink, food and drink content, amount of food and drink content, and food and drink ingredients. Also provides that municipalities and metropolitan governments are not authorized to impose a tax, fee, or otherwise regulate the wholesale or retail sale, manufacture, or distribution of any of these, except as provided by law. Provides that municipalities and metropolitan

governments are authorized to regulate these entities using zoning, building codes, hours of operation, the issuance of permits, and any other local government function as authorized by existing state law.

Effective April 12, 2019.

Chapter No. 214 (HB0856/SB0815). Immunity provided upon adoption of the model “Healthy Workplace Act” policy. Amends T.C.A. § 50-1-504 by providing immunity to any municipality or metropolitan government for the abusive conduct of any employee that results in negligent or intentional infliction of mental anguish, when the municipality or metropolitan government adopts the model “Healthy Workplace Act” policy developed by TACIR or adopts a policy that conforms to the requirements in the Act. Provides that nothing in this section creates a cause of action against an employer that does not adopt such a policy.

Effective April 23, 2019.

Chapter No. 277 (HB0204/SB0072). Procedure for selecting a depository for municipal funds established. Amends T.C.A. §§ 6-4-402, 6-22-120, 6-35-313, and 6-56-110 by requiring all municipalities to contract with a bank or banks making the best proposal to become the depository of municipal funds. Requires the proposals from each bank to be reviewed and analyzed to determine the bank or banks proposing the highest interest rate, potential service charges or other fees, factors affecting safety and liquidity of municipal funds, and any other relevant factor, before entering into such contract. Requires the municipality to require the bank that will serve as the depository to secure the funds deposited by collateral in the same manner and under the same conditions as state deposits or as provided in a collateral pool. Provides that at least once every 4 years, the municipality is to reevaluate the contract based upon proposals obtained from at least 2 banks. Requires the municipality to prepare a written evaluation of the proposals and preserve the evaluations for at least 3 years. Applies to all municipalities that do not have banking evaluation provisions in the municipalities’ charters that are at least as detailed as the language in this act.

Effective July 1, 2019.

Chapter No. 281 (HB0891/SB0731). Provisions related to being disqualified from holding public office amended. Amends T.C.A. § 8-18-101 by adding language that forever disqualifies a person from holding public office when the felony offense for which the person has been convicted was committed in the person’s official capacity or involved the duties of the person’s office. Also amends T.C.A. § 8-18-101 by providing that a court cannot accept any plea agreement that allows an elected public official who is charged with a felony crime involving acts committed in the person’s official capacity or involving the duties of the person’s office, to qualify, seek, or hold public office in this State or any political subdivision at some point in the future. Prohibits the former official from qualifying for, seeking, or holding public office, pursuant to such a plea agreement.

Effective July 1, 2019.

Chapter No. 314 (HB1357/SB1363). Principal city statute amended. Amends T.C.A. § 7-1-101(7) by adding that the principal city in a metropolitan government can be the county seat of the county, if the county seat is an incorporated municipality, when the municipal corporation having the largest population of any municipality in the county fails to adopt a consolidation resolution within 90 days of the county's adoption of a consolidation resolution.

Effective May 8, 2019.

Chapter No. 315 (HB0602/SB1443). Municipality prohibited from requiring alarm companies to pay fines and fees for false alarms. Amends T.C.A. § 62-32-321 by prohibiting a municipality from enacting any legislation, ordinance, or resolution that requires an alarm system contractor or alarm business to pay for, collect, or be responsible for fines or fees relative to false alarms, false alarm dispatches, alarm permits, or alarm renewal permits. Also prohibits a municipality from requiring an alarm system contractor or alarm business to acquire or pay for a permit or renewal permit to operate an alarm system at an alarm site that is owned or leased by a customer of the contractor or business.

Effective May 8, 2019.

Chapter No. 321 (HB0743/SB1382). Requirements for outdoor and indoor public fireworks displays amended. Amends T.C.A. § 68-104-211(b) by requiring that any entity receiving a permit from the state fire marshal's office and approval from the chief fire department official in a municipality to conduct an outdoor public fireworks display must have at least 1 fire suppression vehicle or apparatus with the necessary personnel on site during the outdoor display, as determined by the chief fire department official for the municipality. Provides that the permittee is responsible for the costs associated with the fire suppression vehicle or apparatus being on site.

Also amends T.C.A. § 68-104-211(c) by requiring that any entity receiving a permit from the state fire marshal's office and approval from the chief fire department official in a municipality to conduct an indoor public fireworks display must have at least 1 trained firefighter or certified fire inspector on site during the indoor display. Provides that the permittee is responsible for the costs associated with the trained firefighters or certified fire inspector being on site.

Effective May 8, 2019.

Chapter No. 331 (HB0108/SB0379). Authority provided to seek an injunction when government employees are being harassed. Amends Tennessee Code Annotated, Title 50, Chapter 1, Part 5 by authorizing a municipality or metropolitan government, through its attorney, to seek an injunction against a person who commits "harassment" against a municipal or metropolitan government employee, in any court of competent jurisdiction. Defines "harassment" as two (2) or more instances of contact serving no legitimate purpose directed at an employee, in connection with that person's status as an employee, that a reasonable person would consider alarming, threatening, intimidating, abusive, or emotionally distressing and that does or reasonably could interfere with the performance of the employee's duties.

Effective May 10, 2019.

Chapter No. 408 (HB1089/SB0557). Additional voters authorized to vote in an annexation referendum.

Amends T.C.A. § 6-51-105 by authorizing those who reside in a territory proposed for annexation and those who own property in the territory to vote in an annexation referendum. Provides that no more than 2 people are entitled to vote in such a referendum based upon ownership of an individual tract of property, regardless of the number of owners.

Effective May 21, 2019.

Chapter No. 497 (HB0518/SB1395). “Volunteer Firefighter Equipment and Training Grant” program created.

Amends Tennessee Code Annotated, Title 68, Chapter 102, Part 1 by authorizing the establishment of the “Volunteer Firefighter Equipment Training Grant” program through the Department of Commerce and Insurance. Provides that select volunteer fire departments will receive the grants for purposes of purchasing firefighting equipment or meeting local match requirements for federal grants that authorize the purchase of firefighting equipment or training.

Effective May 24, 2019, for purposes of promulgating rules and January 1, 2020, for all other purposes.

Chapter No. 507 (HB0502/SB0911). “Tennessee Sports Gaming Act” enacted.

Amends Tennessee Code Annotated, Title 4, Chapter 51, Part 3 by enacting the “Tennessee Sports Gaming Act” which authorizes online sports betting in Tennessee. Establishes the procedure for becoming licensed to operate an online sports betting operation in Tennessee and the duties and responsibilities of a licensee. Requires each licensee to pay a privilege tax to the State of Tennessee of 20% of the licensee’s adjusted gross income. Provides that 80% of the privilege tax collected must be deposited into a lottery for education account and 15% of the privilege tax collected must be remitted, quarterly, to each local government in the state, on a per capita basis. Requires that the funds remitted to each local government be allocated to the local government’s general fund and used for local infrastructure projects.

Effective July 1, 2019.

Labor

Chapter No. 210 (HB0012/SB0433). City prohibited from regulating certain businesses operated by minors.

Amends Tennessee Code Annotated, Title 6, Chapter 54, Part 1 by providing that a municipality is prohibited from requiring a license, permit, or any other form of regulation for a business that (1) is operated solely by a person under 18 years of age; (2) is located on private property with the permission of the property owner; and (3) generates gross receipts of \$3,000.00 or less in a calendar year.

Effective July 1, 2019.

Chapter No. 337 (HB0539/SB0466). IRS 20-factor test adopted. Amends T.C.A. § 50-2-111 by replacing the ABC test used to determine whether an individual is an independent contractor or an employee for purposes of wage regulations, TOSHA, unemployment benefits, and drug-free workplace, with the 20-factor test included in IRS Revenue Ruling 87-41.

Effective January 1, 2020.

Chapter No. 373 (HB0389/SB0312). “Valid prescription” defined in the context of drug testing employees. Amends Tennessee Code Annotated, Title 50, Chapter 9 by providing that a medical review officer reviewing drug test results for an employer in the Drug-Free Workplace Program can only consider prescriptions issued within 6 months of a positive confirmed drug test for purposes of determining whether the employee has a “valid prescription,” or one that is “written or electronically sent by a licensed practitioner for the individual subject to the drug test and filled by a licensed pharmacy,” and immunity from adverse employment action following a positive confirmed drug test.

Effective May 10, 2019.

Chapter No. 378 (HB0551/SB0624). The “Facilitating Business Rapid Response to State-Declared Disaster Act” enacted. Amends Tennessee Code Annotated, Title 58, Chapter 2 by enacting the “Facilitating Business Rapid Response to State-Declared Disaster Act,” which provides that out-of-state critical infrastructure companies and employees that respond to proclaimed state of emergencies are required to pay state and local sales tax, occupancy tax, and taxes imposed on the consumption and purchase of alcoholic beverages, but are exempt from the payment of most other taxes and professional licensing fees. Also exempts the employees of such companies from any professional licensing requirements in this State, if they are licensed in the state in which they are a permanent resident or any other state.

Effective May 10, 2019.

Chapter No. 446 (HB01087/SB0569). Amount of potential damages in “Public Employee Political Freedom Act” lawsuits reduced. Amends T.C.A. § 8-50-603 by reducing the amount of potential damages that can be awarded in cases brought under the “Public Employee Political Freedom Act of 1980” from treble damages to compensatory damages.

Effective May 22, 2019.

Law Enforcement

Chapter No. 139 (HB1318/SB1337). Policies for use of marked law enforcement vehicles by off-duty officers at vulnerable locations. Amends Tennessee Code Annotated, Title 38, Chapter 3, Part 1 by adding language that allows a chief law enforcement officer to develop and implement policies and guidelines related to the use of marked law enforcement vehicles by off-duty law enforcement officers for travel to and from vulnerable locations in order to project an enhanced security presence. Requires that any such policies or guidelines be approved by the governing body. Defines “vulnerable locations” to include places of worship, schools, and parks.

Effective April 9, 2019.

Chapter No. 320 (HB0658/SB1407). Authority of community oversight boards established. Amends Tennessee Code Annotated, Title 38, Chapter 8, Part 3 by providing that: (1) the authority of community oversight boards is limited to the review and consideration of matters reported to the board and the issuance of advisory reports and recommendations; (2) the board does not have the power to issue subpoenas for documents or compel witnesses, but the local legislative body can issue subpoenas on

behalf of the board, subject to a majority vote and for specified public documents or the testimony of a specific witness; (3) an employee or member of the board must be a registered voter of the jurisdiction in which the board operates; (4) membership of the board is not to be based upon demographics, economic status, or employment history; and (5) any confidential information provided to the board is to be maintained as confidential. Also includes a reporting requirement for each community oversight board established.

Effective May 8, 2019.

Chapter No. 395 (HB1440/SB1268). P.O.S.T. Commission to review denied claims. Amends T.C.A. § 7-51-210 by providing that when a claim is made by the estate of a law enforcement officer killed in the line of duty and the claim is denied, the denial is subject to review by the P.O.S.T. Commission (hereinafter “Commission”), within 90 days of the denial. Any final order issued by the Commission is binding upon the State. Also defines “law enforcement officer” for purposes of this provision.

Effective May 10, 2019.

Personnel-Benefits

Chapter No. 152 (HB0937/SB0793). Salary supplement amount increased. Amends T.C.A. §§ 4-24-202 and 38-8-111 by increasing the salary supplement amount for eligible firefighters and police officers from \$600 to \$800 per year.

Effective July 1, 2019.

Chapter No. 325 (HB1347/SB1331). Provisions related to insurance plans provided by municipalities amended. Amends Tennessee Code Annotated, Title 8, Chapter 27, Part 6 by adding a new section that prohibits a municipality or special school district from recovering medical payments paid to or on behalf of an insured under a plan provided by the municipality, unless the medical payment has been incorrectly paid, or unless the insured recovers or is entitled to recover from a third party reimbursement for all or part of the costs of care or treatment for the injury or illness for which the payment is made. Also provides that the municipality or special school district is subrogated to all rights of recovery for the cost of care or treatment for an injury or illness for which medical payment is provided to the insured by any person. Requires the municipality or special school district to notify the insured, in understandable language, if the right to subrogation is being asserted. The notice is required to include that the insured should seek the advice of an attorney. Allows the municipality or special school district to recover from the insured and benefits incorrectly paid, while living, as a debt due to the municipality or special school district, and upon the insured’s death, as a claim classified with taxes having preference under the law.

Also provides that when an insured accepts medical payment pursuant to a medical plan offered by the municipality or special school district, the insured is deemed to have made an assignment to the municipality or the special school district of any third party insurance benefits to which the insured may be entitled. Provides that if the insured fails to reimburse the municipality or special school district for any medical payment received by a third party for medical care or treatment that was paid for by the

municipality or special school district, the insured may be removed from future participation in the municipality's or special school district's insurance plan, after proper advance notice is provided.

Also requires an insured's attorney in a personal injury case to notify the municipality or special school district before any judgement or settlement is entered into so that any subrogation claim can be asserted.

Effective July 1, 2019, and applies to plans entered into or renewed after that date.

Chapter No. 362 (HB0623/SB1237). Early service retirement authorized for firefighters and police officers in TCRS with 25 years of creditable service. Amends Tennessee Code Annotated, Title 8, Chapter 36, Part 3 by making any police officer or firefighter in TCRS, regardless of the plan, eligible for early service retirement upon attaining 25 years of creditable service, on or after the effective date of this act. Includes the formula for calculating the retirement allowance. Makes clear that no firefighter or police officer is required to retire pursuant to the language in this act.

Also provides that a municipality employing a police officer or firefighter who voluntarily retires pursuant to this act may require the police officer or firefighter to pay for any insurance coverage otherwise provided to members who are 100% vested in the service retirement benefit provided for in § 8-36-201, from the time the individual voluntarily chooses to retire until the time the individual would have become 100% vested in the service retirement benefit provided for in § 8-36-201.

Also provides that a police officer or firefighter who voluntarily retires pursuant to this act is entitled to any insurance coverage otherwise provided to members who are 100% vested in the service retirement benefit provided for in § 8-36-201, on the date the individual would have become 100% vested in the service retirement benefit provided for in § 8-36-201. Excludes a municipality that is a member of TCRS and self-insured from the provisions of the act related to insurance.

Effective January 1, 2020.

Chapter No. 399 (HB1177/SB1371). Surviving spouses benefits under TCRS expanded. Amends T.C.A. § 8-36-109 by providing that a retirement allowance is to be paid to the surviving spouse of a member of TCRS, if the surviving spouse is named as the beneficiary, upon the member's death, if the member was vested.

Effective May 10, 2019.

Chapter No. 490 (HB0316/SB1442). "Barry Brady Act" enacted. Amends T.C.A. § 7-51-201 by providing that when a municipality maintains a fire department and establishes any form of compensation that is to be paid to firefighters for any condition or impairment of health that results in loss of life or personal injury in the line of duty or course of employment, it is presumed that death or any form of impairment caused by Non-Hodgkin's Lymphoma cancer, colon cancer, skin cancer or multiple myeloma cancer resulting in hospitalization, medical treatment, or any disability, has arisen out of employment, unless the contrary is shown by competent medical evidence.

Requires employees to obtain annual cancer screenings and in some circumstances pre-employment screenings that do not reveal any evidence of the cancers covered in this act in order to be eligible for

the presumption. Requires the employer's health benefits plan to pay for any medical examination required by this act.

Requires a firefighter to: (1) have been exposed to heat, smoke, and fumes or carcinogenic, poisonous, toxic, or chemical substances, while working as a firefighter for the employer, (2) have served as a firefighter for 5 or more consecutive years in service with an eligible fire department in order to be eligible for the presumption; and (3) utilize the presumption up to 5 years after the firefighter's most recent exposure.

Effective July 1, 2019.

Planning

Chapter No. 317 (HB0074/SB1101). Legislative appeal board authorized to hear appeal of decisions related to transit-oriented redevelopment plans. Amends Tennessee Code Annotated, Title 13, Chapter 20, Part 7 by creating a legislative appeal board (hereinafter "board") in any area covered by a transit-oriented redevelopment plan. Provides that the board is to be made up of the members of the General Assembly representing the district where the project is located, members of the local legislative body who represent the area where the project is located, and 2 members appointed by the General Assembly. Provides that any property owner within the area covered by a transit-oriented redevelopment plan may appeal to the board. Establishes the process of appealing. Also amends T.C.A. § 13-20-704 by requiring a housing authority to approve or disapprove of an amendment to a transit-oriented redevelopment plan initiated by a municipal governing body within 60 days of the amendment being submitted and requires the same for amendments presented to the municipal governing body by the housing authority. Also amends T.C.A. § 9-23-105 by providing that when any transit-oriented redevelopment plan is approved and includes tax increment financing of \$1,000,000.00 or more, no more than 3% of the increment tax revenues may be set aside for administrative expenses.

Effective July 1, 2019.

Purchasing

Chapter No. 338 (HB0621/SB0585). Process for procuring surveying services established. Amends T.C.A. § 12-4-107 by authorizing a city to procure surveying services in the same manner that architectural and engineering services are procured pursuant to T.C.A. § 12-4-107(a)(1).

Effective May 10, 2019.

Records

Chapter No. 111 (HB1107/SB1346). Addresses and phone numbers contained in accident reports confidential. Amends T.C.A. § 10-7-504(a)(31) by making personally identifiable information contained in a motor vehicle accident report confidential, except to a person named in the accident report, such person's agent, legal representative, or attorney, once that individual has certified that he/she has permission to obtain the personally identifiable information. "Personally identifiable information" is defined as street addresses and zip codes, telephone numbers, driver license numbers, and insurance information. Makes the disclosure of personally identifiable information in certain circumstances a Class B misdemeanor.

Effective July 1, 2019.

Chapter No. 221 (HB0086/SB0167). Proposed exemption to be reviewed by Government Operations Committee. Amends Tennessee Code Annotated, Title 10, Chapter 7, Part 5 by requiring any legislation that goes through the House of Representatives that creates an exception to the Tennessee Public Records Act to be reviewed by the Government Operations Committee. The Committee must then give the legislation a positive, negative, or neutral recommendation.

Effective July 1, 2019.

Chapter No. 256 (HB0248/SB0182). School bus video footage and photographs accessible to parents. Amends Tennessee Code Annotated, Title 49, Chapter 6, Part 21 by requiring a local board of education to adopt a policy that establishes a process for allowing a "parent" of a student to view photographs or video footage collected from a camera or video camera installed inside a school bus, if the LEA has one or more school buses operating in the LEA with a camera or video camera installed inside a school bus used to transport students to and from school or school-sponsored events. Requires the policy to include the fact that the video footage or photographs must be viewed under the supervision of the director of schools or a designated school official. The policy must also designate how long the video footage or photographs will be maintained by the LEA and the policy must comply with all relevant state and federal privacy laws.

Effective April 30, 2019, for purposes of adopting a policy and July 1, 2019, for all other purposes.

Chapter No. 425 (HB0594/SB1262). Accessibility of identifying information in settlement agreements. Amends Tennessee Code Annotated, Title 29, Chapter 34, Part 1 by providing that any part of a settlement agreement entered into by a governmental entity that has the effect of prohibiting the disclosure of the identities of any person related to the claim is void and unenforceable, except that the identity of a victim of sexual harassment or certain sex related offense is confidential, unless the victim authorizes the disclosure of his/her identity.

Effective May 21, 2019.

Taxes-Amusement

Chapter No. 159 (HB1138/SB0960). Gym tax eliminated. Amends T.C.A. § 67-6-330 by repealing the amusement tax on the admission, dues, fees, and other charges paid to any person principally engaged in offering services or facilities for the development or preservation of physical fitness through exercise or other physical fitness conditioning.

Effective July 1, 2019.

Taxes-Hotel/Motel

Chapter No. 241 (HB0073/SB0858). Occupancy tax levy authorized for the City of Erwin. Amends T.C.A. § 67-4-1425 by authorizing the City of Erwin to levy an occupancy tax not to exceed 2.5% of the cost of a hotel/motel room upon approval of a 2/3 vote of the governing body. The proceeds are to be used solely to promote tourism and economic development and the manner of collection and administration is to be set out in an ordinance.

Effective May 2, 2019.

Chapter No. 282 (HB0118/SB0007). Occupancy tax levy authorized for the City of Ashland City. Amends T.C.A. § 67-4-1425 by authorizing the City of Ashland City to levy an occupancy tax not to exceed 2.5% of the cost of a hotel/motel room upon approval of a 2/3 vote of the governing body. The proceeds are to be used solely to promote tourism and economic development in the city and the manner of collection and administration is to be set out in an ordinance.

Effective May 8, 2019.

Chapter No. 348 (HB1500/SB1509). Occupancy tax levy authorized for the City of Cookeville. Amends T.C.A. § 67-4-1425 by authorizing the City of Cookeville to levy an occupancy tax not to exceed 3.0% of the cost of a hotel/motel room upon approval of a 2/3 vote of the governing body. The proceeds are to be used solely to promote tourism and economic development in the city and the manner of collection and administration is to be set out in an ordinance.

Effective May 10, 2019.

Chapter No. 349 (HB2666/SB2707). Occupancy tax levy authorized for the City of White Pine. Amends T.C.A. § 67-4-1425 by authorizing the City of White Pine to levy an occupancy tax not to exceed 3.5% of the cost of a hotel/motel room upon approval of a 2/3 vote of the governing body. The proceeds are to be used solely to promote tourism and economic development in the city and the manner of collection and administration is to be set out in an ordinance.

Effective May 10, 2019.

Chapter No. 426 (HB0597/SB1103). Occupancy tax provision related to Metropolitan Nashville and Davidson County extended. Amends T.C.A. § 7-4-202 by extending until May 21, 2020, the time period in which Metropolitan Nashville and Davidson County can charge an additional occupancy tax in the amount of \$2.50 upon the occupancy of each hotel room in the metropolitan area.

Effective May 21, 2019.

Taxes-Property

Chapter No. 59 (HB0100/SB0278). Property Tax Maps. Amends T.C.A. § 67-5-806(b) by requiring the property assessor to annually file the current version of a property map that has been prepared by or for a municipality, with the register of deeds by April 15th of each year.

Effective January 1, 2020.

Chapter No. 170 (HB1112/SB0712). Various delinquent property tax provisions amended. Amends Tenn. Code Ann. § 67-5-1801 by requiring the county trustee to collect all municipal property taxes, when the municipality does not collect the taxes. Also provides that a municipality that certifies its delinquent tax list to the trustee or the delinquent tax attorney, is deemed to have authorized county officers to do all things authorized under the law related to delinquent taxes, including conveying all interest of the municipality in the property sold, until such time as the municipal governing body determines otherwise and records a document in the register of deeds office evidencing that decision. Provides that this language is retroactive.

Also amends Tenn. Code Ann. § 67-5-2505 by requiring a delinquent tax attorney to search public records to identify and locate individuals who have interest in delinquent property. Provides that the judge in the case is to set a reasonable attorney fee per parcel, per year of delinquent taxes owed, per taxing district, and these fees become additional expenses that are secured by the first lien in favor of the municipality.

Also amends Tenn. Code Ann. § 67-5-2701 by establishing new right of redemption periods.

Effective April 18, 2019.

Chapter No. 265 (HB1269/SB0708). Assessment of leased personal property. Amends T.C.A. § 67-5-502(c) by providing that leased personal property not being used by a public utility company or modern market telecommunication provider is to be classified according to the use of the property and assessed to the leasee, unless the property is subject to a legal agreement between the leasee and a local government, or instrumentality of a local government, for payment in lieu of taxes.

Effective April 30, 2019.

Chapter No. 355 (HB0280/SB0408). Property tax exemption provisions amended. Amends T.C.A. § 67-5-207 by exempting from property tax, properties owned by non-profit organizations and funded through the HOME Investment Partnerships Program or a housing trust fund, that is used to provide permanent housing for low income or very low-income persons who are elderly or have a disability. Also amends T.C.A. § 67-5-212 by amending the processes for religious, charitable, scientific and nonprofit

educational institutions to seek a property tax exemption with the State Board of Equalization. Also establishes when such a property tax exemption becomes applicable to property upon which the institution constructs improvements to be used purely and exclusively for one or more of the purposes for which the institution exists.

Effective May 10, 2019.

Chapter No. 436 (HB0809/SB0886). Definition of “agricultural land” for property tax assessment purposes amended. Amends T.C.A. § 67-5-1004 by adding that for the purpose of property classification and property tax assessment, “agricultural land” includes 2 noncontiguous tracts of land within the same county totaling at least 15 acres, including woodlands and wastelands, that are separated only by a road, body of water, or public or private easement and together constitutes a farm.

Effective January 1, 2020.

Taxes-Sales

Chapter No. 157 (HB0931/SB0787). Effective date of streamlined sales tax provisions delayed. Amends Section 187 of Chapter 602 and each later amendment to this provision by delaying the effective date of Section 127 through 178 of the legislation until July 1, 2021.

Effective April 12, 2019.

Chapter No. 162 (HB0084/SB0237). Exempts certain car washes from sales and use tax. Amends T.C.A. § 67-6-205 by exempting from sales and use tax any car wash facility, coin-operated or otherwise, where the custody of the vehicle remains with the customer and the majority of the car wash is completed by the customer or automated equipment.

Effective April 18, 2019.

Chapter No. 178 (HB1271/SB0713). Certain agricultural equipment and supplies exempted from sales and use tax. Amends T.C.A. § 67-6-207 by exempting from sales and use tax farm products, nursery stock, or equipment, supplies, or products used in agriculture, as those terms are defined in § 43-1-113, or for other agricultural purposes relating to the operation and maintenance of a farm.

Effective July 1, 2019.

Chapter No. 400 (HB0695/SB1455). Certain public safety and public works-related goods exempt from sales and use tax. Amends Tennessee Code Annotated, Title 67, Chapter 6, Part 3 by exempting public safety and public works-related goods sold to Tellico Village and Fairfield Glades HOAs from sales and use tax.

Effective July 1, 2019.

Chapter No. 427 (HB0634/SB1416). Water sold to a qualified farmer or nurseryman exempted from sales and use tax. Amends T.C.A. § 67-6-207 by exempting from sales and use tax water sold to a qualified farmer or nurseryman that is used directly in the production of food or fiber for human or animal consumption or to aid in the growing of a horticultural product.

Effective July 1, 2019.

Chapter No. 483 (HB1441/SB1309). Lease or rental of dumpster exempted from sales and use tax. Amends T.C.A. § 67-6-102(49) by exempting from sales and use tax the lease or rental of a dumpster or other container for waste or debris removal and the delivery and pickup of the dumpster. Requires that the provider of the dumpster be solely responsible for the delivery and pickup of the dumpster for the exemption to be applicable.

Effective July 1, 2019.

Chapter No. 491 (HB0326/SB0325). Various sales tax provisions amended. Amends T.C.A. § 67-6-504 by requiring all out of state dealers to provide sufficient information to the Commissioner of the Department of Revenue to indicate the municipality or unincorporated area into which a sale is shipped or delivered, even if the local tax rates are the same in both areas.

Also amends T.C.A. § 67-6-712 by providing the distribution formula when a dealer fails to provide the Department of Revenue with sufficient information to determine the proper distribution of local sales tax. The distribution formula is as follows:

- (1) Until July 1, 2021, any out-of-state local option sales tax collections that are sent to the state of Tennessee without situs information will be allocated to each city or county based on each city or county's percentage of in-state (brick and mortar location) sales.
- (2) After July 1, 2021, any out-of-state local option sales tax collections that are sent to the state without situs information will be allocated to each city or county based on each city or county's percentage of out-of-state sales where a dealer collects the situs information.

Effective October 1, 2019.

Chapter No. 501 (HB0605/SB1458). Certain fiber-optic cable exempted from sales and use tax. Amends T.C.A. § 67-6-102 by removing fiber-optic cable from the definition of tangible personal property, when the cable has become attached to a utility pole, building, or other structure or installed underground, which exempts the cable from sales and use tax.

Effective July 1, 2019.

Transportation

Chapter No. 76 (HB0696/SB1496). Certain slow-moving vehicles not subject to certain rules of the road. Amends T.C.A. §§ 55-8-123 and 55-8-154 by excluding farm tractors and implements of husbandry from the requirement that vehicles traveling on highways maintain a minimum speed, if one is posted,

and the requirement that slow-moving vehicles, behind which 5 or more vehicles have formed a line, pull off of the highway until the other vehicles have passed.

Effective March 28, 2019.

Chapter No. 150 (HB0732/SB0595). Regulation of pedal carriages and rickshaws. Amends T.C.A. § 55-26-102 by authorizing municipalities and metropolitan governments to regulate and control the commercial use of pedal carriages and rickshaws as modes of transportation, for hire, through an ordinance.

Effective April 17, 2019.

Chapter No. 246 (HB0571/SB0859). Proof of financial responsibility to be requested upon violation of motor vehicle equipment requirements. Amends T.C.A. § 55-12-139 by requiring law enforcement officers to request proof of financial responsibility when a driver of a motor vehicle is charged with violation of equipment requirements in Title 55, Chapter 9.

Effective May 2, 2019.

Chapter No. 388 (HB1220/SB1107). Regulation of electric scooters authorized. Amends Tennessee Code Annotated, Title 55, Chapter 8, Part 2 by exempting any person operating an electric scooter from drivers license and financial responsibility requirements and titling and registration requirements. Authorizes a municipality or metropolitan form of government to regulate, control, or ban the use of electric scooters within the geographic boundaries of the local government through an ordinance. Requires the ordinance to be reasonably related to the promotion and protection of the health, safety, and welfare of the riders, operators, pedestrians, and motorists.

Effective July 1, 2019.

Chapter No. 412 (HB0164/SB0173). Hands-free use of wireless telecommunication devices and stand-alone electronic devices required when operating a motor vehicle. Amends Tenn. Code Ann. § 55-8-199 by making it an offense to: (1) hold or support with any part of a person's body a cell phone or other electronic device while driving a motor vehicle; (2) write, send, or read any text messages that are not voice-based or for navigation while operating a motor vehicle; (3) watch a video or movie while operating a motor vehicle; or (4) record or broadcast on a cell phone, while operating a motor vehicle. Authorizes a function or feature of a wireless communication device or stand-alone electronic device to be activated or deactivated with the swipe or tap of a finger, as long as a camera, video, or gaming feature is not activated and the device is mounted to the vehicle's windshield, dashboard, or center console in a manner that does not obstruct the driver's view of the road. Makes violation of this provision a Class C misdemeanor subject only to a fine not to exceed \$50.00, unless the violation is the person's third or subsequent offense or if the violation results in an accident, then the fine is \$100.00. Imposes a fine of \$200.00 when the violation occurs in a work zone when employees are present or in a marked school zone when a warning flasher or flashers are in operation. Allows for court costs not to exceed \$10.00. Also permits first offense violators to attend driving school. Provides that each violation is a separate offense and is considered a moving violation. Includes several exemptions.

Effective July 1, 2019.

Chapter No. 477 (HB1252/SB0747). New regulations for horse-drawn vehicles. Amends T.C.A. § 55-9-401 by requiring any horse-drawn vehicle that is used on the highway primarily as a means of transportation during the period of time ½ hour before sunset until ½ hour after sunrise and at all times when there is not sufficient light to clearly see any person on the road or highway from 200 ft. ahead of the vehicle to be equipped with reflective lanterns and either a red battery operated LED flashing light or reflective tape. Makes violation of this provision a Class C misdemeanor.

Effective January 1, 2020.

Utilities

Chapter No. 41 (HB0202/SB0430). Utility training provisions amended. Amends T.C.A. § 7-34-115 by requiring any entity that provides online utility training to provide the municipal official taking the online training with a certificate of completion or attendance, which is to be submitted by the municipal official to the municipality. Requires the municipality to maintain the certificate for 6 years after the calendar year in which the certificate is submitted.

Effective March 22, 2019.

Chapter No. 116 (HB0165/SB0178). Permits for subsurface sewage disposal systems. Amends T.C.A. § 68-221-409 by providing that the Commissioner of the Tennessee Department of Environment and Conservation cannot deny a permit for a subsurface sewage disposal system based solely on the fact that a public sewer system is accessible if: (1) a moratorium has been placed on additional connections to the public sewer system; and (2) the applicant submits documentation with the application for the permit that shows that the applicant cannot connect or has been placed on a waiting list by the public sewer system because of the moratorium. Requires that any sale, option to purchase, or exchange of property consisting of between 1 and 4 residential units for which a permit was issued and a subsurface sewage disposal system installed, include disclosure by the seller to the purchaser of the potential obligation to connect to the public sewer system.

Effective April 9, 2019.

Chapter No. 228 (HB0603/SB1366). Expansion of the services of a municipal utility authorized. Amends T.C.A. § 7-34-115 by allowing municipal utility systems that provide water, sewer, or natural gas to enter into agreements with companies to provide water, sewer, or natural gas leak protection bill coverage, insurance, or service agreements for customers and to offer customers water line, sewer line, or natural gas line damage protection coverage, insurance, or service agreements for customer-owned water, sewer, or natural gas lines. The municipal utility may include the cost of the coverage, insurance, or service agreements on the customer's monthly utility bill.

Also allows a municipal utility that offers electric service to assist its utility customers in installing or maintaining fixtures, devices, appliances, apparatus, and equipment of all kinds and to purchase, acquire, lease, sell, distribute, incentivize, insure, make loans, provide service contracts, enter into agreements, contract with third parties, and repair such fixtures, devices, appliances, apparatus, and

equipment. Allows for such transactions with customers to be added to the customer's monthly billing statement. Provides that services can be terminated for non-payment for these transactions in accordance with a policy adopted by the utility's governing body.

Effective April 30, 2019.

Chapter No. 237 (HB1242/SB1095). Amendment to the Utilities' Cut-off Procedures Act. Amends T.C.A. § 65-32-104 by providing that a utility governing body, in conjunction with the utility management team, in Metropolitan Nashville/Davidson County is to establish a policy governing the discontinuation of services for nonpayment of service. Requires the policy to comply with service practice standards and best practices for similarly situated utilities. Deletes the language that allowed for services to be reconnected or resumed after services are disconnected, but arrearages are paid, or an acceptable payment arrangement made.

Effective July 1, 2019.

Chapter No. 508 (HB0377/SB0308). Provisions related to utility round-up programs amended. Amends T.C.A. § 7-34-115 by providing that any municipality that operates a municipal utility system and has established a round-up program that accepts and distributes excess receipts for bona-fide charitable purposes must: (1) not enroll any customer into the program without express consent, if the program is established after January 1, 2021; (2) allow a customer to opt-out of the program by providing notice to the utility of the desire to cease participation; (3) provide written notice to all customers before November 1, 2020, if the program currently operates as an opt-out program, that the program is opt-out, that the customer has the right to opt-out, and information on how the customer can opt-out. Also requires any municipal utility that utilizes an opt-out program to put information about the customer's right to cease participation in the program on the municipal utility's website, if one exists. Also amends T.C.A. § 7-52-103 by adding similar provisions for round-up programs being operated by a municipality with a municipal electric plant.

Effective June 3, 2019.