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## Summary of 2018 Public Acts

Elisha Hodge

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

# **SUMMARY OF 2018 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.

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## **Alcohol**

**Chapter No. 650 (HB1948/SB2003). Manufacture of intoxicating liquor allowed.** Amends T.C.A. § 57-2-103 by making it lawful to manufacture intoxicating liquor in Lenoir City.

*Effective April 9, 2018.*

**Chapter No. 680 (HB2186/SB2339). Pine Creek Golf Course and Capitol Theater authorized to sell alcoholic beverages for on-premises consumption.** Amends T.C.A. § 57-4-102 by designating the Pine Creek Golf Course in Mount Juliet and the Capitol Theater in Greeneville as premier type tourist resorts for purposes of authorizing the sale of alcoholic beverages for on-premises consumption.

*Effective April 12, 2018.*

**Chapter No. 692 (HB1576/SB2573). City of Ethridge authorized to hold referendum.** Amends T.C.A. §§ 57-3-106 and 57-4-103 by allowing the City of Ethridge to hold a referendum for both liquor by the drink and retail package stores.

*Effective April 9, 2018.*

**Chapter No. 717 (HB1715/SB1814). Storage of alcohol by licensed manufacturers.** Amends T.C.A. § 57-2-104 by authorizing licensed manufacturers of alcohol or an authorized agent of the manufacturer to possess, store, or transport products from the manufacturing plant across the state and store such products in any county that has authorized the manufacture of intoxicating liquor or in an adjacent county that has authorized the manufacturing operations. The storage facilities must be owned, authorized, or leased by such manufacturer. Also allows common carriers to transport intoxicating liquor manufactured at a plant.

*Effective April 12, 2018.*

**Chapter No. 740 (HB1474/SB2210). Sale of alcoholic beverages for on-premises consumption authorized.** Amends T.C.A. § 57-4-102(a)(26) by designating Marblegate Farms in Friendsville, Amis Mill Eatery in Rogersville, and Oasis Pizza in Harrogate as premier type tourist resorts and Blue Mountain Mist Country Inn and Cottages in Sevierville as a bed and breakfast establishment for purposes of authorizing consumption of alcoholic beverages on-premises.

*Effective April 18, 2018.*

**Chapter No. 755 (HB1976/SB1820). Expansion of premises for on-premises consumption.** Amends T.C.A. § 57-4-101 by authorizing an entity licensed or applying for a license to serve alcohol for on-premises consumption to include in the designation of its premises, any contiguous area owned or controlled by the entity, for purposes of being able to serve alcohol or beer for on-premises consumption in the designated area. Requires entities to limit the ingress and egress of customers in these areas through barriers. Allows multiple entities licensed for on-premises consumption and operating out of the same building or facility to have overlapping designated premises, as long as each entity uses glasses or cups that identify where the alcohol was sold for on-premises consumption. Also amends T.C.A. § 57-4-203 by allowing an entity licensed to sell alcohol for on-premises consumption to

serve a sample of wine, not more than 1 ounce, to a patron or customer, without charging for the sample.

*Effective April 18, 2018.*

**Chapter No. 783 (HB1540/SB2518). Sunday sales permitted and retail package store licenses limited.**

Amends T.C.A. § 57-3-406 by providing that alcohol may be sold in retail package stores between 10:00 a.m. and 11:00 p.m. on Sundays. Restricts sales of alcohol in retail package stores on Christmas, Thanksgiving, and Easter. Also amends T.C.A. § 57-3-811 by prohibiting a retail food store from selling, giving away, or otherwise dispensing of wine, except between 8:00 a.m. and 11:00 p.m. Monday through Saturday, until December 31, 2018. On January 1, 2019, retail food stores can begin selling, giving away, or otherwise dispensing wine on Sundays from 10:00 a.m. until 11:00 p.m. Also amends T.C.A. § 57-3-204 by permitting new licenses for retail package stores to only be issued in municipalities that approve package store by local option election after April 1, 2018, or to applicants who applied for licenses prior to the effective date of this act. Allows an individual to purchase an existing license from a current licensee and then apply to the ABC for a transfer of that license. If the license is transferred to a new location, the new location may not be within 1500 ft. of another retail package store but must be within the same jurisdiction as the previous store.

*Effective April 20, 2018, except that Section 4 becomes effective January 1, 2019. Section 3 is repealed January 1, 2019, and Sections 7 through 12 are repealed July 1, 2021.*

**Chapter No. 785 (HB1752/SB1907). Sale of alcoholic beverages for on-premises consumption**

**authorized.** Amends T.C.A. § 57-4-102(26) by designating Gaylord Springs Golf Links in Nashville as a premier type tourist resort for purposes of authorizing the sale of alcoholic beverages for on-premises consumption.

*Effective April 20, 2018.*

**Chapter No. 787 (HB2530/SB2075). Sale of alcoholic beverages for on-premises consumption**

**authorized.** Amends T.C.A. § 57-4-102(26) by designating Whitestone Country Inn in Kingston as a premier type tourist resort for purposes of authorizing the sale of alcoholic beverages for on-premises consumption.

*Effective April 20, 2018.*

**Chapter No. 812 (HB2308/SB1998). Sale of alcoholic beverages for on-premises consumption**

**authorized.** Amends T.C.A. § 57-4-102(38) by designating the National Museum of African American Music in Nashville as an urban park center for purposes of authorizing the sale of alcoholic beverages for on-premises consumption.

*Effective July 1, 2018.*

**Chapter No. 847 (HB2358/SB2377). Sale of alcohol for on-premises consumption authorized.** Amends T.C.A. § 57-4-102(26) by designating The Church@117 in Manchester and Drafts and Watercrafts in Winchester as premier type tourist resorts for purposes of authorizing the sale of alcoholic beverages for on-premises consumption.

*Effective April 26, 2018.*

**Chapter No. 860 (HB2420/SB2682). Sale of alcohol for on-premises consumption authorized.** Amends T.C.A. § 57-4-102(26) by designating The Caverns in Pelham and Wildwood Resort and Marina in Granville, and Shelly Belle's in Claiborne County as premier type tourist resorts for purposes of authorizing the sale of alcoholic beverages for on-premises consumption.

*Effective May 3, 2018.*

**Chapter No. 891 (HB2175/SB2478). Referendum authorized.** Amends T.C.A. § 57-3-106 by authorizing the City of Cedar Hill to hold a referendum to authorize the retail sale of alcohol in package stores and on-premises consumption of alcohol.

*Effective May 3, 2018.*

**Chapter No. 912 (HB2015/SB1941). Sale of alcohol for on-premises consumption authorized.** Amends T.C.A. § 57-4-102(26) by designating 1892 Restaurant and Leiper's Fork Market in Leiper's Fork as premier type tourist resorts for purposes of authorizing the sale of alcoholic beverages for on-premises consumption.

*Effective May 1, 2018.*

**Chapter No. 933 (HB2191/SB1866). Provisions related to delivery services and storage of alcoholic beverages amended.** Amends T.C.A. § 57-3-406 by requiring any delivery made by a delivery service to be made only to the physical address indicated by the individual placing the delivery order. Provides the same for deliveries made by retailers. Also amends T.C.A. § 57-5-416 by making it unlawful for retailers to store beer purchased for a specific retail location at any place other than that specific location. Also amends T.C.A. § 57-3-406 by prohibiting retailers from storing any alcoholic beverages, wine, or beer at any location other than the licensed premises of the retailer. Also prohibits the retailer from holding, accepting, or storing a delivery of any products intended for another retailer.

*Effective July 1, 2018.*

**Chapter No. 944 (HB2280/SB2331). Beer permit provisions amended.** Amends T.C.A. § 57-5-106 by permitting Montgomery County to issue, revoke, and suspend beer permits for the sale, storage, manufacture, and distribution of beer in a park owned by the county inside of the city limits of Clarksville. Also amends T.C.A. § 57-5-103(a)(2) by clarifying that beer permits may be issued to local governmental entities that are responsible for the premises where a beer permit is being sought.

*Effective May 15, 2018.*



**Chapter No. 950 (HB2692/SB2706). Sale of alcohol for on-premises consumption authorized.** Amends T.C.A. § 57-4-102(26) by designating The Caverns in Pelham and the South Jackson Civic Center in Tullahoma as premier type tourist resorts for purposes of authorizing the sale of alcoholic beverages for on-premises consumption.

*Effective May 15, 2018.*

**Chapter No. 1010 (HB2275/SB2111). Sale of alcohol for on-premises consumption authorized.** Amends T. C.A. § 57-4-102(33) by designating the athletic stadiums at Middle Tennessee State University and Tennessee State University as sports authority facilities for purposes of authorizing the sale of alcohol for on-premises consumption.

*Effective May 21, 2018.*

**Chapter No. 1027 (HB0447/SB0793). Retail sale of alcohol allowed in Tellico Village.** Amends T.C.A. § 57-3-106 by authorizing the retail sale of alcohol in Tellico Village. Authorizes the Tennessee Alcoholic Beverage Commission to issue a retailer’s license to any 501(c) nonprofit operating the Village, if the board of the nonprofit approves having a retail licensee within the Village by a majority vote.

*Effective May 21, 2018.*

## **Animals**

**Chapter No. 635 (HB1991/SB2468). Use of deposit from new owner.** Amends T.C.A. § 44-17-503 by allowing animal shelters run by municipalities to use the deposits required of new owners who adopt dogs or cats that have not been spayed or neutered, to be used to defray operational expenses such as food, medications, tests, and other supplies which will improve the quality of life for the dogs and cats in the programs, but not salaries. Requires the agency to maintain a minimum balance of at least 6 months of forfeited deposits before any forfeited deposits can be used for the purposes outlined above.

*Effective July 1, 2018.*

## **Authorities, Boards and Commissions**

**Chapter No. 529 (HB1504/SB1516). Industrial Development Corporations and debt obligations.** Amends T.C.A. § 7-53-304 by requiring industrial development corporations to maintain an aggregate listing of its debt, including conduit debt obligations, in accordance with guidelines approved by the State Funding Board (hereinafter referred to as “Board”). At the end of each fiscal year, the listing and any other information required by the guidelines is to be submitted to the Board. Also requires a corporation to provide the Board notice of default on any of its debt obligations within days of the default.

*Effective March 7, 2018.*

**Chapter No. 634 (HB2621/SB2342). Provisions related to Greater Nashville Regional Council amended.**

Amends T.C.A. §§ 64-7-102-104 and 64-7-111 by expanding the infrastructure issues that the Greater Nashville Regional Council will look at to include public transportation and pedestrian and bicycle facilities. Also requires one representative to be on the Council from an agency or organization that deals with problems related to economic development or promotion, to be appointed by the county mayor, county executive, or metropolitan mayor from each of the regional council's member counties and one minority representative with knowledge of issues related to social equity and inclusion, to be appointed by the county mayor, county executive, or metropolitan mayor from each of the regional council's member counties. Also requires the secretary of the Council to be the individual serving as the executive director. Requires the Council to meet annually for the purpose of electing officers, reviewing programs of the Council, adopting an annual work program and budget, and any other necessary items. Requires the Council to appoint an executive board at each annual meeting and to ensure representation from at least one local government within each of the counties represented. Provides that all plans are advisory only unless otherwise provided by federal law.

*Effective April 2, 2018.*

**Chapter No. 659 (HB2362/SB2425). Metropolitan Planning Organization's policy board membership requirements amended.** Amends T.C.A. § 64-8-301 by requiring that one voting member of the Metropolitan Planning Organization's policy board who resides within the planning organization's boundaries be chosen in consultation with the Tennessee County Highway Officials Association to represent county highway departments operating within the planning area.

*Effective April 9, 2018.*

**Chapter No. 807 (HB1600/SB1773). Authority of library boards amended.** Amends T.C.A. § 10-3-104 by deleting the language that gave library boards line-item control of the budgeting and expenditure of all moneys collected, donated, or appropriated for the library fund.

*Effective April 24, 2018.*

## **Codes Enforcement**

**Chapter No. 627 (HB2010/SB2096). Residential rental inspections authorized.** Amends T.C.A. § 13-21-314 by authorizing the City of Goodlettsville to conduct residential rental inspections on residential rentals that are either deteriorated or in the process of deteriorating, for compliance with applicable local housing, building, plumbing, electrical, fire, health, or related codes and to promote the health, safety, and welfare of its citizens.

*Effective July 1, 2018.*

## **Contracts**

**Chapter No. 794 (HB1763/SB2501). Contracts for architectural, engineering, and construction services.** Amends T.C.A. § 12-4-107 by allowing municipalities to contract for construction management agent or

advisor services or construction manager at-risk services for construction of local projects or additions to existing buildings, subject to a written request for proposals process that is publically advertised.

*Effective April 20, 2018.*

## **Crimes and Criminal Procedure**

**Chapter No. 547 (HB1771/SB1734). Certain actions of new home construction contractors and home improvement service providers constitute theft.** Amends T.C.A. § 39-14-154 by amending the definition of “new home construction” to include erecting a building, installation, design work, engineering work, permitting through a governmental entity, architectural design, obtaining construction financing, and construction. Makes it a criminal offense if no substantial portion of the new home construction or home improvement service work contracted for has been performed at the time a request for a refund is made to a contractor, if the contractor, with the intent to defraud, 1.) fails to refund the money within 10 days or 2.) the contractor deviates from or disregards plans or specifications in any material respect, the homeowner did not provide written consent for the deviation, and the deviation negatively impacts the value of the new construction.

*Effective July 1, 2018.*

**Chapter No. 598 (HB1811/SB2235). Notification to victim of violent crime.** Amends T.C.A. § 40-38-103(b) by requiring any law enforcement agency responsible for the investigation of a crime or arrest of a defendant for a violent crime involving serious bodily injury or the death of a relative, the sheriff, jailer, victim-witness coordinator, or other custodian of the offender to maintain a physical or electronic record of the victim or victim’s family member’s request for notification that the alleged offender will be released from a jail or detention center prior to trial. Also makes the email address of the victim or victim’s family member confidential.

*Effective July 1, 2018.*

**Chapter No. 643 (HB1947/SB1920). Playground defined.** Amends T.C.A. § 40-39-211 by defining “playground” as an indoor or outdoor facility that is intended for recreation of children owned by the State, a local government, or a not-for-profit organization and includes any parking lot appurtenant to the indoor or outdoor facility, for purposes of establishing where a sexual offender or violent sexual offender, whose victim was a minor, is prohibited from knowingly establishing a primary or secondary residence or any living condition, accepting employment, or obtaining sexual offender treatment.

*Effective July 1, 2018.*

**Chapter No. 772 (HB2021/SB1987). Civil Asset Forfeiture provisions amended.** Amends T.C.A. § 40-33-203 by providing that after seizure of any personal property subject to forfeiture pursuant to T.C.A. § 40-33-201, where the owner of the property is not present at the time of the seizure, the seizing officer is required, within 5 business days of the date of seizure, to mail the owner, by return receipt requested mail, to the owner’s last known address, a notice entitled “Notice of Forfeiture Warrant Hearing.” Enumerates the information that must be included in the notice. Provides that if the owner cannot be determined, the officer is required to document the attempts made to determine the owner and include

the documentation with any application for a forfeiture warrant for the judge to review. Provides that during a forfeiture warrant hearing, if the owner was not present at the time of the seizure, the officer must present the court with the application for a forfeiture warrant, the affidavit in support, the notice of seizure, and the notice of forfeiture warrant hearing for both the person in possession of the property at the time of the seizure, if no arrest was made, and the owner of the property. Requires that all forfeiture warrant hearings be held within 45 days of seizure. Provides that if neither the person in possession at the time of the seizure, if no arrest was made, nor the owner of the property appear at the hearing and the person in possession and the owner have received notice of the hearing, the court must review the application for a forfeiture warrant ex parte.

Also amends T.C.A. § 40-33-204 by requiring each seizing agency, within 5 business days of receipt of any forensic chemistry report regarding an alleged controlled substance or controlled substance analogues that are the basis of the seizure, to send a copy of the forensic chemistry report to the agency that will be conducting the forfeiture proceeding. Requires the agency conducting the forfeiture proceeding to dismiss the case or a portion of the case within 5 business days of receiving the report, if the report shows that the substances that were the sole basis for the seizure were not controlled substances or controlled substance analogues. Requires the seizing agency to make the property available to the owner or the person in possession at the time of the seizure within 5 business days of receiving the signed order of dismissal. Also amends T.C.A. § 40-33-204 by providing that in any forfeiture warrant hearing, there is a rebuttable presumption that any currency seized, for which a person has claimed ownership, is not subject to forfeiture absent evidence to the contrary. The burden is on the seizing officer to rebut the presumption. Finally, Tennessee Code Annotated, Title 40, Chapter 33, Part 2 is amended by adding language that requires attorney's fees to be assessed against a seizing agency when an initial order is entered returning seized property. The limits for the amount of fees that can be awarded are enumerated.

*Effective October 1, 2018, except Section 9 is effective Jan. 1, 2019.*

**Chapter No. 801 (HB2192/SB1512). Inquiry made following arrest.** Amends Tennessee Code Annotated, Title 38, Chapter 3 by requiring that whenever a person is arrested and taken into custody, the person is asked whether he/she is a parent or legal guardian of any children who will be left unattended by the person's arrest. The law enforcement officer making the inquiry must determine from the information whether a child or children will be endangered by the parent or legal guardian's arrest. Requires each law enforcement agency to develop policies and procedures for conducting welfare checks on any child identified as endangered pursuant to this provision. A welfare check may be performed by the law enforcement agency or another agency responsible for ensuring the welfare of children. No arresting law enforcement agency will be liable if a parent or legal guardian fails to inform the arresting officer about an endangered child.

*Effective July 1, 2018.*

**Chapter No. 824 (HB1786/SB1499). New information required on the R-84 Disposition Cards.** Amends T.C.A. § 8-4-115 (a)(1)(C) by requiring local law enforcement to provide a state control number, which is a unique 12 digit number generated and printed by a live scan device or automated fingerprint identification system for the purpose of identifying, tracking, or referencing a criminal transaction, on

the R-84 Disposition Card and attached to the arresting document to the clerk within 7 business days of arrest so that the clerk can electronically submit final disposition of cases to the TBI.

*Effective January 1, 2019.*

**Chapter No. 866 (HB1140/SB0488). Expectation of Privacy.** Amends T.C.A. § 39-13-605 by adding to the provision that makes it a criminal offense to take certain types of photographs of an individual without consent, when an individual has a reasonable expectation of privacy, regardless of where a photograph is taken, if the photograph is taken in a manner that would offend or embarrass a reasonable person and the photograph depicts areas of the person's body, clothed or unclothed, that would not be visible to ordinary observation but for the offensive or embarrassing nature of the photography.

*Effective July 1, 2018.*

**Chapter No. 903 (HB2464/SB2316). Possession of a handgun by a felon.** Amends T.C.A. § 39-17-1307 by making it a criminal offense for an individual who is a felon to possess a handgun unless the individual has been pardoned, the felony conviction has been expunged, or the person's civil rights have been restored and the restoration order did not prohibit the person from possessing firearms.

*Effective July 1, 2018.*

**Chapter No. 914 (HB2130/SB2030). "Tennessee Stolen Valor Act" enacted.** Amends T.C.A. § 39-16-301 by enacting the "Tennessee Stolen Valor Act" which makes it a Class A misdemeanor to impersonate an active or retired member of an active or reserve component of the armed forces in order to obtain money, property, services, or other tangible benefits. All proceeds from any fine imposed by this section are to be paid into the State's general fund with the intent that an amount equal to the amount of the fines collected be used for veterans' property tax relief, subject to the general appropriations act.

*Effective July 1, 2018.*

**Chapter No. 925 (HB1028/SB0949). Assault provisions amended.** Amends T.C.A. § 39-13-101(b) by making intentionally, knowingly, or recklessly causing bodily injury to another a Class A misdemeanor punishable by incarceration and fine not exceeding \$15,000, intentionally or knowingly causing another to reasonably fear imminent bodily injury a Class A misdemeanor, and intentionally and knowingly causing physical contact with another that could reasonably be thought of as offensive or provocative a Class B misdemeanor. Requires the managing authority of a local jail to report an inmate who intentionally, knowingly, or recklessly causes bodily injury to a correctional officer, to the district attorney general for prosecution.

*Effective July 1, 2018.*

**Chapter No. 970 (HB2256/SB1993). "Freedom from Unwarranted Surveillance Act" enacted.** Amends T.C.A. § 39-13-609 by enacting the "Freedom from Unwarranted Surveillance Act". Provides a list of reasons for which a law enforcement agency may use a drone or similar device to collect evidence or obtain information without constituting a search. Requires any law enforcement agency that uses drones or similar devices to collect evidence or obtain information to comply with the 4<sup>th</sup> Amendment of the US Constitution and Article 1, § 7 of the Tennessee Constitution. Limits the authorized use and

retention of any evidence, information, or data collected or obtained through use of a drone or similar device.

*Effective July 1, 2018.*

**Chapter No. 975 (HB0294/SB0200). Offense of aggravated stalking amended.** Amends T.C.A. § 39-17-315 by including in the offense of aggravated stalking, stalking or aggravated stalking that occurs when the perpetrator is 18 years of age or older and the victim of the offense was less than 12 years of age at any time during the person’s course of conduct.

*Effective May 21, 2018.*

**Chapter No. 993 (HB1722/SB1717). Organized Retail Crime Prevention Act amended.** Amends T.C.A. § 39-14-113 by requiring merchants to record enumerated information about individuals selling or purchasing store value cards and maintain the information for 3 years. Requires local law enforcement to notify merchants known to sell store value cards of the recording and reporting requirements established by this provision. Requires the notification to merchants to be in writing, include the law enforcement agency’s policy on reporting, and certify that the information provided will be maintained as confidential. Requires the report to the law enforcement agency to be made within 24 hours of the transaction. Requires the information that is reported to be stored on a law enforcement owned, operated, and housed server. Makes it a Class A misdemeanor for a merchant to fail to follow the reporting and recording requirements in this provision. Provides that a merchant can only be charged and convicted with violation of this provision if the law enforcement agency notified the merchant of the reporting and recording requirements in the jurisdiction.

*Effective July 1, 2018.*

**Chapter No. 1019 (HB1930/SB2517). Offense of promoting prostitution amended.** Amends T.C.A. §39-13-515 by making promoting prostitution a Class D felony if the person being promoted has an intellectual disability.

*Effective July 1, 2018.*

**Chapter No. 1050 (HB2159/SB2621). “Elderly and Vulnerable Adult Protection Act of 2018” enacted.** Amends various provisions within Tennessee Code Annotated, Title 39, Chapter 15, Part 5 by enacting the “Elderly and Vulnerable Adult Protection Act of 2018.” Makes it a Class E felony for a caregiver to willfully and knowingly neglect an elderly person to the extent that it has an adverse effect on the person’s health or welfare and makes it a Class D felony to do the same to a vulnerable adult. Provides that if the neglect is the result of abandonment or confinement and no injury occurs, then the offense is a Class A misdemeanor. Requires any individual who has a reasonable suspicion that an elderly or vulnerable adult is suffering or has suffered neglect or financial exploitation to report the suspicion to adult protective services. Requires a reasonable suspicion that an elderly or vulnerable adult has been sexually abused to be reported to adult protective services and the local law enforcement agency where the abuse is suspected to have occurred. Provides that any person who fails to make a reasonable effort to report the suspicion commits a Class A misdemeanor.

*Effective January 1, 2019.*

## **Economic and Community Development**

**Chapter No. 804 (HB1526/SB1701). Border Region Retail Tourism Development District provision amended.** Amends T.C.A. § 7-40-103(9) by expanding the investment period for a border region retail development district to 15 years after certification of the district.

*Effective April 24, 2018.*

**Chapter No. 1058 (HB2435/SB2056). Convention Center and Tourism Development Financing Act of 1998 amended.** Amends T.C.A. § 7-88-106 by adding that the portion of the incremental increase in the sales and use tax that is apportioned to a municipality or public authority that has financed or constructed a qualified public use facility within a tourism development zone, will be apportioned or distributed to one qualified use facility, if the facility is placed in service no later than December 31, 2022, and if such facility includes a hotel with at least 500 rooms and related retail, parking and commercial uses, subject to the recommendation of the Comptroller and the approval of the State Building Commission no later than December 31, 2018. Apportionment and distribution of local tax revenue will continue until the earlier of 1.) 30 years from the date that it is reasonably anticipated that the facility will begin operating or 2.) the date the total amount apportioned and distributed to the municipality under this provision equals the indebtedness of the municipality or public authority, plus interest thereon for the public use facility. Also amends T.C.A. § 67-4-3003 by adding that the privilege tax added to the sales price of goods sold in a public use facility in a tourism development zone will continue until the earlier of 1.) 30 years from the date that it is reasonably anticipated that the facility will begin operating or 2.) the date the total amount apportioned and distributed to the municipality under this provision equals the indebtedness of the municipality or public authority, plus interest thereon for the public use facility.

*Effective May 21, 2018.*

**Chapter No. 1064 (HB2664/SB2622). Payment in lieu of taxes agreements for retail businesses.** Amends T.C.A. § 7-53-305 by authorizing an industrial development corporation to negotiate payment in lieu of tax agreements for less than the ad valorem taxes due for a retail business for a period longer than 10 years, plus a reasonable construction period not to exceed 3 years, if the corporation 1.) is a joint industrial development corporation with representation from all affected taxing jurisdictions within the county; 2.) has entered into an interlocal agreement with other taxing jurisdictions to establish criteria for any payment in lieu of tax agreement that might affect shared tax bases; 3.) has received written approval from each county or local special school district which will suffer an actual loss of tax revenue under a payment in lieu of tax agreement; or 4.) pays the other affected local governments the amount of ad valorem taxes those governments would otherwise receive for the affected property based upon its assessed value after the initial 10 year agreement. Provides that this language does not apply to payment in lieu of tax agreements affecting only the municipality that created the corporation and the beneficiary making the agreement. Exempts Shelby County from the requirements of this provision. Requires an industrial development corporation to hold a public meeting related to a proposed payment in lieu of tax agreement after notice is provided at least 5 days prior to the date of such public meeting. The notice must include the time, place, and purpose of the public meeting.

*Effective October 1, 2018.*

## **Education**

**Chapter No. 537 (HB1570/SB1664). Location of charter schools.** Amends T.C.A. § 49-13-111 by requiring a public charter school to operate within the jurisdictional boundaries of the authorizing LEA. Requires the charter sponsor to submit the physical address of the charter school to the chartering authority and the Tennessee Department of Education at least 60 days prior to the opening of the charter school. Provides that if a charter school has not secured a physical address at least 60 days prior to opening, the charter school must seek a delay in opening in accordance with T.C.A. § 49-13-121.

*Effective March 7, 2018.*

**Chapter No. 553 (HB0902/SB0730). Scholars Summer Guide.** Amends Tennessee Code Annotated, Title 49, Chapter 6, Part 3 by requiring each student in grades k-8 to be given a Scholars Summer Guide. The guide is to be created by teachers familiar with future academic challenges and must contain information relative to curriculum from the previous year that needs to be retained, curriculum for the upcoming year and potential challenges, and summer reading assignments.

*Effective July 1, 2018.*

**Chapter No. 557 (HB1527/SB1624). Alteration of a transcript.** Amends Tennessee Code Annotated, Title 49, Part 50 by adding that a transcript for a student in a LEA, charter school, or virtual school cannot be altered unless the entity has a written policy governing student transcript alterations. Requires any alteration to be supported by documentation that includes an explanation for the alteration and evidence that the student earned the grade in the altered transcript. Provides that no employee can be retaliated against for notifying school officials of unauthorized alterations. Makes any employee who intentionally violates this section subject to disciplinary action and potential criminal prosecution.

*Effective July 1, 2018.*

**Chapter No. 569 (HB1460/SB1626). Recovery High Schools.** Amends Tennessee Code Annotated, Title 49, Chapter 6, Part 4 by allowing each local board of education to establish recovery high schools for students in grades 9-12 who have a primary or secondary alcohol or other drug abuse or dependency diagnosis or co-occurring substance use and psychiatric diagnosis. Enrollment is voluntary.

*Effective March 16, 2018.*

**Chapter No. 609 (HB2164/SB1510). Educational instruction on topics related to sex.** Amends T.C.A. § 49-6-1304 by requiring a family life curriculum, to the extent that the topic is age appropriate, to include instruction on the detection, intervention, prevention, and treatment of child sexual abuse, including abuse that may occur in the home. Also amends T.C.A. § 49-6-1306 by adding that parents will not have a cause of action against an instructor or organization providing instruction on gateway sexual activity or demonstrating sexual activity when the instruction is provided by instructors employed by an LEA approved organization or by LEA approved instructors teaching about detection, intervention, prevention, and treatment of child sexual abuse only.

*Effective April 2, 2018.*

**Chapter No. 625 (HB2231/SB2017). Homebound instruction requirements expanded.** Amends T.C.A. § 49-10-1101 by requiring each LEA to establish a homebound program for any student whose treating



physician certifies in writing that the student has a medical condition that prevents the student from attending regular classes. Requires the LEA to offer the student at least 3 hours of homebound instruction per week. Permits the LEA to decide how long the homebound instruction will continue, but requires the time frame to be extended if the doctor recertifies the student's inability to attend regular classes.

*Effective July 1, 2018.*

**Chapter No. 640 (HB2368/SB2661). National motto required to be displayed.** Amends Tennessee Code Annotated, Title 49, Chapter 6 by enacting the "National Motto in the Classroom Act." Requires an LEA to require personnel in each school within the LEA to display "In God We Trust" in a prominent location, such as a school entry way, cafeteria, or common area where students are likely to see the national motto in each school.

*Effective April 2, 2018.*

**Chapter No. 687 (HB1499/SB1794). 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, 2018.*

**Chapter No. 699 (HB2204/SB1471). "Senator Douglas Henry Tennessee History Act" amended.** Amends T.C.A. § 49-6-1015 by amending the implementation date of the "Senator Douglas Henry Tennessee History Act" to the 2019-2020 school year.

*Effective April 12, 2018.*

**Chapter No. 777 (HB2331/SB1947). Corporal punishment report.** Amends Tennessee Code Annotated, Title 49, Chapter 6, Part 41 by requiring each LEA, beginning with the 2018-2019 school year to submit a report to the Department of Education at least annually, detailing the LEA's use of corporal punishment. The report must include the name of each school where corporal punishment is used, why it was used, whether it was used on a student with an active 504 plan and if so, why the student has the plan. The report is not to include any personally identifiable information.

*Effective April 19, 2018.*

**Chapter No. 817 (HB1534/SB1898). LEAs required to adopt a policy related to the impact of achievement test scores on students' grades.** Amends T.C.A. § 49-1-617 by requiring each LEA to develop a policy that establishes the percentage of a 3<sup>rd</sup>-8<sup>th</sup> grade student's final grade in the spring semester in math, English language arts, science, and social studies, that will be comprised of the student's scores on the Tennessee Comprehensive Assessment Program (hereinafter "TCAP") tests. Requires the percentage to be from 0%-25% for grades 3-5 and 10%-25% for grades 6-8. Also provides that if an LEA does not receive a 9<sup>th</sup>-12<sup>th</sup> grade student's TCAP score at least 5 instructional days before the end of course, the LEA is not required to include the TCAP scores in a student's final grade for math, English language arts, science, and social studies.

*Effective April 27, 2018.*

**Chapter No. 835 (HB2549/SB1765). Grants and loans for energy efficient schools.** Amends T.C.A. §§ 49-17-103 and 104 by authorizing the energy efficient schools council to award grants and loans for energy efficient projects to charter schools and achievement school districts.

*Effective April 27, 2018.*

**Chapter No. 867 (HB1344/SB1399). Use of schools as polling places.** Amends T.C.A. § 2-3-107(b)(1) by providing that when a county election commission arranges for the use of a public school or public charter school as a polling place for a regular November election, the LEA or the public charter school must be closed for instruction on election day. Permits the LEA or the public charter school to use the day as an in-service day for school personnel. Also gives an LEA or public charter school the discretion to be open or closed on any other election day. If the LEA or public charter school decides to close, the day may be used as an in-service day for school personnel. Requires each LEA or public charter school, prior to adopting a calendar for the school year, to consult with the appropriate county election commission regarding the elections scheduled to be conducted during the school year for which the calendar is being adopted.

*Effective January 1, 2019.*

**Chapter No. 882 (HB1988/SB2039). Scholars Prep Guide.** Amends Tennessee Code Annotated, Title 49, Chapter 6, Part 3 by requiring each student in grades 9-12 to be given a Scholars Prep Guide. The guide is to be created by teachers familiar with future academic challenges and shall contain information relative to curriculum from the previous year that needs to be retained, curriculum for the upcoming year, and potential challenges.

*Effective July 1, 2019.*

**Chapter No. 886 (HB2049/SB2052). Use of accumulated sick leave when called into active duty.** Amends T.C.A. § 8-33-109 by authorizing, but not requiring, an educator who is in a reserve component of the United States armed forces, to use any accumulated sick leave when called into active duty, after using the 20 working days of full compensation, in lieu of taking leave without pay.

*Effective May 3, 2018.*

**Chapter No. 895 (HB2247/SB1835). Content of tests.** Amends T.C.A. § 49-1-610 by requiring standardized tests used to measure academic progress to include, each year, new questions that make up at least 30% of the test that did not appear on the test in the previous 2 years.

*Effective May 3, 2018.*

**Chapter No. 900 (HB2330/SB2330). Use of corporal punishment.** Amends T.C.A. §§ 49-6-4103 and 49-6-4403 by prohibiting school personnel from using corporal punishment against any student with a 504 plan or IEP, unless the LEA's discipline policy permits the use of corporal punishment and the parent of a child with a disability has authorized school personnel, in writing, to use corporal punishment on his/her child, under enumerated circumstances. The principal of the school must maintain the written permission from the parent on file, notify the parent when corporal punishment is used on the child, and inform the parent when the written permission is given that it may be revoked at any time by providing written notice to the principal that corporal punishment may no longer be used on the child.

*Effective July 1, 2018.*

**Chapter No. 906 (HB2550/SB2609). Firearm instruction authorized.** Amends Tennessee Code Annotated, Title 49, Chapter 6, Part 10 by authorizing an LEA to offer a gun safety class or program for students in elementary school. Provides that the course of instruction does not permit the use or presence of live ammunition or live fire.

*Effective May 3, 2018.*

**Chapter No. 910 (HB2690/SB2029). Written notice required for mental health screening.** Amends T.C.A. § 49-2-124 by requiring an LEA or school to notify a parent or legal guardian in writing prior to any student participating in a mental health screening. The notice must include the purpose of the screening, the provider or contractor providing the mental health screening, the date and time of the screening, and the length of time that the screening will last. Provides that the parent or guardian has the right to inspect and review the student's education records.

*Effective July 1, 2018.*

**Chapter No. 920 (HB2324/SB2314). Uniform grading system.** Amends T.C.A. § 49-6-407 by providing that if an LEA uses a uniform grading system for purposes of student application for postsecondary financial assistance administered by TSAC, but adopts another grading system based upon quality points for other purposes, additional quality points are to be assigned in the other grading system for honors classes (1/2 quality point) and early postsecondary courses (1 quality point).

*Effective July 1, 2018.*

**Chapter No. 935 (HB2009/SB2011). Reporting criminal convictions and allegation of inappropriate sexual conduct.** Amends T.C.A. § 49-5-417 by requiring a director of schools or director of a public charter school to report to the State Board, the conviction of a licensed teacher, within the time frame required by the State Board, if the conviction is for rape, murder, arson, sexual battery, kidnapping, child abuse, sell, manufacture, or delivery of a controlled substance, sexual exploitation of a minor, or statutory rape by an authority figure. Also requires the director of schools or the director of a public charter school to report any licensed educator who has been suspended, dismissed, or who resigned following allegations of conduct, involving sexual misconduct, which, if substantiated, would warrant consideration of suspension or revocation of the educator's license. Allows the State Board to issue a public reprimand to any director of schools who fails to make the required report to the State Board. Requires the Tennessee Department of Education (hereinafter "TDOE"), in consultation with the State Board, to develop forms that can be used to make such reports and establish instructions and procedures to be used when making such reports. Requires the forms, instructions, and procedures to be provided by the TDOE at least annually, at the beginning of the school year.

*Effective July 1, 2018.*

**Chapter No. 937 (HB2165/SB2013). Amendments to the Teacher's Code of Ethics.** Amends T.C.A. § 49-5-1003 by updating the teacher's code of ethics. Also amends Tennessee Code Annotated, Title 49, Chapter 5, Part 10 by requiring each LEA to provide annual professional development training concerning the teacher's code of ethics and its requirements. Requires the training to address what constitutes unethical behavior. Also amends Tennessee Code Annotated, Title 49, Chapter 5, Part 10 by

adding language requiring any educator who has personal knowledge of a breach of the teacher's code of ethics by another educator to report the breach to the educator's immediate supervisor, director of schools, or the local board of education within 30 days of discovering the breach. Provides that failure to report a breach or to file a report of criminal activity or other misconduct as required by federal or state law is also a breach of the code of ethics.

*Effective July 1, 2018.*

**Chapter No. 938 (HB2433/SB2015). Non-disclosure agreements and assistance in finding a new job prohibited in certain circumstances.** Amends Tennessee Code Annotated, Title 49, Chapter 2, Part 1 by prohibiting an LEA from entering into or requiring an opposing party to enter into, a non-disclosure agreement during a settlement, or as a prerequisite to a settlement, for any act of sexual misconduct, including sexual harassment or sexual assault. Prohibits an LEA employee, except in limited circumstances, from assisting a school employee, contractor, or agent in obtaining a new job if the person knows or has probable cause to believe that the person seeking the new job engaged in sexual misconduct regarding a minor or student. Permits an LEA to request the personnel file for an individual applying for a new job from another LEA to determine whether sexual misconduct occurred. Requires the LEA receiving the request to provide the file within 10 business days. Also requires the director of schools to develop procedures to enforce this provision.

*Effective July 1, 2018.*

**Chapter No. 948 (HB2670/SB2662). Using public money to pay for membership in an association that regulates interscholastic athletics.** Amends Tennessee Code Annotated, Title 49, Chapter 6, Part 4 by prohibiting a public school or public charter school from using public funds to join, become members of, or maintain membership in an association that regulates interscholastic athletics unless the association's governing body voluntarily complies with the open meetings act. Allows the association to hold closed meetings or to close a portion of an otherwise public meeting to discuss issues covered by FERPA, T.C.A. § 10-7-504, and any other relevant privacy law or privilege.

*Effective July 1, 2018.*

**Chapter No. 958 (HB2376/SB2381). Compulsory attendance and zero tolerance provisions amended.** Amends T.C.A. § 49-6-3006 by stating that the enforcement of compulsory attendance is the sole responsibility of the local board of education and its designated employees and officers. Requires the director of schools to designate at least one qualified employee as the LEA attendance supervisor to assist the local board of education, under the direction of the director of schools, with the enforcement of compulsory attendance laws and the development of a progressive truancy intervention plan. Authorizes an LEA to enter into an agreement with the local law enforcement agency serving the LEA's area and the appropriate local government in the area, to assist in the enforcement of compulsory attendance pursuant to certain circumstances. Also amends T.C.A. § 49-6-4002 by requiring each local board of education and charter school governing body to adopt a discipline policy to apply to the students in each school operated by the LEA or charter school governing body. Also amends T.C.A. § 49-6-4005 by authorizing each local board of education or charter school governing body to adopt different, but consistent discipline policies or codes of conduct to apply to different classes of schools, such as elementary schools, middle schools, junior highs, or high schools. Amends T.C.A. § 49-6-4007 by requiring a local board of education or charter school governing body that adopts a discipline policy or

code of conduct to post a copy on the LEA or school website and provide a copy of the policy or code to all school counselors, teachers, administrative staff, students, and parents.

*Effective July 1, 2018.*

**Chapter No. 976 (HB0372/SB0558). “Tom Cronan Physical Education Act” enacted.** Amends T.C.A. § 49-6-1021 by requiring each student in elementary school to participate in a physical education class taught by a licensed teacher with an endorsement in physical education or by a specialist in physical education that meets at least 2 times per school week during the school year. Permits students to be excused from this physical education requirement for medical reasons. Allows the LEA to require documentation of a student’s reason for being excused from the class. Provides that this class is in addition to the 130 minutes per week physical education requirement for elementary school students and the 90 minutes per week physical education requirement for middle and high school students. Requires each LEA to file an annual report with the commissioner of the TDOE verifying that the LEA has met the physical education requirement in this section.

*Effective July 1, 2019.*

**Chapter No. 977 (HB0631/SB0619). Water quality in schools.** Amends Tennessee Code Annotated, Title 49, Chapter 2, Part 1 by requiring each local board of education to develop a policy to implement a program to reduce the potential sources of lead contamination in drinking water in public schools that incorporate, at a minimum, periodic, not to exceed biennial, testing of lead levels in drinking water sources at school facilities that were constructed prior to January 1, 1998. Requires that the samples tested come from the first 250 ml of water drawn that has been standing in plumbing overnight, to identify lead levels. Requires certain actions to be taken and notifications to be made depending on the levels of lead in the water tested.

*Effective July 1, 2019.*

**Chapter No. 991 (HB1599/SB1649). Work-based learning programs.** Amends Tennessee Code Annotated, Title 49, Chapter 11, Part 1 by providing that an employer that accepts or employs a student who is participating in work-based learning coordinated through the student’s LEA is not liable for actions relating to that student, unless the employer acted willfully or with gross negligence. Also provides that an employer may elect to provide workers’ compensation insurance coverage to compensate a participating student for any injury that is covered under the Workers’ Compensation Law. If such coverage is provided, it becomes a participating student’s exclusive remedy for any compensable injury that is covered under the Workers’ Compensation Law and the employer cannot disclaim the participating student’s eligibility for coverage. Also requires an LEA that coordinates work-based learning for students to maintain liability insurance coverage for all participating students, including those who are covered under an employer’s workers’ compensations insurance.

*Effective May 21, 2018.*

**Chapter No. 1006 (HB1997/SB2014). Use of the FBI’s Rap Back Program for background checks.** Amends T.C.A. § 49-5-413(a) by requiring each local board of education and any charter school to require any person serving in a teaching position or any other position requiring proximity to school children to agree to the release of all investigative records, supply a fingerprint sample, and submit to a fingerprint background check every 5 years. Upon Tennessee’s acceptance into the FBI’s rap back

program, each local board of education and any charter school must use the program to conduct state and national criminal history record checks on applicants and employees. Requires each local board of education and any charter school to inform applicants and employees that the TBI may charge a reasonable fee for the background checks and the fingerprint samples taken will remain on file with the TBI and FBI for all purposes. Also requires the local board of education and any charter school to adopt a policy governing background check procedures for contract workers and volunteers.

*Effective July 1, 2018.*

**Chapter No. 1008 (HB2129/SB2059). Armed school security officers authorized.** Amends Tennessee Code Annotated, Title 49, Chapter 6, Part 8 by authorizing, but not requiring, each local board of education to adopt a policy permitting an off-duty law enforcement officer to serve as an armed school security officer. If a local board of education authorizes the use of armed school security officers, the LEA is required to enter into a memorandum of understanding (hereinafter "MOU") with each law enforcement agency that employs the law enforcement officers selected by the chief to serve as an armed school security officer. Includes the information required to be covered in the MOU. Requires each chief law enforcement officer to prepare and distribute to each LEA within the law enforcement agency's jurisdiction with which a MOU has been entered, a list of law enforcement officers within the agency that the chief deems qualified and who is interested in serving as an armed school security officer. The chief law enforcement officer may prohibit an officer from serving as an armed school security officer within the chief's jurisdiction for reasons that the chief law enforcement officer deems sufficient. Provides that funds for the armed school security officer may come from a law enforcement agency or a LEA. Also provides that armed school security officers are supplemental to and do not take the place of school resource officers. Requires the chief law enforcement officer of each law enforcement agency with law enforcement jurisdiction for a school that uses armed school security officers to submit a report to the General Assembly after the 2020-2021 school year detailing school security deficiencies and recommendations for improvements.

*Effective May 21, 2018.*

**Chapter No. 1020 (HB2303/SB2591). "Homeless Student Stability and Opportunity Gap Act" enacted.** Amends Tennessee Code Annotated, Title 49, Chapter 50 by enacting the "Homeless Student Stability and Opportunity Gap Act." Requires LEAs to provide educational services and support to homeless students and designate a local liaison to identify and assist homeless students so that they have a full and equal opportunity to succeed. Also authorizes a minor, who has been verified as a homeless child or youth, to obtain a copy of his/her birth certificate from the Department of Health and a state-issued identification card from the Department of Safety.

*Effective July 1, 2018.*

**Chapter No. 1026 (HB0075/SB0578). 2017-2018 TNReady Assessments.** Amends Tennessee Code Annotated, Title 49, Chapter 6, Part 60 by providing that no adverse action may be taken against any student, teacher, school, or LEA based, in whole or in part, on student achievement data generated from the 2017-2018 TNReady assessment.

*Effective May 21, 2018.*

**Chapter No. 1028 (HB0521/SB0410). Placement of AEDs in schools.** Amends T.C.A. § 49-2-122 by requiring all public high schools to have automated external defibrillator devices (hereinafter “AEDs”) within the school. Encourages all public middle and elementary schools to have the devices within the school. Requires any school that is required or elects to have the devices to comply with all of the provisions in Tennessee Code Annotated, Title 68, Chapter 140, Part 4 relative to training, establishing written plans, notification, maintenance, and testing of the devices and any other requirement.

*Effective July 1, 2018.*

## **Elections**

**Chapter No. 726 (HB1578/SB1690). Provisional ballots.** Amends T.C.A. § 2-7-112 by authorizing an individual to vote a provisional ballot if the voter claims to be properly registered in the county and eligible to vote at the precinct in the election, but an election official asserts 1.) the individual is not registered to vote; 2.) the voter has requested an absentee ballot; or 3.) the individual’s eligibility cannot be verified by the computer signature list or the permanent registration records on file with the county election commission.

*Effective April 18, 2018.*

**Chapter No. 842 (HB1943/SB2079). Early voting eliminated in certain circumstances.** Amends T.C.A. § 2-6-102 by eliminating early voting during regular or special general elections not held in conjunction with the regular August or November general elections or held in conjunction with a May primary called pursuant to T.C.A. § 2-13-203 or the presidential preference primary, if there is no opposition on either primary ballot for any offices involved, including any write-in candidate that has filed the appropriate notice. Also eliminates early voting in the case of a May primary called pursuant to T.C.A. § 2-13-203 or a special primary for state or federal offices, if there is no opposition on either primary ballot for any offices involved, including any write-in candidate that has filed the appropriate notice. Excludes municipal elections held in Metro Nashville from these provisions.

*Effective April 26, 2018.*

## **Environment**

**Chapter No. 825 (HB1731/SB1793). New wind energy facility regulations.** Amends Tennessee Code Annotated, Title 65, Chapter 17, Part 1 by providing that no person is authorized to construct, operate, or redevelop a wind energy facility or wind energy facility expansion without first obtaining a certificate of public convenience and necessity from the public utility commission and a permit from the municipal legislative body. The certificate must be provided when application is made with the municipal legislative body for the permit. Allows the local legislative body to adopt regulations that establish the conditions and criteria for constructing, operating, redeveloping, or expanding a wind energy facility. Requires the regulations to be adopted by 2/3 vote, except in certain circumstances and provides that such regulations may not be adopted unless the county in which the municipality is located has previously adopted such regulations within the county. Requires any regulations that are adopted to be

provided to the Tennessee Department of Environment and Conservation (hereinafter “TDEC”). Provides a framework for what may be included in the regulations, the process for considering and issuing permits, and the fees that may be charged for processing applications for permits. Provides that any proprietary information submitted as part of the application process is confidential. Requires any municipality that adopts regulations pursuant to these provisions to submit a report annually on its permitting activities to the General Assembly. Also provides that these provisions do not apply if a municipality adopts regulations prior to January 1, 2019, or if the wind energy facility was constructed prior to April 24, 2018.

*Effective April 24, 2018.*

**Chapter No. 845 (HB2313/SB2229). Compliance with a National Pollutant Discharge Elimination System permit.** Amends T.C.A. § 69-3-108 by adding a new subsection (v) that provides that compliance with a National Pollutant Discharge Elimination System permit issued under this section of the Tennessee Code is deemed compliance with any rule, regulation, or standard of water quality promulgated by the Water Quality Control Board, except for those standards promulgated related to toxic pollutants injurious to human health. Also provides that compliance includes the discharge of pollutants for which no standard or limit is included in the permit, if the permit holder complies with applicable reporting and disclosure requirements and the discharge is disclosed to TDEC in such a way that the discharge is within the reasonable contemplation of the department at the time the final permit is issued.

*Effective April 26, 2018.*

## **Finance**

**Chapter No. 498 (HB1490/SB1493). Balloon indebtedness defined.** Amends T.C.A. § 9-21-134 by amending the definition of “balloon indebtedness” to include any indebtedness that has a final term of maturity totaling thirty-one (31) or more years from the original date of issuance of the indebtedness to the date the indebtedness is fully amortized, including any subsequent refinancing.

*Effective February 22, 2018.*

**Chapter No. 852 (HB0132/SB0157). Master Development Plan Recognition Act.** Amends Tennessee Code Annotated, Title 4, Chapter 3, Part 7 by enacting the “Master Development Plan Recognition Act” which designates certain loans, grants, incentives, and tax increment financing applications for which approval has been issued as of December 22, 2017, to be contributions to master development plans.

*Effective May 3, 2018, but is applicable to any contributions made by a municipality on or after December 22, 2017.*



## **Firearms**

**Chapter No. 599 (HB1851/SB1910). Defense to prosecution of firing a weapon in violation of city ordinance.** Amends T.C.A. § 39-17-1322 by providing that a person who discharges a weapon within the boundaries of a municipality is not guilty of violating an ordinance that prohibits the discharge of weapons within the municipal boundaries, if the person was acting in self-defense, defense of property, defense of another, or to prevent a criminal offense from occurring.

*Effective March 23, 2018.*

**Chapter No. 799 (HB1851/SB1910). Notification of attempt to purchase a firearm.** Amends T.C.A. § 38-6-109 by requiring the instant check unit of the TBI to contact the chief law enforcement officer of the jurisdiction where an individual who has been adjudicated as mentally defective or judicially committed to a mental institution attempts to purchase a firearm, when the unit has confirmed the person's record through the person's name, birth date, social security number, and either the person's sex or race. Requires contact to be made within 24 hours of the attempted purchase for purposes of the initiation of an investigation into a possible violation of the law.

*Effective July 1, 2018.*

**Chapter No. 823 (HB2370/SB2369). Provisions related to posting buildings amended.** Amends T.C.A. §39-17-1359 by allowing an entity to either entirely prohibit the possession of weapons in a building or on property that is posted or only allow handgun carry permit holders to carry in a concealed manner in a building or on property that is posted. Includes the language and dimension for the sign prohibiting weapons and the same for the sign restricting weapons. Provides that signs that existed as of January 1, 2018, do not have to be changed until January 1, 2019, if a change is required.

*Effective April 24, 2018.*

## **General Government**

**Chapter No. 540 (HB1536/SB1486). Fraud, waste and abuse reporting.** Amends T.C.A. § 8-4-502 by adding debit card fraud to the definition of "unlawful conduct". Also amends T.C.A. § 8-4-503 by requiring a certified public accountant or firm conducting an audit, investigation, or other engagement under a contract with the Comptroller (hereinafter "COT") or with a public entity that requires approval by the COT, to promptly report any reasonable suspicion of unlawful conduct to the COT. Amends T.C.A. § 8-4-504 by including language that excludes officials, accountants, and accounting firms from civil and criminal liability for making good faith reports related to fraud, waste, and abuse, under certain circumstances.

*Effective March 5, 2018.*

**Chapter No. 604 (HB2294/SB1959). Service members participating in public meetings electronically.** Amends Tennessee Code Annotated, Title 6, Chapter 54, Part 1 by allowing a municipal legislative body to allow a service member, who is also a member of the legislative body and deployed for 13 months or less, to attend sessions of the body via two-way electronic audio-video communication during the deployment. Allows the member to vote and receive compensation for attendance. Provides that only

one service member at a time may attend and vote using the two-way communication.

*Effective March 23, 2018.*

**Chapter No. 621 (HB1949/SB1870). Private rights of action.** Amends Tennessee Code Annotated, Title 1, Chapter 3, by providing that any affected person has a cause of action for declaratory or injunctive relief against a governmental entity regarding the legality or constitutionality of a governmental action. Provides that a cause of action for damages does not exist under this section.

*Effective April 2, 2018.*

**Chapter No. 649 (HB2180/SB1977). Hypodermic needle exchange program.** Amends T.C.A. § 68-1-136 by reducing the distance requirements for needle exchange programs in Davidson County, Chattanooga, Knoxville, and Memphis to 1000 ft. from any school or public park.

*Effective April 9, 2018.*

**Chapter No. 806 (HB1886/SB1740). Service of process and default judgments.** Amends T.C.A. § 16-15-903(10) by providing that if a defendant in a civil case is a domestic corporation or a foreign corporation authorized to do business in Tennessee, refusal to accept delivery shall be the basis for a default judgment only where the request for default is accompanied by evidence from the Tennessee Secretary of State showing that the plaintiff sent the mail certified with the correct entity name and the correct name and address for the entity's registered agent authorized by law to receive service of process. Also amends T.C.A. § 16-15-904(e) by providing that when a defendant in a civil action is out of state, service by mail shall only be the basis for entry of a default judgment when the record contains either 1.) a return receipt showing personal acceptance by the defendant or by persons designated by statute or 2.) a return receipt stating that the addressee or the addressee's agent refused to accept delivery, which is deemed to be personal acceptance by the defendant.

*Effective July 1, 2018.*

**Chapter No. 819 (HB2279/SB2504). Regulation of Small Cells.** Amends Tennessee Code Annotated, Title 13, Chapter 24, by enacting the "Competitive Wireless Broadband Investment, Deployment and Safety Act of 2018." See attachment.

*Effective April 24, 2018, except for review periods in Section 1 of T.C.A. § 13-24-409.*

**Chapter No. 822 (HB2278/SB1859). Reporting dates for those holding unclaimed property.** Amends T.C.A. § 66-29-125 by requiring municipalities possessing unclaimed property to file the report required to be submitted to the State Treasurer before November 1, 2019, if the property is held between January 1, 2018, and June 30, 2019. Requires the reports submitted thereafter to be submitted before November 1 of each year and cover the 12 months preceding July 1 of that year.

*Effective April 24, 2018.*

**Chapter No. 857 (HB2195/SB2117). Limitation on regulating the display of certain flags.** Amends Tennessee Code Annotated, Title 6, Chapter 54, Part 1 by prohibiting a municipality from adopting or enforcing an ordinance that prohibits or restricts or has the impact of restricting or prohibiting a

property owner from displaying an American, MIA/POW, State of Tennessee, or armed forces flag on the owner's property, unless it is necessary to promote public health and safety.

*Effective May 3, 2018.*

**Chapter No. 879 (HB1929/SB2214). Notice related to sober living facilities.** Amends Tennessee Code Annotated, Title 13, Chapter 24, Part 1 by enacting the “Stopping Addiction and Fostering Excellence (SAFE) Act” which authorizes a municipality to adopt an ordinance requiring each sober living facility within the municipality to display in a prominent place within the sober living home a sign that makes it clear that the home is not licensed by the State and does not provide treatment services. Requires a municipality to post a prominent notice in city hall stating that it is a violation of State law for a person or entity to offer drug or alcohol treatment services without being licensed. Requires a municipality to post the same notice on its website, if it maintains one.

*Effective July 1, 2018.*

**Chapter No. 908 (HB2637/SB2490). Terms of Commissioners in Fairview.** Amends T.C.A. § § 6-20-101 and 109 by amending the general law manager-commission charter to provide that in the City of Fairview, in the 2020 election, the 2 candidates receiving the highest number of votes are elected to the board of commissioners for 4 year terms and the candidate receiving the third highest is elected for a 2 year term. In the 2022 election, the 2 candidates receiving the highest number of votes will serve 4 year terms and the candidate for mayor receiving the highest number of votes is elected to a 4 year term. Provides that in subsequent elections all members of the board are elected to 4 year terms. Provides that all members’ terms begin at the first regularly scheduled meeting of the board in January, immediately following the date of the member’s election. Provides that the terms of the members in office as of May 3, 2018, extend until the first regularly scheduled meeting of the board in the month of January following the election for which their seat is contested, but no terms may extend beyond 4 years and 2 months.

*Effective May 3, 2018.*

**Chapter No. 913 (HB1772/SB1971). Process for public officials to challenge fraudulent liens.** Amends Tennessee Code Annotated, Title 66, Chapter 21, Part 1 by authorizing public officials in municipalities who are subject to liens or other instruments that constitute a cloud on real property that the official feels has been filed fraudulently, to file a notarized affidavit with the register’s office that includes the type of instrument filed, office, book, and page number of the instrument, the affiant’s mailing address, a statement that the affiant is a public official, a statement that the affiant believes that the instrument was filed without a reasonable or legal basis, the facts to support that assertion, and a statement that the affiant is not filing the affidavit to contest any document held by enumerated financial institutions. Provides that once an affidavit is filed with the register, the register will indicate on any available indices that the lien or other document constituting a cloud on the title of real property is “Contested-Under Review.” Requires the public official to send a copy of the affidavit to the filing party within 3 business days of filing the affidavit, certified or registered mail, return receipt requested. Requires a filing party who believes that the affidavit was filed in good faith to file an action requesting a determination in the chancery court of the county where the document was filed and post a \$200 cost bond within 20 business days of receiving the affidavit. If no petition and cost bond is filed within 20 business days, the public official may file a certification with the register stating no petition has been filed. If there is no

name or address for the filing party on the instrument, a certification to that effect can also be filed with the register. Provides that the certifications serve as a release of the liens or other instruments that constitute a cloud on the real property. If the matter goes before a chancellor and he/she finds that there was no reasonable or legal basis for the lien, the public official can file a copy of the final, unappealable court decree with the register and the instrument will be removed. If the chancellor finds that there was a reasonable or legal basis for the instrument, "Contested-Under Review" will be removed from the indices and the effective date of the instrument will be reflected as the original date of filing. Authorizes the prevailing party to recover costs and expenses, including reasonable attorneys' fees. Allows any governmental entity to insure or indemnify any public official for the cost of defending or removing such instruments and financing statements challenged pursuant to T.C.A. § 47-9-513.

*Effective May 1, 2018, for purposes of promulgating rules and July 1, 2018, for all other purposes.*

**Chapter No. 922 (HB2635/SB2420). Storm water user's fee authorized.** Amends T.C.A. § 67-5-103 by authorizing the City of Hendersonville to impose a storm water user's fee, pursuant to T.C.A. § 68-221-1107, and bill it in the same manner that municipal real property taxes are billed and add such fee to a property owner's real property tax notice. Requires an ordinance authorizing the fee to pass by a 2/3 vote.

*Effective May 1, 2018.*

**Chapter No. 962 (HB2523/SB2426). Certain settlement agreement provisions void and unenforceable.** Amends Tennessee Code Annotated, Title 29, Chapter 34, Part 1 by making any provision of a settlement agreement that has the purpose or effect of concealing the details relating to a claim of child sexual abuse, void and unenforceable and contrary to public policy; except that the identity of the victim of child sexual abuse is confidential.

*Effective May 15, 2018.*

**Chapter No. 965 (HB2613/SB2328). Non-disclosure agreements prohibited in certain circumstances.** Amends Tennessee Code Annotated, Title 50, Chapter 1, Part 1 by prohibiting a municipality or metropolitan government from requiring an employee or a prospective employee to execute or renew a non-disclosure agreement with respect to sexual harassment in the workplace. Creates a cause of action for any employee injured as a result of a violation of this provision.

*Effective May 15, 2018.*

**Chapter No. 973 (HB2315/SB2332). Immigration provisions amended.** Amends Title 4, by adding chapter 49 that requires the AG and all State law enforcement agencies to "vigorously pursue" all federal money available to reimburse the State for money spent to enforce federal immigration laws. Also amends T.C.A. § 7-68-103 by prohibiting local governmental entities from adopting and enacting sanctuary policies and makes any entity that has a sanctuary policy ineligible to enter into any grant contract with the Tennessee Department of Economic and Community Development (hereinafter "ECD"), until the policy is rescinded, repealed, or no longer in effect. Also amends T.C.A. § 7-68-104 by providing that when a complaint is made against an official or local governmental entity in chancery court for violation of T.C.A. § 7-68-103, if the court finds that the official or governmental entity violated

the provisions, not only can the court take action to enjoin the official or entity from further violating the provision, but ineligibility for grant contracts with ECD begins as soon as the court finds that a violation occurred and continues until the court certifies that the sanctuary policy is repealed, rescinded, or otherwise no longer in effect.

Also amends Tennessee Code Annotated, Title 7, Chapter 68 by authorizing all law enforcement agencies and officials to communicate with the appropriate federal officials regarding the immigration status of an individual or otherwise cooperate with the identification, apprehension, detention, and removal of undocumented individuals. Allows, but does not require, law enforcement agencies to negotiate the terms of an MOU between the agency and the appropriate federal officials concerning the enforcement of federal immigration laws. Includes the information required to be included in the MOU. Also requires this Act to be implemented in a manner that is consistent with federal laws regulating immigration and those laws protecting the civil rights of all persons. Provides that in complying with this Act, no law enforcement officer can consider an individual's race, color, or national origin, except to the extent permitted by the Tennessee Constitution. See the attached letter from Governor Haslam commenting on the legislation.

*Effective January 1, 2019.*

**Chapter No. 1033 (HB1574/SB2520). “Tennessee Heritage Protection Act of 2016” amended.** Amends T.C.A. § 4-1-412 by exempting from the “Tennessee Heritage Protection Act of 2016” (hereinafter “Act”) a memorial under the control of an accredited museum, public library, or public archive when the memorial is housed within the interior of the museum, library or archives or the storage facility of any of these entities as long as the storage facility is on public property or the memorial is exhibited or displayed on public property as part of a traveling or temporary exhibition, display, or loan. Prohibits a memorial or public property that contains a memorial from being sold, transferred, or otherwise disposed of by a local government. Authorizes the maintenance, repair, restoration, and renovation of these memorials, but not the permanent removal or concealment of a memorial or temporary removal or concealment for more than 45 calendar days in a 12 month period. Provides that a local government may petition the Historical Commission (hereinafter “Commission”) for waiver to these provisions, but the waiver must be sought prior to taking any action that could foreseeably violate any of these provisions. Gives interested parties the right to offer comments on a petition for waiver at Commission meetings and gives them standing to seek injunctive relief to enforce this Act. Gives the Commission the authority to receive and consider complaints regarding alleged violation of the Act. Provides that any public entity that violates any provision of this Act is precluded from entering into grant contracts administered by the Commission and the Tennessee Department of Economic and Community Development for 5 years from the date in which the violation is determined to have occurred.

*Effective May 21, 2018.*

**Chapter No. 1047 (HB2125/SB2680). Annexation referendum not required in certain circumstances.** Amends T.C.A. § 6-51-104(a) by adding that a referendum to effectuate the annexation of territory is not required when all of the property owners within the territory consent to the annexation in writing or 2/3 of the property owners in the territory consent to the annexation in writing, the total area of the property owned by the owners who consent is more than ½ of the territory proposed for annexation,

and the annexation consists of 9 or fewer parcels. Repeals this language on January 1, 2023.

*Effective May 21, 2018.*

**Chapter No. 1053 (HB2312/SB2333). Use of certain identification documents to determine citizenship, immigration status, or residency prohibited.** Amends Tennessee Code Annotated, Title 8, Chapter 50, Part 1 by prohibiting a municipal or metropolitan government employee or official from accepting an identification document issued or created by a person, organization, or local government authority to determine a person’s citizenship, immigration status, or residency, except where expressly authorized by the General Assembly or the federal law. Prohibits municipalities and metropolitan governments from authorizing, by policy, resolution, or ordinance, the use of any documentation described above as a form of identification to be used to determine citizenship, immigration status, or residency. Makes any policy, resolution, or ordinance that conflicts with this provision unenforceable and requires it to be repealed or rescinded.

*Effective May 21, 2018.*

## **Law Enforcement**

**Chapter No. 735 (HB2065/SB2023). Deaf or hard of hearing designation.** Amends Tennessee Code Annotated, Title 55, Chapter 4, Part 1 by providing that upon initial application or renewal of a motor vehicle registration, an owner or lessee of a vehicle who is deaf or hard of hearing can request that a deaf or hard of hearing designation be included in the Tennessee Vehicle and Title Registration System (hereinafter “VTRS”). Requires that the information be available to law enforcement only for purposes of ensuring safe and efficient interactions. Also requires law enforcement, emergency call takers, and public safety dispatchers to receive instruction in the identification of this designation in the VTRS database.

*Effective July 1, 2018.*

**Chapter No. 850 (HB1710/SB2698). Notification of towing.** Amends T.C.A. § 55-16-105 by requiring the firm or entity towing a vehicle pursuant to this chapter to notify the police department within 15 minutes of towing the vehicle, if the owner is not present, instead of before towing the vehicle. Also creates a towing advisory board that will include members of local law enforcement agencies.

*Effective April 26, 2018.*

**Chapter No. 981 (HB1110/SB1109). Acquired brain injury, intellectual disability, or developmental disability designation.** Amends Tennessee Code Annotated, Title 55, Chapter 50, Part 3 by providing that upon issuance or renewal of a driver license or photo identification license, an individual with an acquired brain injury, an intellectual disability, or a developmental disability, or a parent or guardian if the individual is a minor, or a conservator of a person with such injuries or disabilities may request that the Tennessee Department of Safety and Homeland Security include language or a symbol on the license indicating that the person has such injuries or disabilities. Also requires any law enforcement officer who interacts with a person who is a victim, witness, suspect, defendant, or is otherwise stopped by a law enforcement officer in relation to an offense or violation and who exhibits characteristics of an acquired brain injury, intellectual disability, or developmental disability, to make a good faith effort to

immediately contact the parent or guardian, if the individual is a minor, or a person's conservator regarding the interaction. Requires the law enforcement officer to make a good faith effort to ensure that a psychiatrist, psychologist, or other mental health professional is present at all interviews with a person with the aforementioned injuries or disabilities, if the presence of such a professional is requested by the individual, the individual's parent or guardian, if the individual is a minor, or the individual's conservator. Provides that expenses for the attendance of such professional at an interview is the responsibility of the individual making the request, except where the expense is related to an accommodation required by state or federal disability law. Also provides that the failure to have a professional present at the time of an interview is not a basis for suppression of a statement or the content of an interview or a cause of action against a law enforcement agency. Requires law enforcement agencies to ensure appropriate policies are developed to implement this section and that training related to the policies is provided to law enforcement officers.

*Effective July 1, 2019.*

### **Personnel-Benefits**

**Chapter No. 681 (HB2222/SB1976). Pension plans.** Amends T.C.A. § 9-3-504 by requiring a pension plan's funded status to be determined in accordance with rules, standards, guidelines, and interpretations established by the Governmental Accounting Standards Board (GASB). Also amends T.C.A. § 9-3-506 by requiring political subdivisions with an existing pension plan as of May 22, 2014, to receive written permission from the State Treasurer before establishing a new pension plan.

*Effective April 12, 2018.*

**Chapter No. 833 (HB1865/SB1719). Investment of municipal pension plan assets.** Amends T.C.A. § 9-3-507 by providing that to the extent that some or all of a municipality's pension plan assets are invested in such a way that does not comport with the investment policy of the Tennessee Consolidated Retirement System (hereinafter "TCRS"), the board of trustees for TCRS can permit, through an exception, the co-investment of the assets with TCRS or the State Treasurer may take custody of the pension plan assets in an account separate from TCRS assets and invest the assets pursuant to an agreement for services, subject to a fee.

*Effective April 27, 2018.*

**Chapter No. 997 (HB1510/SB1797). "Tennessee Public Safety Behavioral Health Act" enacted.** Amends Tennessee Code Annotated, Title 8, Chapter 50, Part 1 by enacting the "Tennessee Public Safety Behavioral Health Act." Requires public employers of public safety employees to offer not less than 10 visits with a mental health service provider for purposes of treating PTSD, in addition to any other mental health benefit provided. Provides that co-pays for these visits may be required. Also requires employers to establish, in conjunction with a mental health provider, support programs. Requires the employer to maintain and distribute at least annually, a list of mental health providers who are qualified to provide trauma training. Prohibits an employer from taking adverse employment action against an employee seeking assistance.

*Effective July 1, 2018.*

## Planning

### **Chapter No. 685 (HB1143/SB0363). New prohibitions on requiring affordable or workforce housing.**

Amends T.C.A. § 66-35-102 by prohibiting municipalities and metropolitan governments from enacting, maintaining, or enforcing any ordinance, resolution, regulation, rule or other requirement that 1.) conditions any zoning change, variance, building permit, development entitlements through amendment to the zoning map, or any change in land use restrictions or requirements, on the allocation of existing or newly constructed private residential or commercial rental units to be sold or rented at below market value; or 2.) requires a person to waive the person's constitutional rights related to real property in order that the municipality or metropolitan government can increase the number of existing or newly constructed private residential or commercial rental units that would be available for purchase or lease at below market rates within the governmental entity's jurisdiction. Provides that a purely voluntary incentive-based program may be implemented by a governmental entity to increase affordable housing and the incentives may include providing local tax incentives, subsidization, real property or infrastructure assistance, or any other incentive that makes construction of affordable housing more economical. Incentives may not involve zoning or land use planning authority. Also creates a cause of action for anyone who has an ascertainable loss of money or property due to practices that violate the language in this provision.

*Effective April 9, 2018.*

**Chapter No. 779 (HB2423/SB2126). "Neighborhood Preservation Act" expanded.** Amends various provisions in Tennessee Code Annotated, Title 13, Chapter 6, Part 1 by making the provisions of the Act applicable in any municipality that has formed a land bank pursuant to T.C.A. § 13-30-104. Also provides that a land bank corporation may become a receiver of blighted property subject to this Act and the land bank may petition the court to abate the public nuisance being caused by the blight based upon certain circumstances. Also provides that if a land bank corporation notifies a receiver of the blighted property in writing of its desire to enter the minimum cash bid for the property prior to the receiver's lien sale, then the minimum bid will preempt all bids and will be the winning bid for the property. Also provides that a land bank corporation may purchase property at a delinquent tax sale by providing the clerk and master written notification prior to the sale that the corporation desires to enter the minimum cash bid and such bid will preempt any other bid and will be the winning bid for the property. Provides that upon the date of transfer of any real property from a land bank corporation to a taxable party or entity, if approved by the municipality, the land bank will be entitled to receive payments from the municipality equal to 50 percent of the real property taxes collected by the municipality for a period of 5 years.

*Effective April 19, 2018.*

### **Chapter No. 791 (HB2561/SB2343). Metro Nashville allowed to appropriate funds for certain housing.**

Amends T.C.A. § 5-9-113 by authorizing Metro Nashville to appropriate funds for "affordable" and "workforce housing."

*Effective April 20, 2018.*

**Chapter No. 846 (HB2350/SB2347). Local land bank program expanded.** Amends T.C.A. § 13-30-103(4) by allowing the City of Cleveland to participate in the local land bank program.

*Effective April 26, 2018.*



**Chapter No. 871 (HB1727/SB1496). Eminent domain and right of first refusal.** Amends T.C.A. § 29-17-1005 by requiring a municipality to offer property that has been condemned or taken through eminent domain to the former property owner first, if the municipality decides to sell the property within 10 years of it being condemned or not to use it for the purpose for which it was condemned or some other authorized purpose. The former owner must be notified and receive a purchase agreement at least 60 days before the property is listed. The former owner shall be allowed to purchase the property for the lesser of 1.) the price paid to the former owner by the city, plus the cost of documented expenditures that improved the value of the property and an amount equal to the average amount of interest that would have accrued on the amount paid to the former property owner or 2.) an amount representing not less than fair market value as of the date of the purchase agreement. The former property owner will have 30 days to sign and return the purchase agreement. If the former property owner is not notified 60 days before the property is listed, he/she may file suit against the city. If the former property owner fails to sign the purchase agreement within the 30 day period or the former property owner cannot be found following a good faith effort to locate the individual, the property is to be offered for sale in any commercially reasonable manner for not less than fair market value and costs. If the property is not sold in this manner, the former property owner can file suit against the city and ask for damages that include 1.) the proceeds from the sale or 2.) the fair market value of the property, minus any costs for improvements and attorney's fees, if the former owner prevails. These rights do not transfer to a former owner's heirs or any other party. Provides that this section will not apply if it is prohibited by federal law.

*Effective July 1, 2018.*

**Chapter No. 940 (HB2098/SB2067). Grandfathering for certain establishments.** Amends T.C.A. § 13-7-208 by providing that immediately preceding an initial adoption of land use restrictions or an amendment to the restrictions, industrial, commercial, and other business establishments in operation and permitted to operate under a redevelopment plan or transit-oriented redevelopment plan undertaken on or after July 1, 2015, are allowed to replace facilities necessary to conduct business, if the facilities are acquired by a governmental entity pursuant to eminent domain, or under threat of eminent domain, or replace facilities required to be relocated as the result of the acquisition of property by a governmental entity pursuant to eminent domain, or under threat of eminent domain, or to rebuild facilities, if they are damaged by unplanned casualty or act of God as long as 1.) the replacement or rebuilt facilities are not larger than the facilities in existence prior to the acquisition, relocation, or damage caused by unplanned casualty or act of God, 2.) the construction of the replacement facilities commence within 30 months of the date of the taking or threat of acquisition or the date of the damage, and 3.) there is a reasonable amount of space for the replacement facilities on the property owned by the industry or business so as to not cause a nuisance to adjoining landowners.

*Effective May 15, 2018.*

**Chapter No. 972 (HB1020/SB1086). “Short-Term Rental Unit Act” enacted.** Amends Tennessee Code Annotated, Title 13, Chapter 7 by enacting the “Short-Term Rental Unit Act.” Provides that any ordinance, resolution, regulation, rule, or other requirement of any type that prohibits or effectively prohibits or otherwise regulates the use of property as a short-term rental unit does not apply to property that was being “used as a short-term rental unit,” which is a defined phrase, prior to the enactment of the ordinance, resolution, regulation, rule, or other requirement by the local governing

body. Provides that the law in place at the time that the property was being used as a short-term rental unit is the law that governs the use of the short-term rental unit until the property is sold, transferred, ceases being used as a short-term rental unit for a period of 30 continuous months, or has been in violation of generally applicable local laws 3 or more separate times as provided by T.C.A. § 13-7-604.

Also provides that any ordinance, resolution, regulation, or other requirement of any type enacted prior to January 1, 2014, that expressly limits the period of time a residential dwelling may be rented and prohibits or effectively prohibits the use of property as a short-term rental unit may apply to any property within the municipality, regardless of the properties current use.

Provides that a municipality or metropolitan government is not prevented from prohibiting the continued use of a short-term rental unit, if the unit has been in violation of a generally applicable local law 3 or more separate times and the provider has no appeal rights remaining. The burden of proving that a local law was violated is on the local governing body.

Authorizes the local governing body to put in place a permitting or application process for short-term rental units. Provides that when a local governing body authorizes the use of short-term rental units through a permitting or application process, the use of a short-term rental unit may be suspended during the time that a unit does not maintain a permit or have an approved application if the permitting and application process requirements are reasonable. However, the language also provides nothing extinguishes a provider's right to the continued use of the property as a short-term rental unit unless the property is sold, transferred, ceases being used as a short-term rental unit for a period of 30 continuous months, or has been in violation of generally applicable local laws 3 or more separate times as provided by T.C.A. § 13-7-604.

Also provides that if the local governing body allows public complaints to be filed as part of a permitting or application process, the local governing body must notify the complainant that any false complaint made against a unit is punishable as perjury under T.C.A. § 39-16-702. Provides that if a municipality or metropolitan government prohibits or effectively prohibits the operation of a short-term rental unit that is authorized to operate under T.C.A. § 13-7-603(a), the provider may challenge the prohibition, regulation, suspension, or regulation as in conflict with this Act, through a civil action or appeal in chancery or circuit court.

Authorizes a condominium, co-op, homeowners association, or other similar entity to prohibit or otherwise restrict the use of property as short-term rental units within the entities jurisdiction and allows the same for a lessor, through the terms of a lease agreement and property owners through use of a restrictive covenant. Provides that this Act supersedes any ordinance, resolution, rule, or other requirement enacted, maintained, or enforced by a municipality or metropolitan government that is in conflict with this Act.

*Effective May 17, 2018.*

**Chapter No. 1000 (HB1920/SB1879). Regional Planning Commission provision amended.** Amends T.C.A. § 13-3-403 by providing that the adoption of subdivision regulations or an amendment to a subdivision regulation by a regional planning commission will not be given effect unless approved by 1.) the county legislative body of each county lying wholly or partly within the region and by the governing body of each municipality lying wholly or partly within the region; 2.) only the legislative body of the

county that is regulated by those subdivision regulations, if the subdivision regulations apply only to land outside of any municipality within the region; or 3.) only the governing body of the municipality that is regulated by those subdivision regulations, if the subdivision regulations apply only to land within the municipal boundaries. Provides that this language only applies to a regional planning commission if each municipality and county lying wholly or partially within the region adopts a resolution or ordinance requiring approval of the regional planning commission's subdivision regulations and amendments. Also amends T.C.A. § 13-3-402 by authorizing the regional planning commission to delegate the responsibility for approval of a subdivision plat to the staff of the regional planning commission by a majority vote of the commission during a public meeting, when the issue is placed in the commission's agenda and proper notice is provided to the public.

*Effective May 21, 2018.*

## **Public Safety**

**Chapter No. 868 (HB1494/SB2205). Ordering evacuation during a state of emergency.** Amends T.C.A. § 58-8-1041 by authorizing the mayor or executive of a municipality or metropolitan government to issue orders to direct and compel the evacuation of a municipality or metropolitan government or any part thereof, when a state of emergency is declared and it is in the best interest of public health, safety, and welfare.

*Effective May 3, 2018.*

**Chapter No. 1004 (HB2025/SB1935) Home address confidentiality program.** Amends Tennessee Code Annotated, Title 40, Chapter 38 by requiring the Secretary of State's (hereinafter "SOS's) office to establish a crime victim address confidentiality program for victims of domestic assault, stalking, human trafficking, rape, sexual battery, or any other sexual offense, at no cost to the participant. Requires the program to provide the participant or the participant's minor children with a substitute address and makes the real identifying information for the participant confidential. Provides that the substitute address may be used whenever the participant is required to swear or affirm his/her address on motor vehicle records or when residency needs to be established. If a participant provides the confidential address to a municipality voluntarily or asks that a municipality use a confidential address, it must be maintained as confidential on all records except voter registration records and absentee ballots. Also requires any public record created within 30 days of the date that the program participant applied for the program to be redacted and only the substitute address used, if the person presents to the municipality evidence of participation in the program. Allows a utility to require the confidential address to be used for turning on utilities, but provides that the utility must maintain the address as confidential. Allows law enforcement agencies to inform the SOS's office in writing that the agency intends to request either the confidential address or other information from the individual's file and the SOS can then confirm whether the person is a participant in the program. Any additional information can only be disclosed upon written request when it is shown by clear and convincing evidence that the disclosure is necessary for legitimate governmental purposes that cannot otherwise be accomplished and which outweigh the risk of harm to the program participant.

*Effective May 21, 2018, for purposes of promulgating rules and March 1, 2019, otherwise.*

## Purchasing

**Chapter No. 574 (HB1803/SB1906). Purchasing authority through cooperative purchasing agreements.**

Amends T.C.A. § 12-3-1205 by authorizing municipalities and metropolitan governments to purchase farm tractors, mowers, earth moving machinery, construction machinery or other similar machinery or equipment through cooperative purchasing agreements with one or more governmental entities outside of this state or with a federal agency, to the extent permitted by law. Provides that the equipment must be procured in a manner that constitutes competitive bidding and the bidding must be advertised, evaluated, and awarded by a governmental entity and made available for use by other governmental entities. Also provides that the authority to exercise joint purchasing authority with a federal agency does not include the authority to purchase construction machinery, including, but not limited to bulldozers and other heavy equipment utilized in construction or on construction sites.

*Effective March 16, 2018.*

**Chapter No. 724 (HB2527/SB1596). Purchasing authority for motor vehicles amended.**

Amends T.C.A. § 12-3-1201 by authorizing municipalities and metropolitan governments to purchase motor vehicles manufactured for a special purpose through federal general service administration contracts or other applicable federal open purchase contracts. Motor vehicles “manufactured for a special purpose” include, but are not limited to, school buses, buses with capacity exceeding twenty-two (22) passengers used to provide public transportation, garbage trucks, fire trucks, or ambulances.

*Effective April 18, 2018.*

## Records

**Chapter No. 613 (HB1849/SB1656). Human trafficking service provider information confidential.**

Amends T.C.A. § 10-7-504(a)(15) and (17) by providing that when an individual presents an affidavit from a human trafficking service provider stating that the individual needs protection to a municipal utility and asks that his/her identifying information be maintained as confidential, the utility must do so. Also makes the telephone number, address, and any other information that could be used to locate a human trafficking service provider confidential. Requires the provider to notify the governmental entity of the desire to have the information maintained as confidential.

*Effective July 1, 2018.*

**Chapter No. 712 (HB1608/SB1724). Public records policy extension.**

Amends T.C.A. § 10-7-503 by requiring every municipality and metropolitan government subject to the public records act to have a public records policy in place by July 1, 2018. The policy must include 1.) the process for how to request inspection or copies and a copy of any required form, 2.) the process the entity uses for responding to request, including the redaction process, 3.) a statement of any fees charged for copies and procedures for billing and payment, and 4.) the name or title and contact information for the individual(s) designated as the public records request coordinator.

*Effective April 12, 2018.*

**Chapter No. 939 (HB2213/SB2049). Certain food incubator records made confidential.** Amends T.C.A. § 10-7-504 by making proprietary information, trade secrets, and marketing information submitted to a food-based business incubation service provider created by a municipality, confidential. Proprietary information, trade secrets, and marketing information are defined terms.

*Effective May 15, 2018.*

## **Taxes-Hotel/Motel**

**Chapter No. 700 (HB1492/SB1503). Occupancy tax levy authorized for the City of Farragut.** Amends T.C.A. § 67-4-1425 by authorizing the City of Farragut to levy an occupancy tax not to exceed 4.0% 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 for tourism development purposes and the manner of collection and administration is to be set out in an ordinance.

*Effective April 12, 2018.*

**Chapter No. 776 (HB2189/SB2457). Occupancy tax levy authorized for the City of Pleasant View.** Amends T.C.A. § 67-4-1425 by authorizing the City of Pleasant View to levy an occupancy tax not to exceed 5.0% of the cost of a hotel/motel room upon approval of a 2/3 vote of the governing body. The proceeds are to be used solely to promote tourism and economic development in the city and the manner of collection and administration is to be set out in an ordinance.

*Effective April 19, 2018.*

**Chapter No. 781 (HB2636/SB2421). Occupancy tax levy authorized for the City of Hendersonville.** Amends T.C.A. § 67-4-1425 by authorizing the City of Hendersonville to levy an occupancy tax not to exceed 2.75% of the cost of a hotel/motel room upon approval of a 2/3 vote of the governing body. The proceeds are to be used solely for tourism development purposes in the city and the manner of collection and administration is to be set out in an ordinance.

*Effective April 19, 2018.*

**Chapter No. 796 (HB2666/SB2707). Occupancy tax levy increased for the City of McMinnville.** Amends T.C.A. § 67-4-1425(r) by increasing the maximum amount of occupancy tax that can be levied in the City of McMinnville to an amount not to exceed 5.0%.

*Effective April 20, 2018.*

**Chapter No. 814 (HB2702/SB2737). Occupancy tax levy authorized for the City of Gallatin.** Amends T.C.A. § 67-4-1425 by authorizing the City of Gallatin to levy an occupancy tax not to exceed 5.0% of the cost of a hotel/motel room upon approval of a 2/3 vote of the governing body. The proceeds are to be used solely for tourism development and the manner of collection and administration is to be set out in an ordinance.

*Effective April 27, 2018.*

**Chapter No. 1065 (HB2718/SB2750). Occupancy tax levy authorized for the City of Crossville.** Amends T.C.A. § 67-4-1425 by authorizing the City of Crossville to levy an occupancy tax not to exceed 2.0% 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 21, 2018.*

## **Taxes-Property**

**Chapter No. 526 (HB1670/SB1484). Property Tax Appraisals.** Amends T.C.A. § 67-5-1601(b) by removing the requirement that any city lying in more than one county be appraised under a separate plan of reappraisal.

*Effective March 7, 2018.*

**Chapter No. 710 (HB1496/SB1675). Continued eligibility for property tax relief under certain circumstances.** Amends T.C.A. §§ 67-5-702, 703, and 704 by allowing elderly low-income, disabled, and disabled veterans to continue to qualify for property tax relief while temporarily relocated for health care reasons at the home of a friend or relative or at a hospital or skilled or intermediate care facility, if the taxpayer indicates an intent to return to the residence once he/she is recovered. Also requires anyone whose reimbursements ceased due to the type of temporary relocation described in this provision for the period beginning October 3, 2017, until the effective date of this act, to retroactively receive the reimbursements.

*Effective April 12, 2018.*

**Chapter No. 778 (HB2337/SB2495). Delinquent property tax provisions amended.** Amends T.C.A. § 67-5-2409 by providing that when multiple suits for delinquent taxes are pending against a piece of property, they must be consolidated into 1 action to enforce all delinquent taxes owed, including those that became delinquent after the original action was filed. The total amount of delinquent taxes owed are to be included in the total minimum bid on the property at the tax sale. No additional notice is required to be provided to interested individuals who received notice of the original complaint. After the notice of consolidation is filed, the consolidated proceeding will not be dismissed until all of the delinquent amounts owed for all years are paid.

Also amends T.C.A. § 67-5-2502 by requiring a notice of tax sale be published at least once in a newspaper of general circulation in the county where the parcels are located or with the approval of the court, the notice may be published by printed handbills publically posted in the county where the parcels are located or by posting on a website in such manner as the court may determine will provide adequate public awareness of the sale. Any such publication shall first occur at least 20 days before the sale date. Allows any sale under this section to be adjourned or rescheduled 1 time for cause without an additional newspaper publication or decree under certain circumstances.

Also amends T.C.A. §§ 67-5-2701 and 2702 by amending the definition of “person entitled to redeem” to include any interested person as of the date of the sale or the date the motion to redeem is filed. Also

provides that a copy of the motion filed with the court claiming disbursement of excess proceeds from a tax sale is to be served on all interested persons as of the date of the filing of the motion and no later than 30 days prior to the hearing on the motion. If an interested person fails to get notice of the motion, through no fault of his/her own, and claims that the person receiving the excess proceeds did so in error or in excess of his/her correct share, the person making the claim can bring an action against the person who received the funds. Neither the court clerk nor the attorney participating in the proceeding shall be liable for the lack of notice or for the excess proceeds being paid in error.

*Effective April 19, 2018.*

**Chapter No. 863 (HB0601/SB0492). Property tax liens do not attach to certain easements.** Amends T.C.A. § 67-5-2102 by adding that a property tax lien does not attach to an easement appurtenant upon property that is a servient estate or to an easement in gross that was assessed separately by either the county property assessor or the Office of State Assessed Property.

*Effective May 3, 2018.*

**Chapter No. 911 (HB1952/SB1923). Calculation of the certified tax rate.** Amends T.C.A. § 67-5-1701(a)(4) by authorizing a governing body to exclude the taxable value of properties appearing on the tax roll that are 1.) subject to tax increment financing provisions adopted by the governing body pursuant to Tennessee Code Annotated, Title 13, Chapter 20, Part 2 and 2.) within an area for which an economic impact plan has been approved by the governing body pursuant to T.C.A. § 7-53-312 or T.C.A. § 7-53-314.

*Effective May 1, 2018.*

**Chapter No. 957 (HB2356/SB2276). Tax exempt status authorized.** Amends T.C.A. § 67-5-212 by authorizing a children's hospital in Knoxville to claim and file an application for exemption of property taxes as either an educational institution or a religious, charitable, scientific, or non-profit educational institution. Provides that the effective date of the exemption will be up to 3 years prior to the date of application or the date the institution began to use the property for exempt purposes.

*Effective May 15, 2018.*

**Chapter No. 971 (HB2038/SB2076). Certain whiskey barrels exempt from property tax.** Amends T.C.A. § 67-5-216 specifying that aged whiskey barrels, during the time in which such barrels are owned or leased by a person that produces or manufactures whiskey in those barrels, are considered, and have always been considered, "articles manufactured from the produce of this state, or any other state of the union, in the hands of the manufacturer" and as such are exempt from ad valorem property tax.

*Effective May 17, 2018.*

## **Taxes-Sales**

**Chapter No. 1011 (HB2310/SB2119). Situs information authorized to be provided to contractors.** Amends T.C.A. § 67-1-1704 by authorizing a municipality receiving tax information to disclose to a consultant or contractor the name, address, and situs of one or more taxpayers for the purpose of

ascertaining whether allocations of state and local taxes are being distributed to the correct unit of local government. Prohibits a consultant or contractor who receives tax information from disclosing such information to any person.

*Effective May 21, 2018, and applies to tax periods beginning on or after January 1, 2017.*

## **Transportation**

**Chapter No. 606 (HB1263/SB0727). Vehicle registration in electronic format permitted.** Amends Tennessee Code Annotated, Title 55, Chapter 4, Part 1 by authorizing individuals to provide evidence of both financial responsibility and vehicle registration in electronic format. Also provides that if an individual displays evidence of registration via an electronic device, they are not consenting to law enforcement accessing any other contents of the electronic device.

*Effective July 1, 2018.*

## **Utilities**

**Chapter No. 496 (HB0362/SB0295). Rules required to be promulgated for certain requirements within NPDES.** Amends T.C.A. § 69-3-108 by requiring that any numeric or narrative effluent limitations that are included in a national pollutant discharge elimination system permit (NPDES) to manage post-construction storm water be adopted as rules pursuant to the Uniform Administrative Procedures Act by the Board of Water Quality, Oil, and Gas. Provides that no NPDES permit regulating a municipality's separate storm sewer system can be issued pursuant to § 69-3-108 until these rules take effect.

*Effective February 22, 2018.*

**Chapter No. 570 (HB1591/SB1646). Cooperatives' authority to provide Broadband expanded.** Amends T.C.A. § 65-25-105 by allowing cooperatives to construct, maintain, operate, or allow others to operate electric or other telecommunications or broadband Internet access and related services 1.) along, upon, under, and across easements and rights of way used by the cooperatives for a primary purpose; 2.) through public thoroughfares including roads, highways, streets, alleys, and bridges; and 3.) along, upon, under, and across publically owned land, with consent of the entity that owns the land, but consent cannot be unreasonably withheld or conditioned for competitive advantage purposes.

*Effective March 16, 2018.*

**Chapter No. 716 (HB1791/SB1812). Amendments to the Underground Utility Damage Prevention Act.** Amends T.C.A. § 65-31-108 by authorizing the Underground Damage Enforcement Board (hereinafter "Board") to promulgate rules on uniform color code and marking for underground utilities. Provides that the methods for marking established by the Board and the language in the Tennessee Code are the official methods of marking underground facilities in Tennessee. Adds that any operator that fails to join one-call and utilize the services of the notification center as required, is subject to fines and penalties. Also adds that any "contract operator", or person contracted with an operator, or operating on behalf of



an operator, to specifically determine and mark the approximate location of all the operator's utility lines that exist within a specified area by notice serviced on the one-call service, is also subject to the provisions in the Underground Damage Prevention Act.

*Effective April 12, 2018.*

**Chapter No. 762 (HB1605/SB1630). City of Hornbeak authorized to collect unpaid municipal sewer charges like unpaid property taxes.** Amends T.C.A. § 7-35-202 by authorizing the City of Hornbeak's legislative body to approve by a 2/3 vote, the collection of unpaid charges for municipal sewer services in the same manner as unpaid property taxes, including through a lien on the property.

*Effective April 19, 2018.*

**Chapter No. 813 (HB2232/SB2121). Applicability of sales and use tax to water and electricity sales.** Amends Tennessee Code Annotated, Title 67, Chapter 6, Part 3 by adding that sales and use tax imposed by the chapter on the sale of water by a public utility only applies to charges on a customer's monthly water bill for metered water usage, a monthly minimum bill, a monthly customer charge, or a monthly demand charge. Also amends T.C.A. § 67-6-334 by adding that the sales and use tax imposed by the chapter on sales of natural gas, propane, and electricity sold directly to the consumer for non-residential use applies only to charges on a consumer's monthly bill for metered usage, a monthly minimum bill, a monthly customer charge, or a monthly demand charge.

*Effective April 27, 2018.*

**Chapter No. 956 (HB2338/SB2292). Utility training provisions amended.** Amends T.C.A. § 7-34-115(j) by authorizing any association or organization with appropriate knowledge and experience to prepare and submit an online training and continuing education curriculum for municipal utility board members to the Comptroller for review and approval. Provides that any person required to complete the training and continuing education may take one or more online courses allowed for in this provision in lieu of attending the courses in person. Requires the board members to forward the affidavits prescribed by the Comptroller to the provider of the course so that attendance and completion of the course can be verified. Requires the provider to forward the completed affidavit to the appropriate records custodian.

*Effective May 15, 2018.*

**Chapter No. 1003 (HB1914/SB1894). Use of revenues to fund economic development organizations and chambers of commerce.** Amends T.C.A. § 7-34-115 by authorizing the municipal utility board with management responsibility for a municipal utility system that is a natural gas utility system or the municipal governing body, if there is no such board, to contribute revenues derived from the system to fund chambers of commerce and economic and community organizations pursuant to an ordinance or resolution adopted by the governing body. Provides that rates may not be raised in order to fund any such contributions. Excludes Davidson, Shelby, Hamilton, and Knox Counties.

*Effective May 21, 2018.*

## **Workers' Compensation**

**Chapter No. 757 (HB2304/SB2475). Fees that can be awarded by the Court of Workers' Compensation Claims.** Amends T.C.A. § 50-6-226(d) by giving the Court of Workers' Compensation Claims the authority to award reasonable fees that include, but are not limited to, reasonable and necessary court reporter expenses and expert witness fees for depositions and trials, when the employer fails to furnish the appropriate medical care, medicine, or supplies to an employee as provided in a settlement, expedited hearing order, compensation hearing order, or judgment under the workers' compensation provisions or wrongfully denies a claim or wrongfully fails to timely initiate any of the benefits to which the employee or dependent is entitled under the workers' compensation provisions. Also makes the provisions relative to the Court being able to award the fees for wrongfully denying a claim or wrongfully failing to timely initiate any of the benefits to which the employee or dependent is entitled, effective until June 30, 2020.

*Effective April 18, 2018.*