
Dennis Huffer
Municipal Technical Advisory Service

Follow this and additional works at: https://trace.tennessee.edu/utk_mtaspubs

Part of the Public Administration Commons

The MTAS publications provided on this website are archival documents intended for informational purposes only and should not be considered as authoritative. The content contained in these publications may be outdated, and the laws referenced therein may have changed or may not be applicable to your city or circumstances.

For current information, please visit the MTAS website at: mtas.tennessee.edu.

Recommended Citation
https://trace.tennessee.edu/utk_mtaspubs/288

This Report is brought to you for free and open access by the Municipal Technical Advisory Service (MTAS) at TRACE: Tennessee Research and Creative Exchange. It has been accepted for inclusion in MTAS Publications: Full Publications by an authorized administrator of TRACE: Tennessee Research and Creative Exchange. For more information, please contact trace@utk.edu.
Tennessee Public Acts 1994

Summaries of Interest to Municipal Officials

By Dennis W. Huffer
Director of Legal Services
Tennessee Municipal League Risk Management Pool

Municipal Technical Advisory Service
A statewide agency of
The University of Tennessee's Institute for Public Service
in cooperation with the
Tennessee Municipal League
MTAS Mission Statement

The Municipal Technical Advisory Service (MTAS) was created in 1949 by the state legislature to enhance the quality of government in Tennessee municipalities. An agency of The University of Tennessee’s Institute for Public Service, MTAS works in cooperation with the Tennessee Municipal League and affiliated organizations to assist municipal officials.

By sharing information, responding to client requests, and anticipating the ever-changing municipal government environment, MTAS promotes better local government and helps cities develop and sustain effective management and leadership.

MTAS offers assistance in areas such as accounting and finance, administration and personnel, fire, public works, law, ordinance codification, communications, and wastewater management. MTAS houses a comprehensive library and publishes scores of documents annually.

All MTAS publications are free to Tennessee city, county, state, and federal officials. There is a charge for all private sector requests. This report is $15.

Photocopying of this publication in small quantities for educational purposes is encouraged. For permission to copy and distribute large quantities, please contact the MTAS Knoxville office at (615) 974-0411.

The University of Tennessee
Municipal Technical Advisory Service
600 Henley Street, Suite 120
Knoxville, Tennessee 37996-4105
Knoxville: (615) 974-0411
Nashville: (615) 532-MTAS (6827)
Jackson: (901) 423-3710
Martin: (901) 587-7055
Johnson City: (615) 854-9882
# Table of Contents

Administrative Law  ....................................... 1
- Payment of reasonable expenses by state agency after contested case hearings  ................................... 1
- Environmental rules — state sharing in costs — invalidation  ......................................................... 1
- Access to rules and draft rules of Department of Environment and Conservation  .......................... 1

Alcoholic Beverages  ......................................... 1
- Driver consumption or possession of alcoholic beverages prohibited  .................................................... 1
- Ignition interlock devices  .................................................................................................................. 1
- Purchase of beer from certain manufacturers  ...................................................................................... 2

Boards, Commissions, and Authorities  ......................................... 2
- Borrowing of money by human resource agencies  .................................................................................. 2
- Appointments to Water Quality Control Board and Air Pollution Control Board  .......................... 2
- Wars commission created  .................................................................................................................... 2

Building and Utility Codes  ...................................... 2
- Building and life safety codes for health facilities  .................................................................................. 2
- Inspection fees for electrical installations  .................................................................................................. 2
- Potty parity required  ............................................................................................................................. 2
- Model energy code — modification  ........................................................................................................ 3

Business Regulation  ............................................... 3
- Contractor licensing  .................................................................................................................................. 3

City Courts  .................................................................. 3
- City court divisions  .................................................................................................................................. 3

Civil Procedure  ..................................................... 3
- Supreme Court — assumption of jurisdiction  .......................................................................................... 3
- Safety belts — fine — admissibility of failure to wear into evidence  ...................................................... 3
- Jury trials in cases with multiple defendants  ............................................................................................ 4

Crimes and Criminal Procedure  ................................. 4
- Public indecency  ...................................................................................................................................... 4
- Sale or delivery of controlled substances to persons under 18 — punishment increased  ...................... 4
- Statutory rape  ......................................................................................................................................... 4
- Flying under the influence of intoxicants  ................................................................................................. 4
- Enhancement factor — crimes on school property  .................................................................................... 5
- DUI enhancement  .................................................................................................................................... 5
- Ignition interlock devices  .......................................................................................................................... 5
- Possession of lottery tickets  ..................................................................................................................... 5
- Denial of license for minors not in school  ................................................................................................. 5
- Notice to chief of police on release of certain prisoners on work release or furlough  ......................... 5
- Regulation of tobacco products  ............................................................................................................... 5
- Making false statements to obtain surety bonds  ....................................................................................... 6
- Murder by child abuse  .............................................................................................................................. 6
DUI — blood alcohol level presumption lowered for second and subsequent offenses ................................................................. 6
DUI — fines increased — treatment for DUI offenders ................................................................. 6
Criminal exposure to HIV ........................................................................................................... 7
Wiretaps in homicide cases — illegal wiretaps — civil actions and punitive damages .......... 7
Recording and disseminating cellular telephone transmissions; photographs that invade privacy ............................................................................................................................. 7
HIV testing of persons arrested for rape and sexual battery offenses ..................................... 7
Repeat violent offenders ......................................................................................................... 8
Disabled Persons ....................................................................................................................... 8
Disabled drivers — placards ...................................................................................................... 8
Blind vendors — priority on public property ............................................................................. 8
Economic Development ........................................................................................................... 9
Job creation incentives under the franchise tax ...................................................................... 9
Enterprise zones — excise tax credits ..................................................................................... 9
Education and Schools ........................................................................................................... 9
Gang wear ............................................................................................................................... 9
Optional use of drug funds for D.A.R.E. program ................................................................. 9
School searches — reasonable suspicion ................................................................................. 9
School vans ............................................................................................................................ 9
Home schools ........................................................................................................................ 9
Career ladder certificates — recertification ............................................................................ 10
Parental responsibility for absences ..................................................................................... 10
Statewide D.A.R.E. club .......................................................................................................... 10
Credentials for supervisors of instruction and principals .................................................... 10
Enhancement factor — crimes on school property ................................................................ 10
Denial of license for minors not in school ............................................................................. 10
Apportionment of transportation funds ................................................................................ 10
Alternative school programs required .................................................................................... 10
Credit for excess instructional time ........................................................................................ 11
School safety zones ............................................................................................................... 11
School nutritionists — career ladder participation ............................................................... 11
Programs for children with behavioral and emotional disorders ........................................... 11
Teacher assaults — leave and benefits .................................................................................. 11
Elections .................................................................................................................................. 11
Early voting ............................................................................................................................. 11
Election notices — newspaper of general circulation ............................................................. 12
Electric Systems ..................................................................................................................... 12
Engineers, architects, landscape architects — registration requirements — exemption for employees of municipal electric systems ................................................................................................. 12
Electric system boards — health insurance .......................................................................... 12
Emergency Communications Districts .................................................................................. 12
One-year moratorium; reduction of levy ............................................................................... 12
<table>
<thead>
<tr>
<th>Topic</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Naming of streets and assigning property numbers</td>
<td>12</td>
</tr>
<tr>
<td>Emergency Services</td>
<td>13</td>
</tr>
<tr>
<td>1. Emergency medical services — persons certified in other states</td>
<td>13</td>
</tr>
<tr>
<td>Eminent Domain</td>
<td>13</td>
</tr>
<tr>
<td>1. Interest on eminent domain judgments</td>
<td>13</td>
</tr>
<tr>
<td>2. Eminent domain proceedings — costs</td>
<td>13</td>
</tr>
<tr>
<td>Finance</td>
<td>13</td>
</tr>
<tr>
<td>1. Bridge grant program — local share</td>
<td>13</td>
</tr>
<tr>
<td>2. Collateral for funds in state treasurer's custody</td>
<td>13</td>
</tr>
<tr>
<td>3. Compensation of members of municipal planning commissions</td>
<td>13</td>
</tr>
<tr>
<td>4. Securities — advisory committee — information on debt issuers and projects funded</td>
<td>13</td>
</tr>
<tr>
<td>5. Public deposits — collateral</td>
<td>14</td>
</tr>
<tr>
<td>6. Investments in prime bankers' acceptances and prime commercial paper by cities over 150,000</td>
<td>14</td>
</tr>
<tr>
<td>7. Investment in own bonds; notice of bond refunding; refunding of capital outlay notes</td>
<td>14</td>
</tr>
<tr>
<td>8. Drug fines and forfeitures</td>
<td>15</td>
</tr>
<tr>
<td>9. Appropriations Act</td>
<td>16</td>
</tr>
<tr>
<td>Health and Environment</td>
<td>16</td>
</tr>
<tr>
<td>1. Appointments to Water Quality Control Board and Air Pollution Control Board</td>
<td>16</td>
</tr>
<tr>
<td>2. Petroleum underground storage tanks — acquisition by local governments</td>
<td>16</td>
</tr>
<tr>
<td>3. Adoption of federal air pollution regulations by reference</td>
<td>16</td>
</tr>
<tr>
<td>4. Air pollution — falsifying reports, tampering with monitoring devices, failing to pay fees</td>
<td>17</td>
</tr>
<tr>
<td>5. Bloodborne pathogens — training in universal precautions</td>
<td>17</td>
</tr>
<tr>
<td>6. Pollution control credit</td>
<td>17</td>
</tr>
<tr>
<td>7. Environmental rules — state sharing in costs — invalidation</td>
<td>17</td>
</tr>
<tr>
<td>8. Hazardous waste management — fees, etc.</td>
<td>17</td>
</tr>
<tr>
<td>9. Signs in public restrooms</td>
<td>18</td>
</tr>
<tr>
<td>Home Rule Cities</td>
<td>18</td>
</tr>
<tr>
<td>1. City court divisions</td>
<td>18</td>
</tr>
<tr>
<td>Insurance</td>
<td>18</td>
</tr>
<tr>
<td>1. Electric system boards — health insurance</td>
<td>18</td>
</tr>
<tr>
<td>2. Medical insurance — coverage for minors in custody of a guardian</td>
<td>18</td>
</tr>
<tr>
<td>3. Coverage for children born out of wedlock and adopted children by medical insurance policies</td>
<td>18</td>
</tr>
<tr>
<td>4. Coverage for midwifery</td>
<td>19</td>
</tr>
<tr>
<td>Jails</td>
<td>19</td>
</tr>
<tr>
<td>1. Bloodborne pathogens — training in universal precautions</td>
<td>19</td>
</tr>
<tr>
<td>Juveniles</td>
<td>19</td>
</tr>
<tr>
<td>1. Fingerprint and photograph files — maintenance and destruction — obtaining</td>
<td>19</td>
</tr>
</tbody>
</table>
Possession of handguns by juveniles .................................................. 19
Requiring parental participation in counseling .................................. 20
Juvenile detention .............................................................................. 20
Transfer for disposition as adult; housing ......................................... 20
Transfer for trial as adult .................................................................. 20
Surcharges for violent offenders ....................................................... 20
Delinquency proceedings — petitions and orders open under certain circumstances ............................................................ 20
Juvenile family crisis intervention programs .................................... 21

Law Enforcement .................................................................................. 21
Optional use of drug funds for D.A.R.E. program .............................. 21
Contraband in penal institutions ......................................................... 21
School searches — reasonable suspicion ............................................. 21
Notice to chief of police on release of certain prisoners on work release or furlough ................................................................. 21
Teaching and use of choke holds ......................................................... 21
Testing of person whose body fluids come into contact with police officers ................................................................. 22
Procedures for forfeitures enacted ..................................................... 22
Uniform traffic citations optional ....................................................... 22
Public safety dispatchers — qualifications and training .................... 23
Handgun permits — validity expanded .............................................. 23
Sexual offender registration and monitoring .................................... 23
Sale of firearms to persons convicted of crimes ................................. 24
Warrantless arrest for DUI ................................................................. 24

Mayor-Aldermanic Charter ................................................................. 24
Change from staggered two-year terms to non-staggered two-year terms ........................................................................ 24
Public deposits — collateral ............................................................... 24

Metropolitan Government .................................................................. 25
Use by Nashville of state administrative law judges ......................... 25
Nashville — court officers ................................................................. 25
Collection of fees and taxes by county clerk in Nashville ................. 25
Membership on railroad authority ..................................................... 25

Modified Manager-Council Charter ................................................... 25
Public deposits — collateral ............................................................... 25

Motor Vehicles and Traffic ................................................................. 25
License plates on antique vehicles ..................................................... 25
Disabled drivers — placards ............................................................... 25
Abandoned vehicles — optional pre-seizure notice ............................ 26
Driver consumption or possession of alcoholic beverages prohibited ........................................................................ 26
Safety belts — fine — admissibility of failure to wear into evidence .... 26
Safety rules for motor carriers inside municipal limits — authority of Public Service Commission increased ......................... 26
Gross weights for trucks hauling natural resource products .............. 26
Deregulation of motor vehicles hauling recyclables .......................... 27
Ignition interlock devices ................................................................. 27
Administrative Law

Chapter No. 869 (SB 2115/HB 2068). Payment of reasonable expenses by state agency after contested case hearings. Amends T.C.A. Title 4, Chapter 5, Part 3 to require state agencies to pay reasonable expenses for local governments and other entities when the state agency cites the entity and the citation was without basis or was done to harass or cause needless expense. Reasonable expenses includes attorney fees.

Effective date: July 1, 1994; applies to citations issued on and after that date.

Chapter No. 878 (SB 2040/HB 2546). Environmental rules — state sharing in costs — invalidation. Amends T.C.A. Title 68 to make it a grounds for invalidating environmental rules by the Government Operations Committee that the rules are more stringent than federal statutes and rules on the same subject, that they result in increased expenditures for local governments beyond those required to meet the federal requirements, and that the General Assembly has not appropriated funds to local governments to meet the increased expenditures. The funds appropriated must be in addition to those local governments receive pursuant to other laws. There must have been a timely comment addressed to the promulgating authority raising the issue and specifying the level of increased expenditure mandated by the rule.

Effective date: applies to regulations for which notice is published after July 1, 1994.

Chapter No. 903 (SB 2007/HB 2291). Access to rules and draft rules of Department of Environment and Conservation. Amends T.C.A. § 4-5-218 to require the Department of Environment and Conservation to allow any person access to rules or proposed rules upon written request. The department may charge reasonable fees for providing these documents. This act also requires the department to quote verbatim federal rules or statutes incorporated in state rules.

Implementation of this act depends on an appropriation.

Effective date: July 1, 1994.

Alcoholic Beverages

Chapter No. 638 (SB 1970/HB 2673). Driver consumption or possession of alcoholic beverages prohibited. Makes it a Class C misdemeanor punishable by a fine only for a driver to consume or possess an open container of alcoholic beverage or beer while operating a motor vehicle in this state. Law enforcement officers must issue a citation in lieu of continued custody for a violation of the act unless the offender refuses to sign and accept the citation.

Effective date: July 1, 1994.

Chapter No. 851 (SB 1767/HB 1717). Ignition interlock devices. Amends T.C.A. § 55-10-412 to allow judges in DUI cases to require ignition interlock devices on the vehicle used to commit the violation when the operator has at least one prior conviction for driving, when the person’s driving privileges have been cancelled, or when the driver’s driving privileges were cancelled when he/she violated the DUI law.

Effective date: July 1, 1994.
Chapter No. 864 (SB 2691/HB 2683). Purchase of beer from certain manufacturers. Amends T.C.A. § 57-5-201 to clarify that beer retailers may purchase beer from a manufacturer that produces not more than 5,000 barrels of beer annually as provided in T.C.A. § 57-5-101.

Effective date: April 21, 1994.

Boards, Commissions, and Authorities

Chapter No. 555 (SB 1975/HB 2200). Borrowing of money by human resource agencies. Amends T.C.A. § 13-26-105 to allow human resource agencies to borrow money for short-term emergency cash flow needs when the loan is properly and fully secured by grant funds receivable.

Effective date: July 1, 1994.

Chapter No. 610 (SB 1849/HB 1757). Appointments to Water Quality Control Board and Air Pollution Control Board. Amends T.C.A. § 68-201-104 and § 69-3-104 to require the governor to appoint one person each to the Water Quality Control Board and the Air Pollution Control Board from a list of three nominees for each board submitted by the Tennessee Municipal League. Does the same for the Tennessee County Services Association and the Tennessee Association of Business.

Effective date: March 16, 1994.

Chapter No. 824 (SB 1832/HB 2172). Wars commission created. Creates a wars commission to preserve and restore historic sites related to the American Revolution and Civil War. The commission may accept financial assistance from municipalities.

Effective date: July 1, 1994.

Building and Utility Codes

Chapter No. 842 (SB 1851/HB 2220). Building and life safety codes for health facilities. Amends T.C.A. § 68-11-202 to make the building and life safety codes adopted by the board for licensing health care facilities the exclusive regulations applicable for those purposes for hospitals, nursing homes, recuperation centers, homes for the aged, home health agencies, residential hospices, ambulatory surgical treatment centers, and alcohol and drug treatment centers. Local government regulations are superseded.

Effective date: April 19, 1994.

Chapter No. 871 (SB 2573/HB 2418). Inspection fees for electrical installations. Amends T.C.A. § 68-102-143(b)(2) to increase some fees for electrical inspections.

Effective date: Jan. 1, 1995.

Chapter No. 934 (SB 522/HB 1064). Potty parity required. Amends T.C.A. Title 68, Chapter 120 to require more water closets and lavatories for women than for men in new and renovated facilities where the public congregates. The ratio of male to female water closets and lavatories will be determined by the state building commission.

Facilities required to have potty parity under this act are sports and entertainment arenas, musical amphitheaters, stadiums, community and convention halls, specialty event centers, amusement facilities, fairgrounds, zoos, institutions of higher education, and specialty event centers in public parks.
Facilities not included are hotels, food establishments, state or local parks with a seating capacity of fewer than 250 persons, higher education facilities with a seating capacity of fewer than 250 persons, and open air facilities where portable facilities can be located.

Renovated structures to which the act applies are those that have more than 50 percent of the gross floor space or volume of the entire building rebuilt, and those buildings that have additions built. The act applies only to the addition and not the entire building.

*Effective date: May 9, 1994.*


*Effective date: May 10, 1994.*

**Business Regulation**

**Chapter No. 986 (SB 2597/HB 2507). Contractor licensing.** Amends T.C.A. Title 62, Chapter 6, Part 1 to change provisions relative to contractor licensing. Among other things, this act:

- extends the definition of "contractors" to include those who submit a price or bid or offer to do work costing $25,000 or more.
- removes the requirement that contractors must have paid business taxes, if applicable, before renewals are allowed.
- removes officials of political subdivisions from those prohibited from issuing permits to unlicensed contractors.

*Effective date: May 10, 1994.*

**City Courts**

**Chapter No. 712 (SB 2545/HB 2393). City court divisions.** Amends T.C.A. § 16-17-101 to authorize governing bodies of home rule cities to decrease the number of divisions of city court by ordinance. Divisions may be eliminated only when a term expires or a vacancy occurs.

*Effective date: April 4, 1994.*

**Civil Procedure**

**Chapter No. 573 (SB 1808/HB 2274). Supreme Court — assumption of jurisdiction.** Amends T.C.A. § 16-3-201(d) to allow the Supreme Court to assume jurisdiction in a case in which there is a compelling public interest and a notice of appeal is filed with an intermediate appellate court.

*Effective date: March 4, 1994.*

**Chapter No. 661 (SB 2621/HB 2803). Safety belts — fine — admissibility of failure to wear into evidence.** Amends T.C.A. § 55-9-603(d)(2) to provide for a fine on the first violation of failing to wear a safety belt of $10 and $20 for subsequent violations. Amends T.C.A. § 55-9-603 to prohibit litigation tax from being assessed against persons convicted of failure to wear safety belts.
Amends T.C.A. § 55-9-604 to provide that failure to wear safety belts can be admissible in products liability cases. The defendant alleging non-compliance has the burden of proving there was a failure to wear the seat belt and that wearing the seat belt would have reduced the injuries.


Chapter No. 789 (SB 2292/HB 2072). Jury trials in cases with multiple defendants. Amends T.C.A. § 29-20-307 and 313 to provide for jury trials upon demand of any party in cases brought under the Governmental Tort Liability Act when there are multiple defendants, some of which are governmental entities and some of which are not.

Effective date: Applies only to actions arising on or after July 1, 1994.

Crimes and Criminal Procedure
(see also Law Enforcement and Motor Vehicles and Traffic)

Chapter No. 542 (SB 1399/HB 1152). Public indecency. Amends T.C.A. § 39-13-511 to create the offense of public indecency. Prohibits various sex acts and appearing naked in public places. Employers may be held liable for fines imposed under the act if they knew or should have known of the employee’s conduct. Exempts certain theatrical productions with serious artistic merit. The act does not affect the ability of local governments to regulate any activity in alcoholic beverage or beer places. A first or second offense is a Class B misdemeanor punishable by a fine of $500. Third and subsequent offenses are a Class A misdemeanor punishable by a fine of $1,500 or confinement for not more than 11 months and 29 days, or both.

Effective date: July 1, 1994.

Chapter No. 703 (SB 1994/HB 2371). Sale or delivery of controlled substances to persons under 18 — punishment increased. Amends T.C.A. § 39-17-417(k) to provide for punishment one classification higher when controlled substances are sold or delivered to persons under 18.

Effective date: July 1, 1994.

Chapter No. 719 (SB 1672/HB 1687). Statutory rape. Amends T.C.A. § 39-13-506 to remove as a defense to statutory rape that the victim was at least 14 years old and had engaged promiscuously in sex.

Effective date: July 1, 1994.

Chapter No. 797 (SB 2572/HB 2350). Flying under the influence of intoxicants. Amends T.C.A. § 42-1-201 to make it a Class A misdemeanor for any person to operate or attempt to operate an aircraft or to act as a crew member on an aircraft:

- within eight hours of consuming any alcoholic beverage;
- while under the influence of alcohol;
- while using other substances that affect safety; or
- with .04 percent alcohol content in the person’s blood.

Amends T.C.A. § 42-1-203 to enact implied consent to blood alcohol testing provisions under the FUI law. Refusing to take the test after being requested to do so and after being advised of the consequences is a Class B misdemeanor.
Amends T.C.A. Title 42, Chapter 1, Part 2 to require local law enforcement agencies to report the filing of charges and test results to the Federal Aviation Administration. Law enforcement agencies having evidence of violations must present the evidence to the F.A.A. as well as to state prosecutors.

**Effective date:** July 1, 1994.

**Chapter No. 821 (SB 2628/HB 2775). Enhancement factor — crimes on school property.** Amends T.C.A. § 40-35-114 to add as a sentencing enhancement factor that the crime took place on school property.

**Effective date:** July 1, 1994.

**Chapter No. 840 (SB 2420/HB 2566). DUI enhancement.** Amends T.C.A. § 55-10-403 to provide that for enhancement of punishment under the DUI law, vehicular assault and vehicular homicide caused by intoxication will be treated as a prior DUI conviction.

**Effective date:** July 1, 1994.

**Chapter No. 851 (SB 1767/HB 1717). Ignition interlock devices.** Amends T.C.A. § 55-10-412 to allow judges in DUI cases to require ignition interlock devices on the vehicle used to commit the violation when the operator has at least one prior conviction for driving, when the person’s driving privileges have been cancelled, or when the driver’s driving privileges were cancelled when he/she violated the DUI law.

**Effective date:** July 1, 1994.

**Chapter No. 856 (SB 2524/HB 2521). Possession of lottery tickets.** Amends T.C.A. § 39-17-505 and 506 to remove as an offense the possession of a lottery ticket that is not for resale.

**Effective date:** April 20, 1994.

**Chapter No. 860 (SB 2625/HB 2616). Denial of license for minors not in school.** Amends T.C.A. § 49-6-3017(b) to provide that once a person under 18 withdraws from school, he or she must return to school and make satisfactory academic progress before he/she may be granted driving privileges.

**Effective date:** July 1, 1994.

**Chapter No. 865 (SB 2776/HB 2648). Notice to chief of police on release of certain prisoners on work release or furlough.** Amends T.C.A. Title 41, Chapter 21, Part 2 to require the Department of Corrections to notify the sheriff or chief of police or both when a prisoner convicted of homicide or rape is released into the community on work release or furlough. The notice must be made at least five days before the prisoner will be released and must contain the prisoner’s name, the nature of the crime, the name of the company and address where the prisoner will be working, the address where the prisoner will be staying, and the length of the furlough.

**Effective date:** April 20, 1994.

**Chapter No. 872 (SB 1944/HB 2395). Regulation of tobacco products.** Section 9 of this act preempts any local regulation of tobacco products adopted after March 15, 1994. It does allow cities and counties to regulate the use of tobacco products in buildings owned or leased by the city or county. It allows airport authorities, utility districts, and special school districts to do the same for buildings owned or leased by them.
Among other things, this act:

- makes it unlawful for any person to sell or distribute any tobacco product to or purchase any tobacco product for a minor.
- makes it unlawful to persuade, send, or assist a minor to purchase tobacco products.
- makes it unlawful to distribute samples of tobacco products within 100 feet of any school, playground, or other facility used primarily by minors.
- requires persons selling tobacco products to require proof of age when the purchaser appears to be under 18 years of age. Violation of this and the previously enumerated provisions is a Class A misdemeanor punishable by a fine only, not exceeding $2,500.
- prohibits persons convicted on three separate occasions from possessing or selling tobacco products for five years.
- makes it unlawful for a minor to purchase or accept tobacco products or to present false proof of age. Violation is a Class C misdemeanor punishable by a fine of $50 or 25 hours of community service work on first offense and a fine of $50 and 50 hours of community service work for second and subsequent offenses.
- requires sellers of tobacco products to post signs after July 1, 1994, warning that it is illegal to sell tobacco products to minors.
- regulates the location of tobacco product vending machines.
- makes it unlawful to sell cigarettes or smokeless tobacco in anything but the original sealed container.
- places enforcement in the state Department of Agriculture.

**Effective date:** April 22, 1994.

**Chapter No. 874 (SB 2290/HB 2558).** Making false statements to obtain surety bonds. Amends T.C.A. Title 39, Chapter 14, Part 1 to make it a Class A misdemeanor to make a false statement or knowingly fail to disclose a material fact to obtain a surety bond. Each false statement is a separate offense.

**Effective date:** April 22, 1994.

**Chapter No. 883 (SB 43/HB 309).** Murder by child abuse. Amends T.C.A. § 39-13-202(a)(4) to make it first-degree murder to recklessly kill a child less than 16 (rather than 13) years of age by aggravated child abuse.

**Effective date:** July 1, 1994.

**Chapter No. 946 (SB 1003/HB 397).** DUI — blood alcohol level presumption lowered for second and subsequent offenses. Amends T.C.A. § 55-10-408 to lower the blood alcohol level that creates a presumption of intoxication from .10 percent to .08 percent for the second and subsequent offenses.

**Effective date:** July 1, 1994.

**Chapter No. 948 (SB 1053/HB 843).** DUI — fines increased — treatment for DUI offenders. Amends T.C.A. § 55-10-403 to increase fines for DUI offenders. Fines are increased to $350 to $1,500 for the first offense, $600 to $3,500 for the second offense, and $1,100 to $10,000 for third and subsequent offenses.

Proceeds from the fine increases go to counties to be used for alcohol and drug treatment facilities and drug education programs.

**Effective date:** July 1, 1994.
Chapter No. 952 (SB 2244/HB 1686). *Criminal exposure to HIV.* Amends *T.C.A.* Title 39, Chapter 13, Part 1 to make it a Class C felony knowingly to expose another to the HIV virus. Consent is a defense.

*Effective date: May 10, 1994.*

Chapter No. 964 (SB 2708/HB 2153). *Wiretaps in homicide cases — illegal wiretaps — civil actions and punitive damages.* Enacts the Wiretapping and Electronic Surveillance Act of 1994. This act:

- authorizes the use of wiretaps in homicide investigations and establishes procedures for their use.
- makes it unlawful to intercept electronic communications except as authorized in the act.
- allows law enforcement officers to apply for an order authorizing a wiretap and to do wiretapping in counties of over 250,000 population if the officer has successfully completed a training course. In other counties, TBI agents make the application and do the wiretaps. In all counties, prosecuting attorneys may apply for the use of wiretaps.
- creates a civil cause of action for persons illegally wiretapped. The person may get damages, punitive damages, and attorney fees and costs.

*Effective date: May 10, 1994.*

Chapter No. 970 (SB 2482/HB 2276). *Recording and disseminating cellular telephone transmissions; photographs that invade privacy.* Amends *T.C.A.* Title 65, Chapter 21, Part 1 to make it a Class A misdemeanor intentionally to record or disseminate a communication between two cellular telephones or between a cellular phone and other phones. Disseminating the conversation is a Class E felony if the defendant publishes or distributes it.

Law enforcement officers may record a protected conversation when preservation is pertinent to a criminal investigation. Officers must follow the following procedures to do this:

- The recording must be labeled with the name of the officer making the recording and the date and time the recording was made.
- Within 48 hours, the officer must apply to a judge for a search warrant to continue recording and to retain recordings already made. No duplication or dissemination of the recordings may be made until the court order is issued.
- The officer must certify in a written application under oath that the recording is pertinent to a criminal investigation, the nature of the offense, and the address, if known, of the location of the cellular phone communication intercepted.

If no application is made within 48 hours of the recording, the recording must be destroyed. Recordings obtained in violation of this act may not be used as evidence.

This act also makes it a Class B misdemeanor knowingly to photograph someone in a place where there is a reasonable expectation of privacy without the consent of the person or the person's parent or guardian if the photograph would embarrass an ordinary person and it was taken for sexual gratification. Dissemination of these photographs is a Class A misdemeanor.

*Effective date: July 1, 1994.*

Chapter No. 989 (SB 2635/HB 2613). *HIV testing of persons arrested for rape and sexual battery offenses.* Amends *T.C.A.* § 39-13-521 to require immediate HIV testing of persons arrested for
rape and sexual battery offenses. The arrested person must pay the costs of the test. The results of
the test must be reported by the laboratory to the victim.

The results of the test are available only to the victim, the parent or guardian of a minor or
incapacitated victim, the doctors of the person tested and the victim, the Departments of Health
and Correction, the person tested, and the prosecuting DA.

The court may consider a positive test an enhancement factor in sentencing.

Effective date: July 1, 1994.

Chapter No. 994 (SB 2819/HB 2759). Repeat violent offenders. Amends T.C.A. Title 40, Chapter
35 to require repeat violent offenders to be sentenced to life in prison without possibility of
parole if the court finds beyond a reasonable doubt that the offender is a repeat violent offender.

Effective date: July 1, 1994.

Disabled Persons

Chapter No. 634 (SB 1837/HB 1933). Disabled drivers — placards. Amends T.C.A. Title 55,
Chapter 21, Part 1 to change the word "handicapped" to "disabled" throughout that chapter on
disabled drivers. Amends T.C.A. § 55-21-103 to require disabled placards to be displayed in
accordance with instructions on or with the placard rather than on the dashboard on the driver's
side of the vehicle. Amends T.C.A. § 55-21-103 to provide that permanent placards issued on or
after July 1, 1996, expire in two years and that permanent placards issued before July 1, 1994,
expire on July 1, 1996. Expiration date must be prominently displayed on placards issued after
July 1, 1994. The act provides for a renewal fee of $3 except for people permanently confined to
a wheelchair.

Effective date: March 21, 1994.

Chapter No. 723 (SB 2807/HB 2535). Blind vendors — priority on public property. Amends
T.C.A. Title 71, Chapter 4, Parts 4 and 5 to give blind vendors priority in running vending
facilities on public property, including property of cities and counties. When new buildings are
to be constructed on public property, or when existing contracts expire or are changed, the
Department of Human Services must be notified. If the department finds the facility amenable
to a blind vendor station, it may establish one. The department must make necessary
modifications, such as electrical and plumbing. The space must be provided at no cost, except
for telephone service and in cafeteria operations.

The Department of Human Services must be notified when new cafeterias are built or when
existing contracts expire or are changed. The department may submit a proposal and if its
proposal is competitive, the contract must be awarded to the department.

Disputes between the department and public property managers will be settled administratively.

Effective date: July 1, 1994.
Economic Development

Chapter No. 761 (SB 2798/HB 2544). Job creation incentives under the franchise tax. Amends T.C.A. § 67-4-908(b) to increase the carry forward period for unused job tax credits from five to 15 years, and to make other minor changes.

*Effective date: Applies to franchise tax return filed on or after July 15, 1993.*

Chapter No. 997 (SB 2369/HB 2776). Enterprise zones — excise tax credits. Amends T.C.A. § 13-28-106 to make businesses located in enterprise zones eligible for the excise tax credit if they employ only 10 (rather than the previous 15) people. This act also expands the businesses eligible for the credit to include retail establishments.

*Effective date: May 10, 1994.*

Education and Schools

Chapter No. 571 (SB 1748/HB 2009). Gang wear. Amends T.C.A. Title 49, Chapter 6, Part 42 to authorize boards of education to prohibit students in the sixth through twelfth grades from wearing certain types of clothing, including clothing that indicates affiliation with any gang associated with criminal activities. Local law enforcement agencies must advise the local board, upon request, of gangs that are associated with criminal activity.

*Effective date: March 4, 1994.*

Chapter No. 607 (SB 1166/HB 427). Optional use of drug funds for D.A.R.E. program. Amends T.C.A. § 39-17-420 to allow law enforcement agencies receiving drug funds to set aside a sum to purchase supplies for the D.A.R.E. program or other drug abuse programs approved by the local school board.

*Effective date: March 16, 1994.*

Chapter No. 636 (SB 1845/HB 2231). School searches — reasonable suspicion. Amends T.C.A. Title 49, Chapter 6, Part 42 generally to allow searches of students, lockers, other containers, vehicles, and visitors on school property based upon reasonable suspicion rather than probable cause. Searches are limited to those for dangerous weapons, drugs, or drug paraphernalia. A notice must be posted on the school parking lot that vehicles parked there by students or visitors are subject to search for drugs, drug paraphernalia, or dangerous weapons.

*Effective date: March 21, 1994.*

Chapter No. 720 (SB 2024/HB 2085). School vans. Amends T.C.A. § 49-6-2109(c)(1) and adds a new section to Title 49, Chapter 6, Part 21 to exempt van-type vehicles used only to transport students to and from school-related activities from school bus coloration requirements.

*Effective date: April 8, 1994.*

Chapter No. 725 (SB 1159/HB 595). Home schools. Amends T.C.A. § 49-6-3050 to extend the exemption from the requirements of that section for parents associated with organizations that conduct church-related schools and that administer standardized achievement tests through grade 12 rather than grade 8. Requires parents and teachers registered with a home school organization that conduct home schools for grades 9 through 12 to have a high school education or its equivalent and to require grades 9 through 12 students to take standardized achievement
tests. Requires parents to register home school children in grades 9 through 12 with the local education agency. If a child fails to meet the average on standardized achievement tests for two consecutive years, he or she must enroll in school.

*Effective date: July 1, 1994.*

**Chapter No. 754 (SB 2800/HB 2542). Career ladder certificates — recertification.** Amends T.C.A. § 49-5-5005 to provide that no career ladder II or III certificates expire before July 1, 1998. Candidates for career ladder II or III renewal that would have expired on or before 1998 have until the end of the 1997-98 school year to complete recertification.

*Effective date: April 12, 1994.*

**Chapter No. 756 (SB 2227/HB 1876). Parental responsibility for absences.** Amends T.C.A. § 49-6-3007 to allow a judge to assess a fine of up to $50 or five hours of community service work against parents or legal guardians of kindergarten through sixth grade children if the child is absent from school more than five days in any school year, unless the parent or guardian has an adequate excuse.

*Effective date: July 1, 1994.*

**Chapter No. 783 (SB 2717/HB 2798). Statewide D.A.R.E. club.** Amends T.C.A. Title 49, Chapter 1, Part 4 to authorize the creation of a statewide D.A.R.E. club for students in grades 6 - 12. Each local school may form a chapter.

*Effective date: April 14, 1994.*

**Chapter No. 805 (SB 2780/HB 2615). Credentials for supervisors of instruction and principals.** Amends T.C.A. § 49-1-302(a)(16) to provide that principals and supervisors of instruction having an endorsement on Aug. 31, 1994, and maintaining it do not have to complete the credentialing program required by this section.

*Effective date: April 15, 1994.*

**Chapter No. 821 (SB 2628/HB 2775). Enhancement factor — crimes on school property.** Amends T.C.A. § 40-35-114 to add as a sentencing enhancement factor that the crime took place on school property.

*Effective date: July 1, 1994.*

**Chapter No. 860 (SB 2625/HB 2616). Denial of license for minors not in school.** Amends T.C.A. § 49-6-3017(b) to provide that once a person under 18 withdraws from school, he or she must return to school and make satisfactory academic progress before he/she may be granted driving privileges.

*Effective date: July 1, 1994.*

**Chapter No. 899 (SB 1875/HB 2118). Apportionment of transportation funds.** Amends T.C.A. § 49-3-315(a) to allow counties operating a public transportation fund to apportion funds for public school transportation to city or special school districts in the county. This must be approved by the county legislative body and remains in effect until specifically rescinded.

*Effective date: May 9, 1994.*

**Chapter No. 929 (SB 2777/HB 2444). Alternative school programs required.** Amends T.C.A. § 49-5-5209 to require local education agencies to include discipline programs for disruptive students
before and after school and on Saturdays in their annual needs assessment. Each local education agency must report to the education committee of the House and Senate by Jan. 1 of each year on the number of students in alternative schools.

**Effective date: July 1, 1994**

**Chapter No. 938 (SB 1698/HB 1644). Credit for excess instructional time.** Amends T.C.A. § 49-6-3004 to allow credit this year and in the future for local education agencies that provide instruction in excess of the 6.5 hours required by law.

*Effective date: provisions allowing credit this year take effect on May 9, 1993, and apply to the 1993-94 school year; other provisions take effect on July 1, 1994.*

**Chapter No. 973 (SB 2279/HB 2287). School safety zones.** Authorizes municipalities and counties to establish school safety zones, an area within 1,000 feet of school property where the delivery or sale of a controlled substance to a minor will subject the offender to enhanced punishment. The school superintendent must develop a method of marking school safety zones.

*Effective date: July 1, 1994.*

**Chapter No. 980 (SB 2209/HB 2443). School nutritionists — career ladder participation.** Amends T.C.A. Title 49, Chapter 6, Part 23 to allow school nutrition supervisors to participate in the career ladder program.

*Effective date: July 1, 1994.*

**Chapter No. 985 (SB 2687/HB 2485). Programs for children with behavioral and emotional disorders.** Amends T.C.A. Title 49 to allow the Department of Education to provide technical assistance to local education agencies for children with behavioral or emotional disorders and to authorize other activities relative to these children.

*Effective date: July 1, 1994.*

**Chapter No. 990 (SB 2466/HB 2621). Teacher assaults — leave and benefits.** Amends T.C.A. §49-5-710 to require workers' compensation or similar benefits for up to one year for teachers absent and injured by student assaults. The act provides that absences caused by student assaults will not be charged to sick leave, or personal or professional leave.

*Effective date: May 10, 1994*

**Elections**

**Chapter No. 859 (SB 2556/HB 2430). Early voting.** Amends T.C.A. Title 2, Part 1 to establish an early voting period for elections. Early voters will vote at the county election commission office or at a polling place designated by the county election commission.

The early voter must appear at the county election commission office not more than 20 nor fewer than five days before the election to apply for the ballot.

In the case of municipal elections where there is no opposition for any of the officers involved, the early voting period is not more than 10 days nor fewer than five days before the election.

For municipalities with fewer that 5,000 population, the municipal governing body may determine the Saturday schedule of early voting for municipal elections.
This act also amends provisions dealing with absentee voting.  

Effective date: June 1, 1994.

Chapter No. 898 (SB 1871/HB 2224). Election notices — newspaper of general circulation. Amends T.C.A. § 2-1-117 to include all municipalities in Davidson County as municipalities in which election notices can be published in community newspapers. 

Effective date: May 9, 1994.

Electric Systems

Chapter No. 644 (SB 2474/HB 2454). Engineers, architects, landscape architects — registration requirements — exemption for employees of municipal electric systems. Amends T.C.A. § 62-2-103 to exempt engineers, architects, and landscape architects from registration requirements of the chapter if they do not offer their services to the general public or make public use of the title "engineer," "architect," or "landscape architect."

Amends T.C.A. § 62-2-107 to exempt construction of electric distribution systems by local governments from the definition of "public works" for which registered engineers, architects, and landscape architects must be used. 

Effective date: July 1, 1994.

Chapter No. 781 (SB 2634/HB 2678). Electric system boards — health insurance. Amends T.C.A. § 7-52-110 to allow municipalities to provide health insurance for members of electric system boards as if the board members were municipal employees. Payment of the premiums is a cost of operation of the plant.

Effective date: July 1, 1994.

Emergency Communications Districts

Chapter No. 778 (SB 2220/HB 2422). One-year moratorium; reduction of levy. Amends T.C.A. § 7-86-104 to enact a one-year moratorium, beginning April 14, 1994, on the creation of new emergency communications districts within the boundaries of existing districts.

Amends T.C.A. § 7-86-108 to allow the governing body of the county or municipality that created the district to lower the emergency telephone service charge levied by the district’s board of directors. The governing body’s ordinance or resolution, which must pass by a two-thirds vote, may not lower the levy below what is needed to fund the district’s operations. The decreased levy remains in effect until rescinded by a majority vote. 

Effective date: April 14, 1994.

Chapter No. 807 (SB 2730/HB 2728). Naming of streets and assigning property numbers. Amends T.C.A. Title 7, Chapter 86 to allow municipalities and counties to delegate to emergency communications districts the authority to name roads and streets and to assign property numbers. The governing body of the municipality must approve road or street name changes however the governing body determines. 

Effective date: April 15, 1994.
Emergency Services

Chapter No. 962 (SB 2215/HB 2117). Emergency medical services — persons certified in other states. Amends T.C.A. § 68-140-506 to allow emergency medical persons certified in another state in a classification that does not exist in Tennessee to practice at his or her level of certification when acting in Tennessee.

Effective date: May 10, 1994.

Eminent Domain

Chapter No. 800 (SB 1534/HB 1477). Interest on eminent domain judgments. Amends T.C.A. § 29-17-813(a) to change the interest to be paid by a municipality, a county, or the state on the amount awarded in an eminent domain judgment in excess of the amount deposited with the clerk from 10 percent to 2 percent over the prime loan rate established, as of the date of the taking, by the Federal Reserve System.

Effective date: April 15, 1994.

Chapter No. 931 (SB 2813/HB 2541). Eminent domain proceedings — costs. Amends T.C.A. § 29-17-812 to provide that the condemning agency must pay the costs in eminent domain trials when the amount deposited with the clerk is less than the compensation awarded. If the amount awarded does not exceed the amount deposited, the costs may be taxed against the defendants. Rule 54.04 of the Rules of Civil Procedure govern additional costs.

The court must award the owner a sum that will reimburse the owner for reasonable expenses, including attorney fees, appraisal fees, and engineering fees only if the final judgment is that the agency cannot acquire the property by condemnation or the proceedings are abandoned.

Effective date: May 9, 1994.

Finance

Chapter No. 572 (SB 1788/HB 2103). Bridge grant program — local share. Amends T.C.A. § 54-4-507(b) to allow local participation in the bridge grant program to consist, in whole or in part, of local government funds or in-kind project work, or both.

Effective date: March 4, 1994.

Chapter No. 586 (SB 1782/HB 1737). Collateral for funds in state treasurer’s custody. Amends T.C.A. § 9-4-103 to include surety bonds issued by highly rated insurance companies licensed under Tennessee law as eligible collateral for funds in the hands of the state treasurer.

Effective date: March 7, 1994.

Chapter No. 611 (SB 1880/HB 2004). Compensation of members of municipal planning commissions. Amends T.C.A. § 13-4-101(a) to allow municipalities to compensate members of municipal planning commissions, except for those planning commission members who also serve as members of the board of zoning appeals. Any compensation authorized may not be counted against any salary limitation.

Effective date: March 16, 1994.
Chapter No. 740 (SB 2783/HB 2685). Securities — advisory committee — information on debt issuers and projects funded. Amends T.C.A. § 9-21-151(a) to provide for an advisory committee to work with the state funding board to develop a form to be used for submission of information in connection with a primary offering and to advise the funding board on rules relative to secondary market disclosure.

Effective date: April 11, 1994.

Chapter No. 752 (SB 2727/HB 2593). Public deposits — collateral. Amends T.C.A. § 6-4-402, part of the general law Mayor-Aldermanic Charter; § 6-22-120, part of the Uniform City Manager-Commission Charter; and § 6-35-313, part of the Modified Council-Manager Charter to require city funds to be secured by collateral in the same manner and under the same conditions as state deposits under Title 9, Chapter 4, Parts 1 and 4, or as provided in the collateral pool created under Title 9, Chapter 4, Part 5.

Amends T.C.A. § 6-56-106(a)(4) relative to investments in certificates of deposit to require the same collateral.

Amends T.C.A. § 9-4-408 to allow city officials charged with the deposit of public funds to contract for alternative procedures for the deposit and release of eligible collateral held by a trustee custodian. The alternative procedure may be the procedure used by the state treasurer or it must provide for release only upon authorization of the city official. The official's authorization must be in writing and sent in any reasonable manner, including fax.

Amends T.C.A. § 9-4-404 to allow depositing officials to contract for the evaluation of the market value of the collateral. The contract may not be with the depository pledging the collateral.

Amends T.C.A. § 9-4-405 to allow depositing officials and the trustee custodian, if there is one, to remit to the depository, if it is not in default, all interest, distributions, or prepayments of any kind on the collateral pledged by the depository.

Effective date: April 12, 1994.

Chapter No. 794 (SB 2403/HB 2029). Investments in prime bankers' acceptances and prime commercial paper by cities over 150,000. Amends T.C.A. § 6-56-106(a) to allow municipalities of over 150,000 in population to invest idle funds in prime bankers' acceptances eligible for purchase by the federal reserve system and in prime commercial paper that is rated at least A1 or its equivalent by at least two nationally recognized rating services. These investments must be authorized by the municipal governing body by ordinance or resolution. The legislative body must adopt written policies at least as strict as state policies to govern the use of these instruments.

Effective date: April 15, 1994.

Chapter No. 806 (SB 2775/HB 2682). Investment in own bonds; notice of bond refunding; refunding of capital outlay notes. Amends T.C.A. § 6-56-106(a) to allow municipalities to invest idle funds in the municipality's own bonds or notes issued in accordance with Title 9, Chapter 21.

Amends T.C.A. § 7-53-303(d) relative to industrial development corporation refunding bonds; § 9-21-912 relative to general obligation refunding bonds; § 9-21-1010 relative to revenue
refunding bonds; and § 48-3-310 relative to Health, Educational, and Housing Facility Corporation refunding bonds to require notice of the intent to issue refunding bonds, if, at the time of the delivery of the refunding bonds, the obligations to be refunded will not be retired or a valid and timely notice of redemption is not given in accordance with the instrument governing the redemption of the outstanding obligations. The notice must be given by mail to the owner's address or by publication in a newspaper of general circulation in the municipality and a New York financial newspaper. The notice must set forth the date of delivery of the refunding bonds and identify the obligations, or their individual maturities, proposed to be refunded. The notice must identify any obligations subject to partial refunding in the aggregate principal amount to be refunded within each maturity. The notice must be given whether or not any of the obligations to be refunded are to be called for redemption.

Amends T.C.A. Title 9, Chapter 21, Part 9 to allow refunding of capital outlay notes issued for more than three but fewer than 12 years. The final maturity date may not be later than the notes being refunded unless approved by the director of local finance.

Amends T.C.A. § 9-21-108 to allow cities to allow the chief executive officer to sell notes or bonds under this chapter.

Amends T.C.A. Title 9, Chapter 21, Part 1 to allow advertisements for the sale of bonds or notes to omit the date and time of sale when the advertisement sets forth the manner in which the date and time will be subsequently published. This publication must be in the same financial publication where the advertisement for sale was published or by electronic communication generally available to the financial community. In either case, the publication must be at least 48 hours before the sale.

Effective date: April 15, 1994.

Chapter No. 923 (SB 2639/HB 2633). Drug fines and forfeitures. Amends T.C.A. § 39-17-420 to rewrite completely that section dealing with the disposition of drug fines and forfeitures. As rewritten, the section provides as follows:

- Fines and forfeitures will be paid to the county trustee or city recorder of the jurisdiction that initiated the arrest.
- Requires that drug funds be used in the local drug enforcement program or local drug education program.
- Requires requests for disbursements to be in writing by the chief law enforcement officer and the district attorney general.
- Requires all purchases made from proceeds from real property or other proceeds derived from this part to be made in accordance with existing purchasing requirements.
- Provides that the proceeds from drug goods seized and forfeited inure to the benefit of the county or city whose law enforcement personnel seized the goods.
- Proceeds from goods seized are to be used in the drug enforcement program or drug education program and purchases are subject to existing purchasing requirements.
- All fines and forfeitures and proceeds of drug goods seized by judicial district drug task forces must be paid to an expendable trust fund maintained by the county executive in a county designated by the district attorney. These funds must be used for drug enforcement and drug education programs in the district.
This act also amends T.C.A. § 39-17-428 (c) to provide that if a drug task force made the drug arrest, the part of the fine exceeding $100 will be paid to the general fund of one or more counties and cities in the district as directed by the court.

Effective date: May 9, 1994

Chapter No. 1011 (SB 2820/HB 2760). Appropriations Act. Makes appropriations to defray the costs of state government beginning July 1. Among many others, the act makes the following appropriations:

- $9,600,000 to fund the Bridge Grant Program,
- an amount to provide a firefighter pay supplement of $450,
- an amount to provide a police pay supplement of $600,
- $75,000 to expand the Main Street Program,
- $160,000 for a microfilming program for local public records,
- $250,000 to locate and plan a fire academy,
- $15,000 for a study of emergency communications districts by the Tennessee Advisory Commission on Intergovernmental Relations,
- $64,164,000 for small cities community development block grants,
- $55,000,000 for making grants and loans to local governments and businesses for job creation and retention, and
- an amount of unexpended funding, if there is any, to the Tennessee Advisory Commission on Intergovernmental Relations for a study of annexation.

Effective date: July 1, 1994.

Health and Environment
(see also Solid Waste)

Chapter No. 610 (SB 1849/HB 1757). Appointments to Water Quality Control Board and Air Pollution Control Board. Amends T.C.A. § 68-201-104 and § 69-3-104 to require the governor to appoint one person each to the Water Quality Control Board and the Air Pollution Control Board from a list of three nominees for each board submitted by the Tennessee Municipal League. Does the same for the Tennessee County Services Association and the Tennessee Association of Business.

Effective date: March 16, 1994.

Chapter No. 633 (SB 1814/HB 2277). Petroleum underground storage tanks — acquisition by local governments. Amends T.C.A. § 68-215-103(16) to provide that "responsible party" who would be responsible for underground storage leak clean-up costs does not include a unit of state or local government that becomes the owner or operator of a petroleum site through bankruptcy, tax delinquency, abandonment, or other circumstances in which the government acquires title by virtue of its function as a sovereign. This exemption does not apply if the government has otherwise owned or operated a petroleum underground storage tank on the site or has caused or contributed to a leak.

Effective date: March 21, 1994.

Chapter No. 658 (SB 2070/HB 2057). Adoption of federal air pollution regulations by reference. Amends T.C.A. § 68-201-115(a) to allow municipalities to adopt federal air pollution regulations by reference. Copies of any regulations adopted by reference must be made available to any
interested party and the municipality may charge reasonable fees for making copies.

**Effective date:** March 23, 1994.

**Chapter No. 684 (Sb 2801/HB 2540).** Air pollution — falsifying reports, tampering with monitoring devices, failing to pay fees. Amends *T.C.A.* § 68-201-112(a) to make it a Class C misdemeanor subject to a $10,000 per day fine knowingly to make false reports, to tamper with monitoring devices, or to fail to pay fees established by the air pollution control board.

**Effective date:** March 25, 1994.

**Chapter No. 734 (SB 2488/HB 2522).** Bloodborne pathogens — training in universal precautions. Amends *T.C.A.* Title 41 to require the superintendent or director of municipal jails and workhouses to provide training for all at-risk employees in the use of universal precautions to avoid bloodborne pathogens, including hepatitis B and HIV. Voluntary vaccinations must be provided and strongly encouraged for all at-risk employees. The superintendent or director may periodically warn all at-risk employees that a portion of the inmates may be infected with a bloodborne pathogen.

**Effective date:** April 11, 1994.

**Chapter No. 862 (SB 2767/HB 2680).** Pollution control credit. Amends *T.C.A.* § 67-6-346 to remove the requirement that pollution control must be regulated by a permit from the Department of Environment and Conservation to be eligible for the 100 percent sales tax credit provided by the section.

**Effective date:** April 20, 1994.

**Chapter No. 878 (SB 2040/HB 2546).** Environmental rules — state sharing in costs — invalidation. Amends *T.C.A.* Title 68 to make it a grounds for invalidating environmental rules by the Government Operations Committee that the rules are more stringent than federal statutes and rules on the same subject, that they result in increased expenditures for local governments beyond those required to meet the federal requirements, and that the General Assembly has not appropriated funds to local governments to meet the increased expenditures. The funds appropriated must be in addition to those local governments receive pursuant to other laws. There must have been a timely comment addressed to the promulgating authority raising the issue and specifying the level of increased expenditure mandated by the rule.

**Effective date:** applies to regulations for which notice is published after July 1, 1994.

**Chapter No. 890 (SB 876/HB 1135).** Hazardous waste management — fees, etc. Among other things, this act amends *T.C.A.* § 68-212-104, 108, and 202 to change the definition of "commercial facility" that stores, treats, or disposes of hazardous waste generated off-site.

Amends *T.C.A.* § 68-212-203 to enact new fees on hazardous waste, and to enact minimum and maximum fees. Enacts an additional $14 per ton fee for hazardous waste shipped off-site. Enacts additional fees for hazardous wastewater shipped off-site. Enacts additional fees on persons issued a hazardous waste transporter permit.

Excluded from application of these fees are waste discharged to a publicly owned treatment works, sludge from publicly owned treatment works, and bottom boiler ash and fly ash from incinerators that process solely municipal waste, among others.
All fees go into the hazardous waste remedial action fund.

Amends T.C.A. § 68-212-207 to change provisions relative to assessment of proportionate costs of cleanup of hazardous substance sites to liable parties.

Amends T.C.A. Title 68, Chapter 212 to create a voluntary cleanup oversight and assistance program.

Effective date: May 9, 1994.

Chapter No. 920 (SB 2577/HB 2520). Signs in public restrooms. Amends T.C.A. Title 68, Chapter 2 to require public restrooms to have a sign posted in a prominent place saying:

FOR GOOD HEALTH,
PLEASE WASH YOUR HANDS!
The sign must be at least 6 inches high and 14 inches wide. Failure to post the sign is punishable by a civil penalty of $50.

Effective date: July 1, 1994.

Home Rule Cities

Chapter No. 712 (SB 2545/HB 2393). City court divisions. Amends T.C.A. § 16-17-101 to authorize governing bodies of home rule cities to decrease the number of divisions of city court by ordinance. Divisions may be eliminated only when a term expires or a vacancy occurs.

Effective date: April 4, 1994.

Insurance

Chapter No. 781 (SB 2634/HB 2678). Electric system boards — health insurance. Amends T.C.A. § 7-52-110 to allow municipalities to provide health insurance for members of electric system boards as if the board members were municipal employees. Payment of the premiums is a cost of operation of the plant.

Effective date: July 1, 1994.

Chapter No. 841 (SB 2058/HB 2114). Medical insurance — coverage for minors in custody of a guardian. Amends T.C.A. Title 56, Chapter 7, Part 10 to provide that insurance policies providing major medical or medical coverage or hospital expense coverage or surgical expense coverage beginning Jan. 1, 1994, must provide benefits for minor children who by court order are in the custody of a guardian covered under the policy, unless the policy specifically excludes these benefits.

This act does not apply to policies that provide only hospital indemnity benefits or policies that provide benefits only for specific accidents or diseases.

Effective date: April 19, 1994.

Chapter No. 881 (SB 2796/HB 2537). Coverage for children born out of wedlock and adopted children by medical insurance policies. Amends T.C.A. § 56-7-1005 to require hospital and medical expense insurance policies to provide coverage for children born out of wedlock, non-
custodial children, and adopted children. For adopted children, no pre-existing condition may be used to deny coverage if the adoption or placement occurs while the parent is eligible.

The act provides that if enrollment under medical coverage is ordered by court, the insurer must enroll the child regardless of any enrollment season restriction and coverage must continue until otherwise ordered by court.

This act also prohibits medical insurers from considering eligibility for Medicaid when considering eligibility for coverage.

Effective date: April 27, 1994.

Chapter No. 945 (SB 489/HB 286). Coverage for midwifery. Amends T.C.A. Title 56, Chapter 7, Part 1 to require services performed by midwives to be covered by insurance policies if those services would be covered if performed by a doctor.

Effective date: July 1, 1993.

Jails

Chapter No. 734 (SB 2488/HB 2522). Bloodborne pathogens — training in universal precautions. Amends T.C.A. Title 41 to require the superintendent or director of municipal jails and workhouses to provide training for all at-risk employees in the use of universal precautions to avoid bloodborne pathogens, including hepatitis B and HIV. Voluntary vaccinations must be provided and strongly encouraged for all at-risk employees. The superintendent or director may periodically warn all at-risk employees that a portion of the inmates may be infected with a bloodborne pathogen.

Effective date: April 11, 1994.

Juveniles

Chapter No. 748 (SB 1971/HB 2341). Fingerprint and photograph files — maintenance and destruction — obtaining. Amends T.C.A. § 37-1-155 relative to fingerprint and photograph files of juveniles. Changes circumstances under which fingerprint and photograph records must be destroyed. Allows an officer who has received a description of an offender and who has a reasonable suspicion to believe the description is that of a particular child to photograph the child for identification.

Effective date: April 12, 1994.

Chapter No. 802 (SB 2459/HB 2152). Possession of handguns by juveniles. Amends T.C.A. Title 39, Chapter 17, Part 13 to make it a delinquent act for a juvenile to possess a handgun if one of several defenses enumerated in the act does not apply. For the first offense, the judge may require the juvenile to do up to 100 hours of community service work, in addition to any other punishment. For second and subsequent violations, the judge may require the juvenile to do 100 to 200 hours of public service work, plus the juvenile’s driver’s license must be suspended for two years.
This act also makes it a Class A misdemeanor for any person knowingly to provide a handgun to a juvenile and a Class D felony for a parent or guardian to do so if the parent or guardian knows of a substantial risk the juvenile will use the gun to commit a felony.

*Effective date: July 1, 1994.*

**Chapter No. 811 (SB 1682/HB 2340). Requiring parental participation in counseling.** Amends T.C.A. § 37-1-103 to allow juvenile courts to require parents and legal guardians of a child in jurisdiction of the court to participate in any counseling or treatment program the court deems in the best interest of the child.

*Effective date: April 15, 1994.*

**Chapter No. 817 (SB 2168/HB 2343). Juvenile detention.** Amends T.C.A. § 37-1-116(i)(l) to provide that no juvenile facility constructed or developed after Jan. 1, 1995, may be located in the same building with or directly connected to any adult jail or lockup complex.

*Effective date: April 15, 1994.*

**Chapter No. 823 (SB 2850/HB 2866). Transfer for disposition as adult; housing.** Amends T.C.A. § 37-1-134 to provide that a child may be transferred from juvenile court to be tried as an adult if the child is over 16 years of age or if the child is less than 16 if the charge is murder, rape, robbery or kidnapping. This act also provides that a child must be housed in a juvenile facility until the child is 16, at which time, he or she may be transferred to an adult facility.

*Effective date: applicable only to offenses committed on and after July 1, 1994.*

**Chapter No. 895 (SB 1681/HB 2339). Transfer for trial as adult.** Amends T.C.A. § 37-1-134 to delete (a) (1) (A) relative to circumstances under which juveniles can be transferred for trial as adult.

Amends T.C.A. 37-1-134 (c) to provide that once a juvenile has been transferred, the jurisdiction of the juvenile court ends relative to that and subsequent delinquencies unless the child is acquitted.

*Effective date: July 1, 1994.*

**Chapter No. 984 (SB 2049/HB 2471). Surcharges for violent offenders.** Amends T.C.A. Title 37 to require juveniles convicted as an adult of a violent crime to pay any fine imposed by the court. Five percent goes to the clerk for administration costs and 95 percent goes to the state treasurer to go into a fund to offset the costs of rehabilitation, education, and treatment of juvenile offenders.

*Effective date: May 10, 1994.*

**Chapter No. 998 (SB 2703/HB 2808). Delinquency proceedings — petitions and orders open under certain circumstances.** Amends T.C.A. § 37-1-153 and 154 to provide that petitions and orders in delinquency proceedings must be opened for public inspection if the juvenile is 14 or more years old and the delinquent act would have been murder, rape, robbery, or kidnapping if done by an adult. Other documents remain confidential.

Amends T.C.A. § 37-1-114 (c) relative to detention of juveniles in secure facilities to define acts involving serious physical injury that justify such detention as including rape, aggravated rape,
and aggravated sexual battery.  

Effective date: May 10, 1994

Chapter No. 1000 (SB 2534/HB 2834). Juvenile family crisis intervention programs. Amends T.C.A. Title 37, Chapter 1, Part 1 to establish juvenile family crisis intervention programs to serve as an alternative to juvenile courts. Juvenile courts with a pilot program must by local rule require cases involving juvenile-family crises to first go to the program for resolution without juvenile court intervention.

Effective date: July 1, 1994.

Law Enforcement
(see also Crimes and Criminal Procedure and Motor Vehicles and Traffic)

Chapter No. 607 (SB 1166/HB 427). Optional use of drug funds for D.A.R.E. program. Amends T.C.A. § 39-17-420 to allow law enforcement agencies receiving drug funds to set aside a sum to purchase supplies for the D.A.R.E. program or other drug abuse programs approved by the local school board.

Effective date: March 16, 1994.

Chapter No. 629 (SB 2743/HB 2749). Contraband in penal institutions. Amends T.C.A. § 39-16-201(a)(1) and (2) to make it unlawful to have or to take certain contraband in "penal" institutions where prisoners are in custody rather than in "state, county or municipal institutions" where prisoners are in custody.

Effective date: July 1, 1994.

Chapter No. 636 (SB 1845/HB 2231). School searches — reasonable suspicion. Amends T.C.A. Title 49, Chapter 6, Part 42 generally to allow searches of students, lockers, other containers, vehicles, and visitors on school property based upon reasonable suspicion rather than probable cause. Searches are limited to those for dangerous weapons, drugs, or drug paraphernalia. A notice must be posted on the school parking lot that vehicles parked there by students or visitors are subject to search for drugs, drug paraphernalia, or dangerous weapons.

Effective date: March 21, 1994.

Chapter No. 865 (SB 2776/HB 2648). Notice to chief of police on release of certain prisoners on work release or furlough. Amends T.C.A. Title 41, Chapter 21, Part 2 to require the Department of Corrections to notify the sheriff or chief of police or both when a prisoner convicted of homicide or rape is released into the community on work release or furlough. The notice must be made at least five days before the prisoner will be released and must contain the prisoner's name, the nature of the crime, the name of the company and address where the prisoner will be working, the address where the prisoner will be staying, and the length of the furlough.

Effective date: April 20, 1994.

Chapter No. 893 (SB 1403/HB 1316). Teaching and use of choke holds. Amends T.C.A. Title 38, Chapter 8 to require that choke holds and other similar maneuvers, if included in the training curriculum, must be taught at state law enforcement training facilities as an alternative method of restraint to be used after more and other less dangerous methods of restraint have failed or are unavailable.
Amends T.C.A. Title 38, Chapter 3 to prohibit law enforcement officers from using choke holds or similar maneuvers, with or without the police baton, unless other methods of restraint are ineffective. Nothing in the act prohibits the use of the lateral vascular maneuver.

Effective date: July 1, 1993.

Chapter No. 914 (SB 2424/HB 2568). Testing of person whose body fluids come into contact with police officers. Amends T.C.A. Title 68, Chapter 10, Part 1 to allow police officers who arrest, transport, or process a person charged with a crime and who are exposed to the blood or other bodily fluids of the person in a way that presents a significant risk of transmission of hepatitis B or HIV to request that the arrested person’s blood be tested.

The testing must occur at a licensed healthcare facility and must be paid for by the municipality.

Effective date: July 1, 1994.

Chapter No. 925 (SB 2693/HB 2459). Procedures for forfeitures enacted. Amends T.C.A. Title 40, Chapter 33 to enact detailed new procedures for seizures and forfeiture of personal property when the property is subject to seizure and forfeiture under state law.

Among other things, the act requires:
• that the seizing officer prepare a receipt titled a Notice of Seizure.
• that an officer seizing a commercial vehicle make reasonable efforts to determine the owner of the vehicle and notify the owner of the seizure.
• that an officer make reasonable efforts to notify the owner of cargo.
• that a forfeiture warrant be issued before the institution of forfeiture proceedings. The warrant must be applied for within five working days following seizure.
• that the judge issue the forfeiture warrant if the property is subject to forfeiture and is owned by someone whose interest is subject to forfeiture.
• that the officer must send a copy of the warrant, the affidavit relied upon to support the warrant, and the notice of seizure to the applicable agency within seven working days.
• that secured parties may file claims for seized property.
• that secured parties may obtain possession of seized property by executing a bond or letter of credit.
• that the burden of proof in the administrative forfeiture hearing is on the state.
• that proceeds from seizures made by municipal law enforcement officers will be paid to the city recorder and used for law enforcement or drug education purposes.
• that funds may not be used to supplement the salaries of any public employee or law enforcement officer.
• that all purchases made with forfeiture proceeds must be done in accordance with purchasing requirements.
• that a party aggrieved by the decision in the administrative forfeiture proceeding may seek judicial review.


Chapter No. 927 (SB 2741/HB 2756). Uniform traffic citations optional. Amends T.C.A. § 55-10-208 to make use of the uniform traffic citation form optional rather than mandatory.

Effective date: May 9, 1994.
Chapter No. 940 (SB 1728/HB 1719). Public safety dispatchers — qualifications and training. Amends T.C.A. Title 7, Chapter 86, Part 1, to require all public safety dispatchers to complete a course of study approved by a public safety committee created by the act, beginning July 1, 1997.

In addition to completing the course of study, dispatchers must meet the same entry-level requirements as police officers.

Dispatchers hired after July 1, 1997, have six months from their employment date to comply with the act.

This act does not apply in three counties.  

Effective date: May 9, 1994.

Chapter No. 943 (SB 2182/HB 2571). Handgun permits — validity expanded. Amends T.C.A. § 39-17-1315 to do the following:

• Increase the duration of handgun permits from one to two years.
• Make handgun permits valid in every county.
• Require the sheriff, or police chief in metropolitan counties, to issue the permit if the person may lawfully purchase a gun, but then provides that the sheriff or police chief in metro counties may for good cause and in the exercise of reasonable discretion deny the permit.
• Allow individuals and businesses to prohibit the possession of weapons on premises owned or operated by them. Notice must be posted or otherwise provided to all employees.
• Allow the training required by present law to be done through a state certified training program "or equivalent training program approved by the Department of Safety."
• Require the permit holder to have the permit in his/her possession at all times and to display it to a law enforcement officer upon demand.
• Make it a Class A misdemeanor to carry a handgun while intoxicated.
• Require applicants to indicate any drug, alcohol, or mental problems or physical infirmities that would prevent the safe operation of a gun.
• Allow the sheriff to revoke the permit if the permit holder no longer meets permit requirements.
• Require proof of renewal of liability policy or bond.
• Require the liability policy or bond to provide specifically that it will pay damages adjudged against the permit holder caused by the negligent use of a handgun.

This act also amends T.C.A. Title 39, Chapter 17, Part 13 to provide that it is not a handgun offense to use a handgun in justified self defense or in defense of a victim.  

Effective date: October 1, 1994.

Chapter No. 976 (SB 1868/HB 2388). Sexual offender registration and monitoring. Amends T.C.A. Title 39 to require sexual offenders to complete a TBI sexual offender registration and monitoring form within 10 days following release on probation, parole, or other alternative to incarceration or other release within 10 days of any change of residence, and within 10 days of coming into a municipality or county in which he or she temporarily resides. At least every 90 days, the TBI must mail the offender a verification form.
The TBI must report sexual offender information to local law enforcement agencies. Local law enforcement officers must assist in apprehending sexual offenders who violate this act, upon request of the TBI.

Information on the forms is confidential except that the TBI and local law enforcement agencies may release relevant information deemed necessary to protect the public concerning a specific sexual offender.

Law enforcement officers are immune from liability for their good faith conduct pursuant to this act.

Knowing falsification of a sexual offender registration or verification form is a Class A misdemeanor for the first offense punishable by not fewer than 180 days in jail and for second and subsequent offenses is a Class E felony. Falsification may also be cause for revocation of probation or parole.

Effective date: January 1, 1995.

Chapter No. 1001 (SB 2879/HB 2900). Sale of firearms to persons convicted of crimes. Amends T.C.A. § 39-17-1316 to prohibit the sale of firearms to persons who have been convicted of a crime punishable by imprisonment for more than one year. Exceptions are when the person is pardoned or the conviction is expunged or set aside, when the person’s civil rights have been restored, and when the person is not prohibited from possessing a firearm by T.C.A. § 39-17-1307. Sheriffs and chiefs of police in metro counties must make reasonable efforts to ascertain whether possession of handguns would be a violation of law.

Effective date: May 10, 1994.

Chapter No. 1002 (SB 1722/HB 2087). Warrantless arrest for DUI. Amends T.C.A. § 40-7-103 to allow the warrantless arrest of a driver involved in a traffic accident at the scene of the accident or up to four hours after the driver has been taken to a health care facility if the officer has probable cause to believe the driver violated T.C.A. § 55-10-401.

Effective date: July 1, 1994.

Mayor-Aldermanic Charter

Chapter No. 574 (SB 1864/HB 1716). Change from staggered two-year terms to non-staggered two-year terms. Amends T.C.A. § 6-3-102(a) and (b) to allow cities incorporated under the general law mayor-aldermanic charter that have staggered two-year terms to change to non-staggered two-year terms by ordinance.

Effective date: March 4, 1994.

Chapter No. 752 (SB 2727/HB 2593). Public deposits — collateral. Amends T.C.A. § 6-4-402, part of the general law Mayor-Aldermanic Charter; § 6-22-120, part of the Uniform City Manager-Commission Charter; and § 6-35-313, part of the Modified Council-Manager Charter to require city funds to be secured by collateral in the same manner and under the same conditions as state deposits under Title 9, Chapter 4, Parts 1 and 4, or as provided in the collateral pool created under Title 9, Chapter 4, Part 5.

Effective date: April 12, 1994.
Metropolitan Government

Chapter No. 678 (SB 1978/HB 2230). Use by Nashville of state administrative law judges. Amends T.C.A. Title 7, Chapter 7 to allow Metro Nashville to contract with the secretary of state to use administrative law judges to conduct hearings on matters appealed to boards and commissions.

Effective date: March 25, 1994.

Chapter No. 728 (SB 1844/HB 2228). Nashville — court officers. Amends T.C.A. § 8-8-201(2) to require trial judges in Nashville to appoint court officers.

Effective date: April 8, 1994.

Chapter No. 758 (SB 2358/HB 2238). Collection of fees and taxes by county clerk in Nashville. Amends T.C.A. § 57-3-501; § 57-6-103; § 7-4-101, 103, and 104 and § 18-6-105 to allow Metro Nashville to designate the county clerk as the collector of certain fees and taxes in the metropolitan taxing jurisdiction.

Effective date: April 12, 1994.

Chapter No. 944 (SB 262/HB 97). Membership on railroad authority. Amends T.C.A. § 7-56 203 (a) to establish membership on railroad authority boards when Metro Nashville participates in the authority. This provision does not apply to a railroad authority in which a county with a population 27,100 to 27,400 participates.

Effective date: May 10, 1994.

Modified Manager-Council Charter

Chapter No. 752 (SB 227/HB 2593). Public deposits — collateral. Amends T.C.A. § 6-4-402, part of the general law Mayor-Aldermanic Charter; § 6-22-120, part of the Uniform City Manager-Commission Charter; and § 6-35-313, part of the Modified Council-Manager Charter to require city funds to be secured by collateral in the same manner and under the same conditions as state deposits under Title 9, Chapter 4, Parts 1 and 4, or as provided in the collateral pool created under Title 9, Chapter 4, Part 5.

Effective date: April 12, 1994.

Motor Vehicles and Traffic

(see also Law Enforcement and Streets and Public Ways)

Chapter No. 603 (SB 2609/HB 2120). License plates on antique vehicles. Amends T.C.A. § 55-4-111 to allow the owner or lessee of an antique motor vehicle to display the license plates of the year of manufacture of the vehicle if current plates are maintained in the vehicle and produced for inspection on request of a law enforcement officer. This applies only to vehicles registered for general transportation purposes.

Effective date: July 1, 1994.

Chapter No. 634 (SB 1837/HB 1933). Disabled drivers — placards. Amends T.C.A. Title 55, Chapter 21, Part 1 to change the word "handicapped" to "disabled" throughout that chapter on disabled drivers. Amends T.C.A. § 55-21-103 to require disabled placards to be displayed in
accordance with instructions on or with the placard rather than on the dashboard on the driver's side of the vehicle. Amends T.C.A. § 55-21-103 to provide that permanent placards issued on or after July 1, 1996, expire in two years and that permanent placards issued before July 1, 1994, expire on July 1, 1996. Expiration date must be prominently displayed on placards issued after July 1, 1994. The act provides for a renewal fee of $3 except for people permanently confined to a wheelchair.

Effective date: March 21, 1994.

Chapter No. 635 (SB 1843/HB 2229). Abandoned vehicles — optional pre-seizure notice. Amends T.C.A. § 55-16-103 to include vehicles in an obvious state of disrepair that are left on public property for more than 10 days to the definition of "abandoned motor vehicle." "Obvious state of disrepair" means inoperable, without one or more wheels or inflated tires, burned throughout, or with more than one broken window.

Amends T.C.A. § 55-16-105 to provide that police departments that provide pre-seizure notice to the owner and lienholder of abandoned vehicles do not have to provide post-seizure notice. The act establishes requirements for the notice and allows appeals of determinations of abandonment.

Effective date: March 21, 1994.

Chapter No. 638 (SB 1970/BS 2673). Driver consumption or possession of alcoholic beverages prohibited. Makes it a Class C misdemeanor punishable by a fine only for a driver to consume or possess an open container of alcoholic beverage or beer while operating a motor vehicle in this state. Law enforcement officers must issue a citation in lieu of continued custody for a violation of the act unless the offender refuses to sign and accept the citation.

Effective date: July 1, 1994.

Chapter No. 661 (SB 2621/HB 2803). Safety belts — fine — admissibility of failure to wear into evidence. Amends T.C.A. § 55-9-603(d)(2) to provide for a fine on the first violation of failing to wear a safety belt of $10 and $20 for subsequent violations. Amends T.C.A. § 55-9-603 to prohibit litigation tax from being assessed against persons convicted of failure to wear safety belts.

Amends T.C.A. § 55-9-604 to provide that failure to wear safety belts can be admissible in products liability cases. The defendant alleging non-compliance has the burden of proving there was a failure to wear the seat belt and that wearing the seat belt would have reduced the injuries.


Effective date: July 1, 1994.

Chapter No. 759 (SB 2569/HB 2364). Gross weights for trucks hauling natural resource products. Amends T.C.A. § 47-26-812 to allow trucks carrying crushed stone, sand, gravel, cement, and
This act does not apply in three counties.

Effective date: May 9, 1994.

Chapter No. 966 (SB 2462/HB 2208). Retired employees — insurance coverage authorized. Amends T.C.A. § 8-27-601 to authorize municipalities to provide life, hospitalization, disability, and medical insurance for retired employees, including surviving spouses.

Effective date: May 10, 1994.

Chapter No. 971 (SB 2179/HB 2284). Space on forms for Native American Indians. Requires employment forms, education applications, and other forms used by local government that require racial or ethnic origin designations to have a space for Native American Indians. Local governments may exhaust existing supplies before obtaining forms that comply with this act.

Effective date: Jan. 1, 1995.

Chapter No. 1008 (SB 2110/HB 2387). Firefighters supplement maximum increased. Amends T.C.A. § 56-4-205 to increase the maximum allowable firefighters supplement from $450 to $600. The amount for each year will be established in the appropriations act.

Effective date: May 11, 1994.

Planning and Zoning

Chapter No. 611 (SB 1880/HB 2004). Compensation of members of municipal planning commissions. Amends T.C.A. § 13-4-101(a) to allow municipalities to compensate members of municipal planning commissions, except for those planning commission members who also serve as members of the board of zoning appeals. Any compensation authorized may not be counted against any salary limitation.

Effective date: March 16, 1994.

Chapter No. 714 (SB 2460/HB 2199). Borrow pits — work pending approval of reclamation plan. Amends T.C.A. § 54-1-128 to allow work to begin at a borrow pit pending approval by the county or municipality of the reclamation plan if the plan is not approved within 30 days of its filing.

Effective date: April 5, 1994.

Chapter No. 816 (SB 2141/HB 2183). Regional planning commissions — building on lots fronting on permanent easements. Amends T.C.A. § 13-3-411 to require permanent easements on which buildings may be built to conform to rules of the planning commission applicable to permanent easements. These rules must be approved by the county legislative body by a two-thirds vote. The permanent easement must have access to an accepted street or road. The act states that the purpose of the regulations is to ensure that the county is not responsible for maintenance of the permanent easement.

Effective date: April 15, 1994.

Public Property

Chapter No. 723 (SB 2807/HB 2535). Blind vendors — priority on public property. Amends T.C.A. Title 71, Chapter 4, Parts 4 and 5 to give blind vendors priority in running vending facilities on public property, including property of cities and counties. When new buildings are
to be constructed on public property, or when existing contracts expire or are changed, the Department of Human Services must be notified. If the department finds the facility amenable to a blind vendor station, it may establish one. The department must make necessary modifications, such as electrical and plumbing. The space must be provided at no cost, except for telephone service and in cafeteria operations.

The Department of Human Services must be notified when new cafeterias are built or when existing contracts expire or are changed. The department may submit a proposal and if its proposal is competitive, the contract must be awarded to the department.

Disputes between the department and public property managers will be settled administratively.

Effective date: July 1, 1994.

Chapter No. 769 (SB 2599/HB 2488). Ownership of satellite facility in Trenton. Amends T.C.A. § 49-8-116 to provide that ownership of the community college satellite facility in Trenton will revert to the city of Trenton if it is used for purposes other than education.

Effective date: April 14, 1994.

Public Records

Chapter No. 643 (SB 2423/HB 2295). Storage of records on CD ROM disks. Amends T.C.A. § 10-7-121(a)(1) to allow records required to be maintained by any government official to be stored on CD ROM disks.

Effective date: March 21, 1994.

Chapter No. 670 (SB 2038/HB 2750). Charges for computer generated maps by electric systems. Amends T.C.A. § 7-52-135 to make that section, which authorizes charges for computer generated maps with commercial value, apply to all electric systems rather than just Nashville’s. The fee may not be assessed against individuals who request copies for themselves.

Effective date: March 25, 1994.

Chapter No. 884 (SB 131/HB 256). Public records — disposition — jurisdiction of county public records commissions. Amends T.C.A. Title 10, Chapter 7, Part 4 to remove jurisdiction over municipal records from county public records commissions. Amends T.C.A. § 10-7-404 to authorize MTAS to develop records retention schedules for municipal records. Amends T.C.A. § 10-7-413 to provide for a public record microfilming program for local government records to be run by the State Library and Archives.

Effective date: May 2, 1994.

Purchasing

Chapter No. 795 (SB 2452/HB 2123). Purchases at auction. Amends T.C.A. Title 12, Chapter 3, Part 10 to allow municipalities to purchase new or used articles at any publicly advertised auction without competition bidding. The governing body must establish written procedures governing these purchases.

The purchasing official must report the following information to the governing body:
Chapter No. 966 (SB 2462/HB 2208). Retired employees — insurance coverage authorized. Amends T.C.A. § 8-27-601 to authorize municipalities to provide life, hospitalization, disability, and medical insurance for retired employees, including surviving spouses.

 Effective date: May 10, 1994.

**Solid Waste**
*(see also Health and Environment)*

Chapter No. 591 (SB 2384/HB 2122). County solid waste collection and disposal systems. Amends T.C.A. § 68-211-851(a) to delay for one year, from Jan. 1, 1995, to Jan. 1, 1996, the time limit for each county to assure at least one solid waste collection and disposal system for county residents.

 Effective date: March 7, 1994.

Chapter No. 735 (SB 2579/HB 2716). Solid waste regions — rural representation on boards. Amends T.C.A. § 68-211-813(b) to provide that in solid waste regions consisting of counties with less than 200,000 population, appointments to the board shall be made after July 1, 1994, so that by Dec. 31, 1998, at least 30 percent of the membership will consist of members who own at least a 50 percent equitable or fee simple interest in land that is eligible for classification under the Greenbelt Law.

 Effective date: April 11, 1994.


 Effective date: April 14, 1994.

Chapter No. 996 (SB 2714/HB 2768). Disposal in unpermitted landfill. Amends T.C.A. § 68-211-114 to make it a Class B misdemeanor to accept solid waste for disposal in a landfill that does not have a permit.

 Effective date: May 10, 1994.

**Streets and Public Ways**
*(see also Motor Vehicles and Traffic)*

Chapter No. 572 (SB 1788/HB 2103). Bridge grant program — local share. Amends T.C.A. § 54-4-507(b) to allow local participation in the bridge grant program to consist, in whole or in part, of local government funds or in-kind project work, or both.

 Effective date: March 4, 1994.

Chapter No. 807 (SB 2730/HB 2728). Naming of streets and assigning property numbers. Amends T.C.A. Title 7, Chapter 86 to allow municipalities and counties to delegate to emergency communications districts the authority to name roads and streets and to assign property numbers. The governing body of the municipality must approve road or street name changes however the governing body determines.

 Effective date: April 15, 1994.
Chapter No. 909 (SB 2345/HB 2151). Bicycle lanes. Adds T.C.A. § 54-5-211 that allows municipalities to designate bicycle lanes on municipal streets.  
Effective date: May 9, 1994

Chapter No. 1006 (SB 1726/HB 2015). Funds for rehabilitation of public railway bridges. Amends T.C.A. § 67-6-103 and § 7-56-205 to earmark sales tax revenues received from railway carriers up to $2.8 million for the transportation equity fund to be used for public railway bridge rehabilitation.  
Effective date: July 1, 1994.

Taxation - Business

Chapter No. 766 (SB 2210/HB 2128). Definition of flea market booth. Amends T.C.A. § 67-4-709(a)(5) to define flea market booth as any contiguous space leased by a single vendor to sell tangible personal property.  
Effective date: April 14, 1994.

Taxation - Gasoline

Chapter No. 911 (SB 2388/HB 2429). Petroleum taxes — purchases from retail stations tax free. Amends T.C.A. § 67-3-402 to allow local governments to purchase gasoline from retail filling stations tax free by using a fleet credit card for which an exemption permit has been issued.

Amends T.C.A. § 67-3-404 relative to tax refunds for distributors and dealers. Creates a pilot project for implementing this act from May 1, 1994, through Dec. 31, 1994.  
Effective date: for conducting the pilot project, May 1, 1994.  
For other purposes, Jan. 1, 1995.

Warning: The body of this act is broader than the caption. The caption limits the act to tax refunds to governments while the act itself deals with tax-free purchases by governments. Also, the body of the act amends T.C.A. § 6-3-404, a section not mentioned in the caption. The constitutionality of this act is suspect.

Taxation - Hall Income

Chapter No. 787 (SB 1983/HB 2392). Credit for taxes paid to another state. Amends T.C.A. Title 67, Chapter 2, Part 1 to allow a shareholder of a subchapter S corporation that is incorporated and doing business in another state to deduct from the Hall Income Tax the tax paid to the other state if there is a tax credit reciprocity agreement between Tennessee and the other state.  
Effective date: April 15, 1994.

Taxation - Property

Chapter No. 541 (SB 987/HB 1466). Exemption provisions for religious, charitable, scientific, and educational activities revised. Amends T.C.A. §§ 67-5-212, 67-5-214, and 67-5-1402 generally to give more authority to the state Board of Equalization (SBOE) relative to property tax exemptions. Among other things, the act requires applications for exemption to be filed with the SBOE. The SBOE must either grant or deny the exemption and notify the assessor and the
applicant. Either of these may appeal. The SBOE may also revoke exemptions if it determines
the exemption was procured by fraud, erroneous information, or that the current owner or use
does not qualify for exemption. The act also eliminates the automatic exemption for church
parsonages and makes other changes relative to the tax exempt status of certain fraternal
organizations.

Effective date: Jan. 1, 1995.

Chapter No. 579 (SB 2374/HB 2189). Tax deeds and court decrees; notice of tax suits and sales.
Amends T.C.A. Title 67, Chapter 5 to provide that references in the code to tax deeds with
respect to property sold for delinquent taxes will also be considered references to court decrees
entered in delinquent tax suits.

Amends T.C.A. § 67-5-2502(a)(3) to provide that notice to parties or others in delinquent tax suits
and sales will be governed by the Tennessee Rules of Civil Procedure and may be forwarded
to the address of the owner or recorded in the assessor's office. Makes other minor changes.

Effective date: March 4, 1994.

Chapter No. 617 (SB 1940/HB 2236). Exemption for housing for low-income elderly or disabled
persons. Amends T.C.A. § 67-5-207(a)(1) to exempt property of Tennessee non-profit corporations
used for housing for low-income elderly or disabled people and financed under § 211 as well
as 811 of the National Affordable Housing Act.

Effective date: March 16, 1994.

Chapter No. 633 (SB 1814/HB 2277). Petroleum underground storage tanks — acquisition by
local governments. Amends T.C.A. § 68-215-103(16) to provide that "responsible party" who
would be responsible for underground storage leak clean-up costs does not include a unit of
state or local government that becomes the owner or operator of a petroleum site through
bankruptcy, tax delinquency, abandonment, or other circumstances in which the government
acquires title by virtue of its function as a sovereign. This exemption does not apply if the
government has otherwise owned or operated a petroleum underground storage tank on the site
or has caused or contributed to a leak.

Effective date: March 21, 1994.

Chapter No. 645 (SB 2541/HB 2383). Exemption for certain low-cost housing for elderly or
disabled persons. Amends T.C.A. § 67-5-207(a)(1) to exempt from property taxes the property
of Tennessee non-profit corporations used for housing low-income elderly or disabled persons
if it is financed by a grant under § 515(b) or 521 of the Housing Act of 1949.

Effective date: March 31, 1994 if they were subject of a pending claim or appeal on Jan. 1, 1994.

Chapter No. 701 (SB 1934/HB 2582). Payment of reappraisal costs. Amends T.C.A. § 67-5-
1601(d)(2) to require cities paying one half of sharable and non-sharable local costs of reappraisal
to pay those costs directly to the county government with jurisdiction over the property being
reappraised. The city must pay the costs in the fiscal year in which the reappraisal is finished.

Effective date: March 31, 1994.

Chapter No. 786 (SB 1716/HB 2244). Contributory interest of limestone, sand, and gravel.
Amends T.C.A. § 67-5-601 to provide that the contributory interest of limestone, sand, and gravel
is deemed to have no value for property tax purposes. This does not affect the commercial classification of quarries.

Effective date: April 15, 1994.

Chapter No. 812 (SB 1802/HB 1805). Partial payment and payment by electronic transfer. Amends T.C.A. § 67-5-1801 to allow county trustees in a few counties to accept partial payment of property taxes and payment by direct bank transfer.

Effective date: April 15, 1994.

Chapter No. 838 (SB 2682/HB 2842). Certifications under Greenbelt Law. Amends T.C.A. § 67-5-1005 to provide that the certification that land will produce agricultural income of at least $1,500 per year due during reappraisal will be filed by the due date for applications. The certification by new purchasers must be filed by the due date for applications in the year following the purchase.

Effective date: April 18, 1994.

**Taxation - Sales**

Chapter No. 552 (SB 1760/HB 1996). Exemption relative to prescription eyewear. Amends T.C.A. § 67-6-102(12) and 67-6-316 to exempt components of prescription eyewear as well as machinery used in fabricating prescription eyewear from the sales tax.

Effective date: retroactive to Jan. 1, 1990.

Chapter No. 749 (SB 2028/HB 1874). Exemption for repair of medical aircraft. Amends T.C.A. Title 67, Chapter 6, Part 3 to exempt repair services for helicopters and other aircraft owned by non-profit hospitals, governments, or other non-profit entities and used for medical evacuation or transport. Implementation of this act depends on an appropriation.

Effective date: April 12, 1994.

Chapter No. 788 (SB 2015/HB 2241). Exemption for used clothing. Amends T.C.A. Title 67, Chapter 6, Part 3 to exempt from the sales tax the sale at retail of used clothing sold by organizations exempt from federal income tax under 26 U.S.C. § 501(c)(3).

Effective date: July 1, 1994.

Chapter No. 790 (SB 2139/HB 2352). Exemption for motor vehicles used in interstate commerce. Exempts the transfer by dealers in personal property of certain vehicles used in interstate commerce to transport passengers or cargo.

Effective date: April 15, 1994.

Chapter No. 791 (SB 2323/HB 2261). Exemption for fuel for international flights. Amends T.C.A. Title 67, Chapter 6 to exempt fuel sold to common carriers used for flights destined for or continuing from a location outside the United States.

Effective date: April 15, 1994.

Chapter No. 839 (SB 1861/HB 2351). Exemption for services between affiliated corporations. Amends T.C.A. Title 67, Chapter 6, Part 3 to exempt services exchanged between corporations and wholly-owned subsidiaries under certain circumstances.

Chapter No. 852 (SB 1786/HB 1734). Exemption for poultry feeding and egg conveyance systems. Amends T.C.A. § 67-6-102(8) to extend the definition and thus the exemption from sales taxes for farm equipment to include poultry feeding and watering systems and egg conveyance systems that cost more than $250.  

Effective date: April 21, 1994.

Chapter No. 862 (SB 2767/HB 2680). Pollution control credit. Amends T.C.A. § 67-6-346 to remove the requirement that pollution control must be regulated by a permit from the Department of Environment and Conservation to be eligible for the 100 percent credit provided by the section.  

Effective date: April 20, 1994.

Chapter No. 873 (SB 2812/HB 2533). Exemption for property leased to aircraft repair businesses. Amends T.C.A. § 67-6-302 to exempt from the sales tax tangible personal property owned by an airport authority and leased to an aircraft repair business from the sales tax.  

Effective date: April 22, 1994.

Chapter No. 965 (SB 2196/HB 2174). Exemption for conversion to corporation. Amends T.C.A. Title 67, Chapter 6, Part 2 to exempt from the sales tax the tangible personal property of a sole proprietorship that becomes the property of a corporation because of the incorporation of the sole proprietorship.  

Effective date: May 10, 1994.

Chapter No. 968 (SB 1799/HB 2260). Tax break for cities with sports authorities — hockey included. Amends T.C.A. § 67-6-103 (d) (1) and 712 (d) (1) to include hockey in the list of professional sports that, if obtained by a city sports authority, means the city gets an amount apportioned to the city from the state and local sales taxes equivalent to the amount of state and local sales taxes collected at the games.  

Effective date: May 10, 1994.

Tort Liability

Chapter No. 556 (SB 918/HB 440). Volunteer fire squads of private companies. Amends T.C.A. § 63-6-218 to provide that a volunteer fire squad of a private company, located in a county that does not provide fire protection, that responds to fire calls from residents within a six-mile radius of the plant, has the protection of the Tennessee Governmental Tort Liability Act while providing fire protection outside the plant.  

Effective date: March 2, 1994.

Chapter No. 789 (SB 2292/HB 2072). Jury trials in cases with multiple defendants. Amends T.C.A. § 29-20-307 and 313 to provide for jury trials upon demand of any party in cases brought under the Governmental Tort Liability Act when there are multiple defendants, some of which are governmental entities and some of which are not.  

Effective date: Applies only to actions arising on or after July 1, 1994.

Chapter No. 939 (SB 1690/HB 1704). Recovery by non-supporting parent prohibited. Amends T.C.A. § 20-5-107 to prohibit a parent from recovering for the death of a child until the parent
has paid all child support arrears plus interest.

Effective date: May 9, 1994.

Uniform City Manager-Commission Charter

Chapter No. 752 (SB 2727/HB 2593). Public deposits — collateral. Amends T.C.A. § 6-4-402, part of the general law Mayor-Aldermanic Charter; § 6-22-120, part of the Uniform City Manager-Commission Charter; and § 6-35-313, part of the Modified Council-Manager Charter to require city funds to be secured by collateral in the same manner and under the same conditions as state deposits under Title 9, Chapter 4, Parts 1 and 4, or as provided in the collateral pool created under Title 9, Chapter 4, Part 5.

Effective date: April 12, 1994.

Workers’ Compensation
(see also Personnel and Retirement)

Chapter No. 765 (SB 1848/HB 2021). Injuries caused by illegal drugs not covered. Amends T.C.A. § 50-6-110(a) to make it clear that workers’ compensation will not be allowed for injuries caused by an employee’s use of illegal drugs.

Effective date: July 1, 1994.

Caution

Users of this publication are cautioned that deciding which public acts to summarize and how is a matter of judgment. Before taking action or giving advice based upon an act summarized here, consult the act itself. Don’t rely on the summary.
The University of Tennessee does not discriminate on the basis of race, sex, color, religion, national origin, age, handicap, or veteran status in provision of educational opportunities or employment opportunities and benefits.

The University does not discriminate on the basis of sex or handicap in its educational programs and activities, pursuant to requirements of Title IX of the Educational Amendments of 1972, Public Law 92-318, and Section 504 of the Rehabilitation Act of 1973, Public Law 93-112, and the Americans With Disabilities Act of 1990, Public Law 101-336, respectively. This policy extends to both employment and admission to The University.

Inquiries concerning Title IX, Section 504, and the Americans With Disabilities Act of 1990 should be directed to Mr. Gary W. Baskette, Director of Business Services, 109 Student Services and Administration Building, Knoxville, Tennessee 37996-0213, (615) 974-6622. Charges of violation of the above policy should also be directed to Mr. Baskette.