



## 2010 Bills of Interest

### Bills Opposed

- **SB 3473/HB 2891** – by Senator Doug Jackson and Representative Mike Turner.  
**TAR Position:** Oppose  
*Status: Referred to Senate Judiciary and taken off notice in House Criminal Practice Subcommittee*  
This bill prohibits renting or leasing a residence to a tenant who is a sexual offender or a violent sexual offender whose victim was a minor if the residence is within 1,000 feet of a school, child care facility, public park, playground, recreation center or public athletic field.
- **SB 3226/HB 3435** – by Senator Steve Southerland and Representative David Hawk.  
**TAR Position:** Oppose  
*Status: Referred to Senate Commerce, Labor & Agriculture and referred to House Commerce Industrial Impact Subcommittee*  
This is the TN Real Estate Broker License Act. The bill authorizes real estate agents for a limited function referral office to be located anywhere in the state.
- **SB 3084/HB 3215** – by Senator Tim Burchett and Representative Mike Turner.  
**TAR Position:** Oppose  
*Status: Referred to House Commerce Industrial Impact Subcommittee and taken off notice in Senate Commerce, Labor & Agriculture*  
This bill requires owners or operators of hotels, rental property, or apartment buildings to have photo electric smoke detectors in certain areas or be subject to a \$1,500 fine.
- **SB 3192/HB 3215** – by Senator Tim Barnes and Representative Eddie Yokley.  
**TAR Position:** Oppose  
*Status: Referred to House Commerce Industrial Impact Subcommittee and taken off notice in Senate Commerce, Labor & Agriculture*  
This bill mandates that the minimum requirements for energy use in new buildings other than one-family and two-family dwellings and townhouses equal the American Society of Heating, Refrigeration, and Air-condition Engineers Standard 90. 1-2007.
- **SB 3446/HB 2437** – by Senator Reginald Tate and Representative G. A. Hardaway.  
**TAR Position:** Oppose  
*Status: Referred to Senate Commerce, Labor & Agriculture and House Civil Practice Subcommittee deferred to summer study*  
This bill requires that the sheriff or constable give at least 24 hours notice prior to the execution of the writ of possession; the notice must be in writing and posted on the door of the premises, and state the date and time of removal of the defendant's personal



property; the notice must state that removal can only occur between the hours of eight o'clock a.m. and five o'clock p.m. The bill holds plaintiff civilly liable for damages to defendant's removed personal property if notice requirements are not followed.

- **SB 3723/HB 2888** – by Senator Joe M. Haynes and Representative Mike Turner.  
**TAR Position:** Oppose  
*Status: Taken off notice in Senate Commerce, Labor & Agriculture and House Civil Practice Subcommittee deferred to summer study*  
This bill requires landlords in Davidson County to secure water service fee deposits from tenants.
- **SB 0902/HB 0323** – by Senator Charlotte Burks and Representative Sherry Jones.  
**TAR Position:** Oppose  
*Status: Taken off notice in Senate Judiciary and failed in House Criminal Practice Subcommittee*  
This bill allows a tenant who is the victim of domestic abuse, sexual assault, or stalking to terminate lease agreement for person's primary residence upon submitting certain evidence to the landlord in writing and vacating the premises.
- **HB 2943** – by Representative Janis Baird Sontany.  
**TAR Position:** Oppose  
*Status: House sponsor changed from Coleman to Sontany*  
This bill prohibits a driver from operating a motor vehicle while using a hand held mobile phone unless such person uses a hands-free device. Creates a Class C misdemeanor punishable by a \$50 fine.

#### Energy Audit Legislation

- **SB 0247/HB 0128**– by Senator Beverly Marrero and Representative G. A. Hardaway.  
**TAR Position:** Oppose  
*Status: Taken off notice in House Commerce Industrial Impact Subcommittee*  
This bill requires seller of real property to provide an energy audit estimating energy used at the property to the potential buyer and requires it to be in the deed of conveyance.
- **SB 0249/HB 0126** – by Senator Beverly Marrero and Representative G. A. Hardaway.  
**TAR Position:** Oppose  
*Status: Referred to Senate Commerce, Labor & Agriculture and deferred to summer study in House Civil Practice Subcommittee*  
This bill requires rental agreement under Uniform Residential Landlord and Tenant Act to include, as an addendum, an energy audit of estimated energy usage at dwelling unit.
- **SB 0250/HB 0130** – by Senator Beverly Marrero and Representative G. A. Hardaway.  
**TAR Position:** Oppose  
*Status: Referred to Senate Commerce, Labor & Agriculture and deferred to summer study in House Civil Practice Subcommittee*  
This bill requires landlord of residential property to provide an energy audit to tenants before entering into a rental agreement; failure of landlord to provide the audit will bind both parties in a month-to-month tenancy.

## Bills Supported

- **SB 3220/HB 3434** – By Senator Jamie Woodson and Representative David Hawk.  
**TAR Position:** Support  
*Status: Referred to Senate Commerce, Labor & Agriculture and referred to House Commerce. House Government Operations will review if recommended.*  
This bill requires that minimum statewide building construction safety standards be selected from the 2006 International Building Code.
- **SB 3011/HB 3314** – by Senator Doug Jackson and Representative Ty Cobb.  
**TAR Position:** Support  
*Status: Enacted as Public Chapter 0968*  
This bill, with House Amendment 1, establishes that any person in control of land owes no duty of care to keep such land safe for entry or use by others for recreational non-commercial aircraft operations or recreational non-commercial ultra light vehicle operations on private airstrips, except to known hazards or defects and other exceptions existing in the law.
- **SB 2433/HB 2614** – by Senator Bo Watson and Representative Susan Lynn.  
**TAR Position:** Support  
*Status: Senate passed with amendments 2 and 3 and House non-concurred in Senate amendments 2 and 3*  
This bill extends the real estate appraiser commission to June 30, 2013. It requires the commission to consist of nine members; one public member with no professional associations; one public member from an appraisal management company or financial institution providing appraisal services in Tennessee; one full-time education or appraisal-related education; and that all members must be residents in Tennessee. The bill prohibits a member of the commission from gaining employment as a lobbyist for any entity regulated by the commission until one year following the end date of service. It allows the bureau of ethics and campaign finance to promulgate rules and regulations.
- **SB 2434/HB 2613** – by Senator Bo Watson and Representative Susan Lynn.  
**TAR Position:** Monitor  
*Status: Senate passed with amendment 2 and House non-concurred in Senate amendment 2*  
This bill extends the real estate commission to June 30, 2013. It requires that two members appointed to not be engaged in the profession and two that are prohibited from engaging directly or indirectly in real estate finance or development. The bill prohibits a member of the commission from gaining employment as a lobbyist for any entity regulated by the commission until one year following the end date of service. It allows the bureau of ethics and campaign finance to promulgate rules and regulations.
- **SB 2436/HB 2611** – by Senator Bo Watson and Representative Susan Lynn.  
**TAR Position:** Support  
*Status: Senate passed with amendment 2 and House non-concurred in Senate amendment 2*  
This bill extends the TN auctioneer commission to June 30, 2013. It specifies that one member shall not be engaged in the auction profession and be at least 30 years of age and that all members be residents of TN. The bill prohibits a member of the board from gaining employment as a lobbyist for any entity regulated by the commission until one year following the end date of service. It allows the bureau of ethics and campaign finance to promulgate rules and regulations.

- **SB 3724/HB 2893** – By Senator Joe M. Haynes and Representative Mike Turner.  
**TAR Position:** Support  
*Status: Referred to House Local Government Subcommittee and taken off notice in Senate State & Local Government*  
This bill encourages counties and municipalities to devise grant programs to promote rehabilitation of homes in historical areas.
- **SB 3749/HB 3038** – By Senator Dewayne Bunch and Representative Vance Dennis.  
**TAR Position:** Support  
*Status: Referred to Senate Judiciary and referred to House Judiciary Civil Practice Subcommittee.*  
This bill establishes that an owner or occupant of land does not owe a duty of care to a trespasser on their land and is not liable for any injury to a trespasser. This bill does not affect liability for an injury that may result from the common law doctrine of attractive nuisance.

## **Bills Monitored**

- **SB 3155/HB 3191** – by Senator Doug Overbey and Representative Jason Mumpower.  
**TAR Position:** Monitor  
*Status: Enacted as Public Chapter 0963*  
This bill enacts the “Tennessee Appraisal Management Company Registration and Regulation Act.”
- **SB 3536/HB 3229** – by Senator Doug Overbey and Representative Joe McCord.  
**TAR Position:** Monitor  
*Status: Sent to the speakers for signatures 6/09/2010*  
This bill exempts vacation lodging services from the Tennessee Real Estate Broker License Act.
- **SB 3039/HB 3057** – by Senator Mike Fault and Representative Vance Dennis.  
**TAR Position:** Monitor  
*Status: Enacted as Public Chapter 1001*  
This bill requires cause of action to recover balance due upon sale of real property to foreclose a deed of trust, mortgage or other lien where the mortgaged property sells for less than the amount due.
- **SB 3430/HB 3956** – by Senator Douglas Henry and Representative Mike Stewart.  
**TAR Position:** Monitor  
*Status: Enacted as Public Chapter 0936*  
This bill allows multifamily residential property owners to destroy present facilities and reconstruct new facilities even after a change in zoning.
- **SB 2969/HB 3270** – by Senator Diane Black and Representative Henry Fincher.  
**TAR Position:** Monitor  
*Status: Enacted as Public Chapter 0899*  
This bill establishes that it is a Class B misdemeanor for any person to trespass, in addition to inhabit, on quarantined land that was quarantined because the land was used to produce methamphetamine.