



State of Tennessee

PUBLIC CHAPTER NO. 452

HOUSE BILL NO. 261

By Representatives Faison, Ragan

Substituted for: Senate Bill No. 53

By Senator Bell

AN ACT relative to agency rules scheduled to expire pursuant to the provisions of the Uniform Administrative Procedures Act, compiled in Tennessee Code Annotated, Title 4, Chapter 5.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1.

(a) Except as provided in subsection (c), all permanent rules filed in the office of secretary of state after January 1, 2016, that are in effect on the effective date of this act, and that are scheduled for expiration under § 4-5-226, on June 30, 2017, shall not expire on June 30, 2017, but shall remain in effect until repealed or amended by subsequent rule of the appropriate rulemaking agency or until otherwise superseded by legislative enactment.

(b) This section shall not be construed to justify the continued effectiveness of any rule that will remain in effect under subsection (a) if the rule conflicts with the provisions of any legislative enactment other than the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(c) Notwithstanding subsection (a) or title 4, chapter 5, part 2, Tennessee Auctioneer Commission Rule 0160-01-.28, relative to online auctions, and filed in the office of secretary of state on September 6, 2016, shall expire on the effective date of this act.

SECTION 2. The department of revenue shall be prohibited from collecting any internet sales or use taxes authorized under department rule 1320-05-01-.129(2) and permitted under a ruling of any court, until such court's ruling has been fully reviewed and rule 1320-05-01.129(2) has been approved by the general assembly pursuant to § 4-5-226.

SECTION 3. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.

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PASSED: May 10, 2017


BETH HARWELL, SPEAKER
HOUSE OF REPRESENTATIVES


RANDY MCNALLY
SPEAKER OF THE SENATE

APPROVED this 25th day of May 2017


BILL HASLAM, GOVERNOR