

HOUSE BILL 1230

By Towns

AN ACT to amend Tennessee Code Annotated, Title 29,
relative to eminent domain.

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

SECTION 1. Tennessee Code Annotated, Section 29-17-104(a)(1), is amended by deleting the subdivision in its entirety and substituting instead the following language:

(1) Notice of the filing of a petition to institute condemnation proceedings shall be given to each respondent, including nonresidents of the state, by certified mail with return receipt requested, at least ninety (90) days prior to the taking of any additional steps in the case. If the respondent is unknown, or cannot be found, notice shall be given by publication, which shall be made in the same manner as provided by law for similar situations in chancery court; and

SECTION 2. Tennessee Code Annotated, Section 29-17-104(a)(2), is amended by deleting the language “thirty (30)” each time that it appears and substituting instead the language “ninety (90)”.

SECTION 3. Tennessee Code Annotated, Section 29-17-104, is further amended by adding the following language as a new subsection:

(c) The notice of the filing of a petition to institute condemnation proceedings by certified mail shall include the following information:

(1) A statement that the condemner has the right to take possession of the property after the expiration of ninety (90) days from the date of the giving of notice, if the right to take has not been challenged in an answer;

(2) A statement that the respondent has a right to challenge the condemnation proceedings as a matter of law; and

(3) A statement that the respondent has the right to appeal the condemnation proceedings, including the amount of damages awarded.

SECTION 4. Tennessee Code Annotated, Section 29-17-105, is amended by deleting the language “thirty (30)” and substituting instead the language “ninety (90)”.

SECTION 5. Tennessee Code Annotated, Section 29-17-106(b), is amended by designating the existing language as subdivision (b)(1) and adding the following language:

(2) Notwithstanding any law to the contrary, in any condemnation proceeding initiated in this state, the court shall award the respondents a sum that will reimburse the respondents for any damage or destruction of the property incurred because of the action, only if the costs are taxed to the condemner pursuant to subdivision (a)(1)(B) or (a)(1)(C).

SECTION 6. Tennessee Code Annotated, Section 29-17-501(a), is amended by deleting the language “thirty (30)” and substituting instead the language “ninety (90)”.

SECTION 7. Tennessee Code Annotated, Section 29-17-903, is amended by deleting the language “thirty (30)” each time that it appears and substituting instead the language “ninety (90)”.

SECTION 8. This act shall take effect upon becoming a law, the public welfare requiring it.