

HOUSE BILL 1295

By Daniel

AN ACT to amend Tennessee Code Annotated, Section 4-5-313, relative to rules of evidence.

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

SECTION 1. Tennessee Code Annotated, Section 4-5-313, is amended by deleting subdivision (1) and substituting instead the following:

(1)

(A) The agency shall admit and give probative effect to evidence admissible in a court. When necessary to ascertain facts not otherwise admissible under the rules of court, the agency must admit evidence if it is:

(i) Provided in person under oath or by sworn affidavit; or

(ii) Commonly relied upon by a reasonably prudent person

licensed in the profession or occupation in which the aggrieved person is applying for initial licensure, or renewal or reinstatement of a license.

(B) The agency shall give effect to the rules of privilege recognized by law and to agency statutes protecting the confidentiality of certain records, and shall exclude evidence which in its judgment is irrelevant, immaterial, or unduly repetitious;

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.