

State of Tennessee

PUBLIC CHAPTER NO. 730

SENATE BILL NO. 1914

By Niceley, Bowling, Gresham

Substituted for: House Bill No. 2241

By Faison, Staples

AN ACT to amend Tennessee Code Annotated, Title 9, Chapter 8; Title 11, Chapter 4; Title 29, Chapter 20 and Title 43, relative to free use of timber from state forests.

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

SECTION 1. Tennessee Code Annotated, Title 11, Chapter 4, Part 8, is amended by adding the following as a new section:

(a) As used in this section, "free-use area" means an area where residents of this state may remove downed and dead timber from a state forest, without cost, for their own personal use as firewood for home heating and cooking; provided, that none of the firewood is offered for sale.

(b) The state forester must designate portions or all of each state forest as free-use areas where such designation is compatible with the comprehensive state forest system plan prepared under § 11-4-802.

(c) Removing downed and dead timber in designated free-use areas shall be in accordance with rules promulgated by the state forester and approved by the commissioner to prevent fires, minimize damage to live trees and other resources, and to avoid confusion and safety risks among users.

(d) The state forester must publish notice of any designation made under subsection (b) on the department's website in a manner approved by the commissioner.

(e) This state and its officers and employees shall not be liable to any person for any personal injury, property damage, or death sustained or caused by an individual while removing downed and dead timber in a designated free-use area unless conduct of the state or a state officer or employee that directly caused the personal injury, property damage, or death was intentional tortious conduct or an act or omission constituting gross negligence.

SECTION 2. For the purpose of promulgating rules, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect July 1, 2018, the public welfare requiring it.

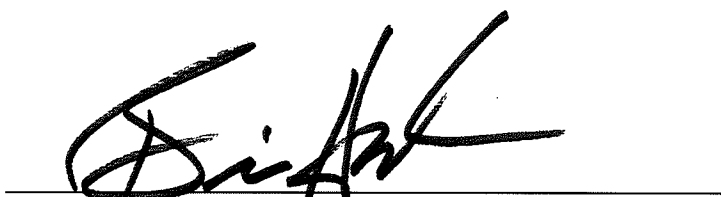
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PASSED: April 4, 2018


RANDY McNALLY
SPEAKER OF THE SENATE


BETH HARWELL, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 18th day of April 2018


BILL HASLAM, GOVERNOR