

HOUSE BILL 3881

By Kernell

AN ACT to amend Tennessee Code Annotated, Section 9-8-402, relative to claims against state employees.

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

SECTION 1. Tennessee Code Annotated, Section 9-8-402, is amended by deleting subsection (b) in its entirety and by substituting instead the following:

(b)

(1) Except as provided in subdivision (b)(2), the claim is barred unless the notice is given within the time provided by statutes of limitations applicable by the courts for similar occurrences from which the claim arises.

(2)

(A) For workers' compensation purposes, the right to compensation and other benefits under the Workers' Compensation Law, compiled in title 50, chapter 6, shall be barred, unless the notice required by subsection (a) is filed with the division of claims administration within one (1) year after the accident resulting in injury.

(B) Upon the filing of a civil suit or institution of a criminal prosecution in which any person and a state agency or state employee are participants, the applicable statute of limitations for the filing of a claim arising from the circumstance from which the civil suit or criminal prosecution arose by such person against an employee of such agency shall cease to run until a final order is rendered by the court; provided, that the claim is within the jurisdiction of the claims commission as set

forth in § 9-8-307(a). This subdivision (b)(2)(B) shall apply to suits filed or prosecutions instituted on or after July 1, 2010.

(3) The filing of the notice by the claimant tolls all statutes of limitations as to other persons potentially liable to the claimant due to the occurrence from which the claim before the commission arises.

(4) The applicable statute of limitations for the recovery of taxes shall continue to be six (6) months after the payment of the taxes under protest.

(5) Absent prior written consent of the commission, the commission shall dismiss with prejudice any claim filed with the commission upon which no action is taken by the claimant to advance the case to disposition within any one-year period of time.

SECTION 2. This act shall take effect July 1, 2010, the public welfare requiring it.