

SENATE BILL 416

By Crowe

AN ACT to amend Tennessee Code Annotated, Title 39;  
Title 47 and Title 62, Chapter 5, relative to human  
remains.

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

SECTION 1. Tennessee Code Annotated, Section 62-5-101, is amended by adding the following language as a new, appropriately designated subdivision:

( ) "Removal service":

(A) Means any person or entity who engages in the arranging, directing, supervising or performing the transportation of human remains for a fee; and

(B) Does not include a licensed funeral director, a licensed embalmer, a licensed funeral establishment or its employees;

SECTION 2. Tennessee Code Annotated, Title 62, Chapter 5, Part 3, is amended by adding the following language as a new, appropriately designated section:

(a) On or after the effective date of this act, no removal service shall operate in this state unless the removal service is registered with the department of commerce and insurance. All such registrations shall expire two (2) years from the date of the registration or renewal. The department may promulgate and adopt such rules and regulations as are reasonably necessary to carry out this section, and establish such registration and renewal fees as are adequate to cover the administrative costs associated with the registration program.

(b) Included on each registration and renewal form shall be a section whereby the registrant must declare, under penalty of perjury pursuant to § 39-16-702(a)(3), whether such registrant has ever been convicted of a violation of this chapter or § 39-17-312.

(c) An applicant who has been convicted of a violation of this chapter or § 39-17-312, shall be prohibited from registering under this chapter for at least five (5) years from the date of conviction at the discretion of the department.

(d) On or after the effective date of this act, it is an offense for a person to engage in the business of a removal service without registering or falsely registering with the department.

(e) A violation of this section is a Class C misdemeanor.

(f) The removal service registration of one convicted of a violation of this section or § 39-17-312 shall be immediately revoked by operation of law upon such conviction. A copy of the judgment of conviction shall be transmitted to the department by the law enforcement agency responsible for the conviction.

SECTION 3. Tennessee Code Annotated, Section 62-5-317(a), is amended by adding the language "or registration" immediately following the language "suspend, revoke or refuse to renew any license".

SECTION 4. This act shall take effect on July 1, 2013, the public welfare requiring it.