



State of Tennessee

PUBLIC CHAPTER NO. 549

SENATE BILL NO. 771

By Johnson, Southerland, Stevens

Substituted for: House Bill No. 780

By Lamberth, Gant, Todd, Smith

AN ACT to amend Tennessee Code Annotated, Title 4; Title 20; Title 47; Title 55; Title 56; Title 62 and Title 68, relative to regulated professions.

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

SECTION 1. Tennessee Code Annotated, Section 20-9-611, is amended by deleting "The board shall impose a prorated fee for any license that is for a period less than twenty-four (24) months."

SECTION 2. Tennessee Code Annotated, Section 20-9-611(3), is amended by adding the following to the end of the subdivision:

however, if the initial license was held for less than one (1) year, then the renewal fee is reduced by fifty percent (50%);

SECTION 3. Tennessee Code Annotated, Section 20-9-612(b), is amended by adding the following to the end of the subsection:

The continuing education requirements described in this subsection (b) are waived in the case of renewals of initial licenses held for less than one (1) year.

SECTION 4. Tennessee Code Annotated, Section 47-18-1003(1), is amended by adding the following immediately after "in writing":

; however, a credit services business may enter an installment plan with the consumer, so long as that installment plan does not exceed six (6) months and is approved by the commissioner or the commissioner's designee

SECTION 5. Tennessee Code Annotated, Section 47-18-1003(9), is amended by adding ", except as permitted under subdivision (1)" before the semicolon.

SECTION 6. Tennessee Code Annotated, Section 47-18-5506(14)(A), is amended by deleting "of the applicant and every employee" and substituting ", employee,".

SECTION 7. Tennessee Code Annotated, Section 55-17-111, is amended by deleting subsections (e) and (f) and substituting the following:

(e) A dealer must submit a change of address, ownership, employment, trade name, or line-make of motor vehicle a dealer is franchised to handle to the commission, in writing, within thirty (30) days from the date of the change. A dealer must notify the commission of the termination of a salesperson's employment, in writing, within thirty (30) days of the termination.

(f) If a motor vehicle salesperson desires to change employment from one (1) dealer to another, then that salesperson must submit a transfer application to the commission. The salesperson may begin employment with another dealer upon submitting the transfer application and paying any associated fees.

SECTION 8. Tennessee Code Annotated, Section 55-17-114(a)(1), is amended by adding the following as a new subdivision (H):

(H) The applicant or license holder has failed to make available for inspection to the commission or its agents all books, records, and other memoranda of all transactions, transfers, or sales of motor vehicles;

SECTION 9. Tennessee Code Annotated, Section 56-1-310(b), is amended by redesignating the existing language as subdivision (b)(1) and adding the following as a new subdivision (2):

(2) Notwithstanding subdivision (b)(1):

(A) At a board's discretion and upon the approval of the commissioner of commerce and insurance and the commissioner of finance and administration, funds in board accounts may be expended for the following purposes:

(i) Capital purchases, including technology upgrades;

(ii) Communications and marketing programs related to the board's regulated industries, including consumer protection campaigns, public service announcements, and targeted media;

(iii) Educational programs related to the board's regulated industries, including programs regarding consumer awareness, industry best practices, and industry recruitment;

(iv) Payment of legal fees and related costs associated with legal representation by the attorney general and reporter; and

(v) Other initiatives related to the department's strategic plan;

(B) The commissioner of commerce and insurance, with the approval of the commissioner of finance and administration, may in extraordinary circumstances expend reserve funds in a board account for the purpose of administering the corresponding programs of that board; and

(C) On or before December 31 in each year that reserve funds are expended under subdivision (b)(2)(B), the commissioner of commerce and insurance shall report to the chairs of the finance, ways and means committees of the senate and the house of representatives a list containing the name of each regulatory board reserve account for which funds were expended and the amount expended.

SECTION 10. Tennessee Code Annotated, Section 62-3-110(a)(3), is amended by deleting the subdivision and substituting the following:

(3) The application must also contain proof that the applicant is at least sixteen (16) years of age.

SECTION 11. Tennessee Code Annotated, Section 62-3-110(b)(1), is amended by deleting "seventeen (17)" and substituting "sixteen (16)".

SECTION 12. Tennessee Code Annotated, Section 62-3-123(f), is amended by deleting "§§ 62-3-110 and 62-3-124" wherever it appears and substituting "§ 62-3-110 or § 62-3-124".

SECTION 13. Tennessee Code Annotated, Section 62-3-123, is amended by adding the following as a new subsection (b) and redesignating existing subsection (b) and the remaining subsections accordingly:

(1) A school may only enroll a student who:

(A) Is at least sixteen (16) years of age; and

(B) Has completed and passed at least two (2) years of high school or received a score of at least thirty-eight percent (38%) on the GED® or HiSET® examination.

(2) Public and vocational schools are exempt from this section, except as provided in subsection (e).

SECTION 14. Tennessee Code Annotated, Section 62-5-312(b)(5), is amended by deleting "forty (40)" and substituting "thirty-two (32)".

SECTION 15. Tennessee Code Annotated, Section 62-5-404, is amended by adding the following as a new subsection:

This section does not apply to a person who is licensed under § 62-5-305 and is selling pre-need funeral contracts only on behalf of a funeral home that is owned, in whole or in part, by that person. However, that person remains subject to title 56, chapter 6, part 1.

SECTION 16. Tennessee Code Annotated, Section 62-6-120(e)(4), is amended by deleting "certified" and substituting "first-class".

SECTION 17. Tennessee Code Annotated, Section 62-9-102(g), is amended by deleting the subsection and substituting the following:

(g) This chapter does not require a registered scrap metal dealer to separately register a scrap metal business. However, upon a scrap metal dealer's registration and subsequent renewals of registration, a scrap metal dealer shall list each place of business within this state with reference to its specific location.

SECTION 18. Tennessee Code Annotated, Section 62-9-102, is amended by adding the following language as a new subsection:

Registrations under this chapter are subject to late renewal for a period of sixty (60) days following their expiration date. The fee for a late renewal equals the fee for a timely renewal plus a penalty as set by the commissioner.

SECTION 19. Tennessee Code Annotated, Section 62-11-111(a)(8), is amended by deleting the subdivision.

SECTION 20. Tennessee Code Annotated, Section 62-11-111, is amended by adding the following as a new subsection:

A locksmith licensed under this chapter who operates as a solo practitioner is not required to show proof of affiliation with a locksmith company or to obtain additional licensure from the commissioner to operate as a solo practitioner.

SECTION 21. Tennessee Code Annotated, Section 62-13-208(d), is amended by deleting ", by order of any court having competent jurisdiction,".

SECTION 22. Tennessee Code Annotated, Section 62-13-208(e), is amended by deleting ", by certified mail, return receipt requested" and substituting "within thirty (30) days of commencement of the action".

SECTION 23. Tennessee Code Annotated, Section 62-13-208(f), is amended by deleting the subsection.

SECTION 24. Tennessee Code Annotated, Section 62-13-208(g), is amended by deleting ", pursuant to a court order,".

SECTION 25. Tennessee Code Annotated Section, 62-13-208(h), is amended by deleting the subsection and substituting the following:

(h) When the commission has paid from the account any sum to a complainant, the commission is subrogated to all the rights of the complainant in the claim that resulted in payment from the account. The commission shall deposit any amount recovered under this section to the account. If the total amount collected by the commission exceeds the amount paid from the account to the complainant, plus interest and the cost of collection, then the commission may elect to pay the coverage or reassign the remaining interest to the complainant. The payment or reassignment to the complainant does not subject the account to further liability for payment to the original complainant based on that transaction or any resulting judgment. Costs incurred by the commission in attempting to collect under this section must be paid from the account.

SECTION 26. Tennessee Code Annotated, Section 62-13-303(e)(2), is amended by deleting the subdivision and substituting the following:

(2) Satisfactory proof that the applicant is at least eighteen (18) years of age; and

SECTION 27. Tennessee Code Annotated, Section 62-13-303(f)(2), is amended by deleting the subdivision and substituting the following:

(2) Satisfactory proof that the applicant is at least eighteen (18) years of age.

SECTION 28. Tennessee Code Annotated, Section 62-13-303(j)(2), is amended by deleting the subdivision and substituting the following:

(2) Satisfactory proof that the applicant is at least eighteen (18) years of age;

SECTION 29. Tennessee Code Annotated, Section 62-13-309(a)(2), is amended by deleting "prominently displayed in" and substituting "displayed or otherwise available for public inspection, in electronic form or hard copy, at".

SECTION 30. Tennessee Code Annotated, Section 62-13-313(b), is amended by deleting "registered" wherever it appears and substituting "first-class".

SECTION 31. Tennessee Code Annotated, Section 62-19-111(r)(1), is amended by deleting "twenty-one (21)" and substituting "eighteen (18)".

SECTION 32. Tennessee Code Annotated, Section 62-20-102(7), is amended by deleting the subdivision.

SECTION 33. Tennessee Code Annotated, Section 62-20-105(c), is amended by deleting the subsection.

SECTION 34. Tennessee Code Annotated, Section 62-20-111, is amended by deleting the section.

SECTION 35. Tennessee Code Annotated, Section 62-20-115(a)(2), is amended by deleting "registered or certified" and substituting "first-class".

SECTION 36. Tennessee Code Annotated, Section 62-39-317(d), is amended by deleting the subsection.

SECTION 37. Tennessee Code Annotated, Section 62-39-320, is amended by deleting the second sentence.

SECTION 38. Tennessee Code Annotated, Section 68-115-108(a)(1), is amended by deleting "at least quarterly but may meet".

SECTION 39. Tennessee Code Annotated, Section 68-115-206(b)(1), is amended by deleting "thirty (30)" and substituting "ninety (90)".

SECTION 40. For purposes of rulemaking, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, this act takes effect October 1, 2021, the public welfare requiring it.

SENATE BILL NO. 771

PASSED: May 4, 2021



RANDY McNALLY
SPEAKER OF THE SENATE



CAMERON SEXTON, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 26th day of May 2021



BILL LEE, GOVERNOR