

SENATE BILL 1396

By Bell

AN ACT to amend Tennessee Code Annotated, Title 46,
relative to cemeteries.

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

SECTION 1. Tennessee Code Annotated, Title 46, Chapter 8, is amended by adding the following as a new section:

(a) Owners of private property on which a gravesite or crypt containing human remains is located shall allow ingress and egress to the cemetery or graves by:

- (1) Family members and descendants of deceased persons buried there;
- (2) Any cemetery plot owner; and
- (3) Any person engaging in genealogy research, who has given

reasonable notice to the owner of record or to the occupant of the property or both.

(b) No landowner shall erect a wall, fence, or other structure or device that prevents ingress and egress to the gravesite or crypt containing human remains, unless the wall, fence, or other structure or device has a gate or other means by which ingress and egress can be accomplished by persons specified in subsection (a). The landowner may designate the frequency of access, hours and duration of the access, and the access route if no traditional access route is obviously visible by a view of the property. The landowner, in the absence of gross negligence or willful misconduct, is immune from liability in any civil suit, claim, action, or cause of action arising out of the access granted pursuant to this section.

(c) The right of ingress and egress granted to persons specified in subsection (a) must be reasonable and limited to the purposes of visiting graves, maintaining the

gravesite or cemetery, or conducting genealogy research. The right of ingress and egress does not provide a right to operate motor vehicles on the property for the purpose of accessing a gravesite or crypt containing human remains unless there is a road or adequate right-of-way that permits access by a motor vehicle and the owner has given written permission to use the road or right-of-way.

(d) Any person entering onto private property to access a gravesite or cemetery must act in a manner that does not damage the private lands, the cemetery, or gravesites and is liable to the owner of the property for any damage caused as a result of the person's access.

(e) Any person denied reasonable access under this section may bring an action in the chancery court where the property is located to enjoin the owner of the property from denying the person reasonable ingress and egress to the cemetery or gravesite. In granting such relief, the court may:

- (1) Set the frequency of access, hours, and duration of the access; and
- (2) Award reasonable attorney fees and costs to the person denied such access.

(f) This section does not apply to any deed or other written instrument that creates or reserves a cemetery or gravesite on private property.

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