

SENATE BILL 1597

By Massey

AN ACT to amend Tennessee Code Annotated, Title 16; Title 20; Title 27; Title 28; Title 29; Title 30; Title 32; Title 34; Title 54; Title 66 and Title 69, relative to persons lacking capacity to understand legal rights and liabilities.

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

SECTION 1. Tennessee Code Annotated, Section 16-10-212, is amended by deleting the language "or persons adjudicated incompetent" and substituting instead ", or persons who lack capacity to understand their legal rights and liabilities".

SECTION 2. Tennessee Code Annotated, Section 16-11-108, is amended by deleting the language "adjudicated incompetent" and substituting instead "who lack capacity to understand their legal rights and liabilities".

SECTION 3. Tennessee Code Annotated, Section 16-16-107(a)(1)(G), is amended by deleting the language "adjudicated incompetent" and substituting instead "who lack capacity to understand their legal rights and liabilities".

SECTION 4. Tennessee Code Annotated, Section 20-12-128, is amended by deleting the language "or conservator of any person adjudicated incompetent or infant" and substituting instead ", or conservator of an infant or any person who lacks capacity to understand their legal rights and liabilities".

SECTION 5. Tennessee Code Annotated, Section 20-12-128, is further amended by deleting the language "adjudicated incompetent" wherever else it appears and substituting instead "who lacks capacity".

SECTION 6. Tennessee Code Annotated, Section 27-6-106, is amended by deleting the section and substituting instead the following:

Infants and persons who lack capacity to understand their legal rights and liabilities may prosecute writs of error within the time prescribed after restoration of competency. Persons imprisoned may prosecute writs of error within the time prescribed after legal rights are restored.

SECTION 7. Tennessee Code Annotated, Section 28-1-106, is amended by deleting the section and substituting instead the following:

If the person entitled to commence an action is, at the time the cause of action accrued, either under eighteen (18) years of age, or lacks capacity to understand the person's legal rights and liabilities, such person, or such person's representatives and privies, as the case may be, may commence the action after restoration of competency within the time of limitation for the particular cause of action, unless it exceeds three (3) years, and in that case within three (3) years from restoration of competency.

SECTION 8. Tennessee Code Annotated, Section 28-2-110(b), is amended by deleting the subsection and substituting instead the following:

(b) This section does not apply to persons under eighteen (18) years of age, or to persons who lack capacity to understand their legal rights and liabilities, if suit is brought by them, or anyone claiming through them, within three (3) years after restoration of competency.

SECTION 9. Tennessee Code Annotated, Section 29-5-101(1), is amended by deleting the language "adjudicated incompetent" and substituting instead "who lacks capacity to understand the person's legal rights and liabilities".

SECTION 10. Tennessee Code Annotated, Section 29-14-105, is amended by deleting the language "adjudicated incompetent" and substituting instead "who lacks capacity to understand the person's legal rights and liabilities".

SECTION 11. Tennessee Code Annotated, Section 30-2-702(b)(1), is amended by deleting the language "adjudicated incompetent" and substituting instead "who lack capacity to understand their legal rights and liabilities".

SECTION 12. Tennessee Code Annotated, Section 30-2-702(b)(2), is amended by deleting the language "adjudicated incompetent" and substituting instead "who lacks capacity to understand the person's legal rights and liabilities".

SECTION 13. Tennessee Code Annotated, Section 32-4-108, is amended by deleting the language "adjudicated incompetent" and substituting instead "who lack capacity to understand their legal rights and liabilities".

SECTION 14. Tennessee Code Annotated, Section 54-12-133, is amended by deleting the language "adjudicated incompetent and" and substituting instead "lacks capacity to understand the person's legal rights and liabilities, and is".

SECTION 15. Tennessee Code Annotated, Section 54-12-421, is amended by deleting the language "are adjudicated incompetent" and substituting instead "lack capacity to understand their legal rights and liabilities".

SECTION 16. Tennessee Code Annotated, Section 66-11-128(a), is amended by deleting the language "adjudicated incompetent" and substituting instead "who lacks capacity to understand the person's legal rights and liabilities".

SECTION 17. Tennessee Code Annotated, Section 69-5-201, is amended by deleting the language "adjudicated incompetent" and substituting instead "who lacks capacity to understand the person's legal rights and liabilities,".

SECTION 18. Tennessee Code Annotated, Section 69-5-830, is amended by deleting the language "adjudicated incompetent" and substituting instead the language "who lack capacity to understand their legal rights and liabilities".

SECTION 19. This act shall take effect July 1, 2016, the public welfare requiring it.