

SENATE BILL 1896

By Gardenhire

AN ACT to amend Tennessee Code Annotated, Title 29, Chapter 16 and Title 54, Chapter 14, relative to easements on private property.

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

SECTION 1. Tennessee Code Annotated, Section 54-14-101, is amended by deleting the section in its entirety.

SECTION 2. Tennessee Code Annotated, Section 54-14-102, is amended by deleting subsection (a) and substituting instead the following:

(a) A person owning any land, where ingress or egress to and from which is cut off or obstructed entirely from a public road or highway by the intervening land of another, or who has no outlet from the land to a public road in the state, by reason of the intervening land of another, is given the right to have a private easement or right-of-way not exceeding twenty feet (20') condemned and set aside for the benefit of the land over and across the intervening land for the purpose of ingress and egress and extending utility lines, including, but not limited to, electric, natural gas, water, sewage, telephone, or cable television to the enclosed land. Maintenance of the easement or right-of-way shall be the responsibility of the person granted the easement or right-of-way. Gates or fencing may not be erected. In counties with a metropolitan form of government, the maximum permissible width for an easement or right-of-way is fifteen feet (15').

SECTION 3. Tennessee Code Annotated, Title 54, Chapter 14, is amended by adding the following language as a new section:

Notwithstanding § 54-14-102, there is no right to have an easement or right-of-way condemned and set aside for the benefit of the land surrounded or enclosed by the

lands of any other person if the ingress or egress to and from the surrounded or enclosed land is cut off or obstructed entirely from a public road or highway as a result of the intentional and knowing action of the owner of the surrounded or enclosed land.

SECTION 4. Tennessee Code Annotated, Section 54-14-111, is amended by deleting the section and substituting instead the following:

The jury is authorized to locate the easement or right-of-way at a place where it will be of service to the petitioner and cause the least amount of monetary damage as practicable to the value of the intervening land.

SECTION 5. Tennessee Code Annotated, Section 54-14-113, is amended by deleting the section and substituting instead the following:

(a) The report may be modified by the court and the easement or right-of-way may be granted or decreed to the petitioners as the court may deem proper upon the payment to the defendant, or to the clerk of the court for the defendant's use, of the damages assessed, with costs and, if awarded pursuant to subsection (b), attorney fees.

(b) In addition to the damages and costs awarded to the defendant as provided by §§ 54-14-103 and 54-14-109, the court may award reasonable attorney fees to the defendant, unless the court finds the defendant has acted in bad faith.

SECTION 6. This act shall take effect upon becoming a law, the public welfare requiring it.