

SENATE BILL 2289

By Kyle

AN ACT to amend Tennessee Code Annotated, Title 55; Title 65; Title 66 and Title 67, relative to taxation, titling, registration, and regulation of motor vehicles.

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

SECTION 1. Tennessee Code Annotated, Title 55, Chapter 2, is amended by adding the following as a new, appropriately designated section:

§ 55-2-____.

(a) The commissioner is authorized, but not required, to accept credit cards, debit cards, or other similar financial transaction cards in payment of any taxes or fees due in connection with the titling or registration of motor vehicles, and the commissioner may adopt reasonable policies and rules governing the manner of acceptance of such cards. The commissioner is authorized to impose a surcharge or convenience fee upon persons making payment by credit card, debit card, or other similar financial transaction cards to wholly or partially offset, in the aggregate, any discount fees, administrative fees, transaction fees, or other direct fees or costs charged to the department by a third-party to facilitate the transaction. The commissioner may enter into appropriate agreements with card issuers or other appropriate parties as needed to facilitate the acceptance of payments authorized by this section. The commissioner also may enter into appropriate agreements with third-party service providers for the acceptance and processing of credit card, debit card, or other similar financial transaction card payments on the commissioner's behalf. Such agreements may authorize the third-party service provider to impose a surcharge or convenience fee upon persons making such payments. The county clerks, when acting as deputies to the commissioner under the

laws governing the titling and registration of motor vehicles, are likewise authorized, but not required, to accept credit cards, debit cards, or other similar financial transaction cards consistent with the authority granted to the commissioner under this section.

(b) When a person elects to make a payment by credit card, debit card, or other similar financial transaction card and a surcharge or convenience fee is imposed as authorized by this section, the payment of the surcharge or convenience fee shall be deemed voluntary and shall not be refundable. No person making any payment by credit card, debit card, or other similar financial transaction card shall be relieved from liability for the underlying obligation, except to the extent that the department realizes final payment of the underlying obligation in cash or the equivalent. If final payment is not made by the card issuer or other guarantor of payment, then the underlying obligation shall survive and the department shall retain all remedies for enforcement that would have applied if the transaction had not occurred.

SECTION 2. Tennessee Code Annotated, Section 55-6-101(a), is amended by deleting from subdivision (2) the language “five dollars (\$5.00)” and by substituting instead the language “five dollars and fifty cents (\$5.50)” and is further amended by deleting from subdivision (3) the language “five dollars (\$5.00)” and by substituting instead the language “five dollars and fifty cents (\$5.50)”.

SECTION 3. Tennessee Code Annotated, Section 55-3-103(a)(1), is amended by deleting the following language:

or post office box number if the applicant has no bona fide residential street address

and substituting instead the following language:

or post office box number if the applicant has no residential street address; provided, however, that a post office box shall not be sufficient to establish an individual's bona fide residence

SECTION 4. Tennessee Code Annotated, Section 55-4-102, is amended by deleting the following language:

the name and address of the owner, including the street address and number or route and box number or post office box number if the owner has no bona fide residential street address

and substituting instead the following language:

the full name and bona fide residence of the owner, including the residential street address and number or route and box number or post office box number if the applicant has no residential street address; provided, however, that a post office box shall not be sufficient to establish an individual's bona fide residence

SECTION 5. Tennessee Code Annotated, Section 55-4-112, is amended by adding the following as a new, appropriately designated subsection:

() Personal buses that are not used in a trade or business shall be subject to the registration fee set out in § 55-4-111(a)(1), Class (B). All buses not subject to the registration fees set out in this section or in § 55-4-111 shall be subject to the registration fees set out in § 55-4-113(a)(2).

SECTION 6. Tennessee Code Annotated, Section 55-3-103(a), is amended by deleting the language "signature of the owner written with pen and ink" and substituting instead the language "signature of the owner written with pen and ink or captured electronically using a method approved by the commissioner".

SECTION 7. Tennessee Code Annotated, Section 55-4-103(b)(1), is amended by deleting the language “not to exceed a combination of six (6)” and substituting instead the language “not to exceed a combination of seven (7)”.

SECTION 8. Tennessee Code Annotated, Section 55-4-111, is amended by deleting subsection (c) in its entirety and by substituting instead the following:

(c)

(1) Except as provided in subdivision (c)(2), this section shall not apply to trailers:

(A) Owned by farmers and used for agricultural purposes or hauling livestock between farm and market;

(B) Used for the transportation of boats or drawn by an automobile or truck, unless the owner desires to be registered; or

(C) That are truck trailers registered under § 55-4-113.

(2) This section shall apply to:

(A) Trailers used in the furtherance of a business;

(B) House trailers, as defined in this section;

(C) Rented trailers; and

(D) Any personal trailer, including a trailer used for the transportation of boats or other trailer or semitrailer drawn by an automobile or truck, that is not required to be registered but that the owner desires to be registered.

SECTION 9. Tennessee Code Annotated, Section 55-16-101(a), is amended by deleting the words “department of safety” and by substituting instead the words “department of revenue”.

SECTION 10. Tennessee Code Annotated, Section 55-16-106(b), is amended by deleting the words “department of safety” and by substituting instead the words “department of revenue”.

SECTION 11. Tennessee Code Annotated, Section 55-3-118(b), is amended by deleting the language “whose certificate shall be acknowledged before a notary public” and substituting instead the language “whose signature shall be acknowledged before a notary public”.

SECTION 12. Section 2 of this act shall take effect on July 1, 2009, the public welfare requiring it. All remaining sections of this act shall take effect upon becoming a law, the public welfare requiring it.