

SENATE BILL 2777

By McNally

AN ACT to amend Tennessee Code Annotated, Title 67,  
Chapter 8, Part 6; Title 67, Chapter 8, Part 1 and  
Title 67, Chapter 8, Part 4, relative to the gift tax.

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

SECTION 1. Tennessee Code Annotated, Section 67-8-101(a), is amended by deleting the subsection in its entirety and by substituting instead the following:

(a)

(1) Except as otherwise provided by subdivision (a)(2), a tax is imposed upon the transfer by gift during any calendar year by any person of the following property, or any interest therein:

(A) When the transfer is from a resident of this state:

(i) Real property situated within this state;

(ii) Tangible personal property, except such as has an actual situs without this state;

(iii) All intangible personal property; and

(B) When the transfer is from a nonresident of this state:

(i) Real property situated within this state; and

(ii) Tangible personal property that has an actual situs within this state.

(2) No tax shall be imposed upon the transfer by gift made by any person on or after January 1, 2013; provided, however, this subdivision (a)(2) shall not be construed to absolve any taxpayer of liability for any tax duly imposed by this section, during any tax year that began prior to January 1, 2013.

SECTION 2. Tennessee Code Annotated, Title 67, Chapter 8, Part 1, is amended by adding the following language as a new section:

**67-8-118.** This part does not apply to any transfer by gift made on or after January 1, 2013.

SECTION 3. Tennessee Code Annotated, Section 67-8-409(g)(1), is amended by deleting the language "decedent's lifetime" and by substituting instead the language "decedent's lifetime and prior to January 1, 2013".

SECTION 4. Tennessee Code Annotated, Section 67-8-409(g)(2), is amended by deleting the language "under § 67-8-104" and by substituting instead the language "under § 67-8-104 prior to January 1, 2013".

SECTION 5. Tennessee Code Annotated, Section 67-8-605, is amended by adding the following language at the beginning of the second sentence of the section:

Notwithstanding § 67-8-118,

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