

STATE OF TENNESSEE  
PUBLIC CHAPTER NO. 307  
SENATE BILL NO. 1665

By Finney, Marrero, Overbey

Substituted for: House Bill No. 1429

By Pitts

AN ACT to amend Tennessee Code Annotated, Section 39-11-106, relative to defining "serious bodily injury".

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

SECTION 1. Tennessee Code Annotated, Section 39-11-106(a)(34), is amended by adding the following new subdivision:

(F) A broken bone of a child who is eight (8) years of age or less;

SECTION 2. This act shall take effect July 1, 2009, the public welfare requiring it.

**PASSED: May 18, 2009**

  
\_\_\_\_\_  
RON RAMSEY  
SPEAKER OF THE SENATE

  
\_\_\_\_\_  
KENT WILLIAMS, SPEAKER  
HOUSE OF REPRESENTATIVES

**APPROVED this 27th day of May 2009**

  
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PHIL BREDESEN, GOVERNOR

STATE OF TENNESSEE

PUBLIC CHAPTER NO. 321

HOUSE BILL NO. 2330

By Representatives Harmon, Mike Turner

Substituted for: Senate Bill No. 2288

By Senators Kyle, Finney

AN ACT to amend Tennessee Code Annotated, Title 55, relative to motor vehicles and Title 65, Chapter 15, relative to motor carriers.

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

SECTION 1. Tennessee Code Annotated, Section 55-10-301, is amended by adding the following as new subsection (d):

(d) The provisions of subsection (b) shall not apply to any person who holds any class of driver license and who is charged with any violation, except a parking violation, while operating a commercial motor vehicle.

SECTION 2. Tennessee Code Annotated, Section 55-10-412 (d), is amended by deleting the language "point zero two (.02) nor more than point zero five (.05)" in the second sentence and substituting instead the language "two-hundredths of one percent (.02 %) nor more than five -hundredths of one percent (.05 %)".

SECTION 3. Tennessee Code Annotated, Section 55-50-102(1), is amended by deleting the subsection in its entirety and substituting instead the following:

(1) "Administrator" means the Federal motor carrier safety administrator, the chief executive of the Federal motor carrier safety administration, an agency within the department of transportation.

SECTION 4. Tennessee Code Annotated, Section 55-50-102(12)(A)(iii), is amended by deleting the current language and substituting instead the following:

(iii) Is of any size and is used in the transportation of hazardous materials, as defined in this section;

SECTION 5. Tennessee Code Annotated, Section 55-50-102(12)(B)(iii), is amended by deleting the current language and substituting instead the following:

(iii) Vehicles operated for military purposes by active duty military personnel; members of the military reserves; members of the national guard on active duty, including personnel on full-time national guard duty, personnel on part-time national guard training, and national guard military technicians (civilians

who are required to wear military uniforms); and active duty U.S. Coast Guard personnel. This exception is not applicable to U.S. Reserve technicians.

SECTION 6. Tennessee Code Annotated, Section 55-50-102(15), is amended by deleting the subsection in its entirety and substituting instead the following:

(15) "Conviction" means an un-vacated adjudication of guilt, or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or by an authorized administrative tribunal, an un-vacated forfeiture of bail or collateral deposited to secure the person's appearance in court, a plea of guilty or nolo contendere accepted by the court, the payment of a fine or court cost, or violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended, or probated.

SECTION 7. Tennessee Code Annotated, Section 55-50-102, is amended by adding the following as a new appropriately designated subsection and renumbering the remaining subsections accordingly:

( ) "DHS Secretary" means the Secretary of Homeland Security of the United States.

SECTION 8. Tennessee Code Annotated, Section 55-50-102, is amended by adding the following as a new appropriately designated subsection and renumbering the remaining subsections accordingly:

( ) "Domicile" means a person's fixed, permanent and principal home for legal purposes and to which he/she has the intention of returning whenever he/she is absent.

SECTION 9. Tennessee Code Annotated, Section 55-50-102, is amended by adding the following as a new appropriately designated subsection and renumbering the remaining subsections accordingly:

( ) "Full legal name" means an individual's first name, middle name(s), and last name or surname, without use of initials or nicknames.

SECTION 10. Tennessee Code Annotated, Section 55-50-102(25), is amended in the second sentence by deleting the words "or registered weight rating".

SECTION 11. Tennessee Code Annotated, Section 55-50-102(26), is amended in the second sentence by deleting the words "or registered vehicle weight".

SECTION 12. Tennessee Code Annotated, Section 55-50-102(27), is amended by deleting the current language and substituting the following:

(27) "Hazardous materials" means any material that has been designated as hazardous under 49 U.S.C. § 5103 and is required to be placarded under subpart F of 49 CFR part 172 or any quantity of a material listed as a select agent or toxin in 42 CFR part 73.

SECTION 13. Tennessee Code Annotated, Section 55-50-102(44), is amended by deleting the punctuation “;” and substituting instead the following punctuation and language:

, or has taken action to establish Tennessee as principal place of domicile;

SECTION 14. Tennessee Code Annotated, Section 55-50-102(49), is amended by deleting the language in its entirety and substituting instead the following:

(49) “State” means:

(A) for the purposes of commercial driver licenses, a State of the United States and the District of Columbia;

(B) for all other purposes, a state of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

SECTION 15. Tennessee Code Annotated, Section 55-50-204, is amended by adding the following as a new subsection (c) and renumbering the existing subsections accordingly:

(c)

(1) The department shall record and maintain as part of the driver history of persons holding or required to hold commercial driver licenses all convictions, disqualifications and other licensing actions for violations of any state or local law relating to motor vehicle traffic control (other than a parking violation) committed in any type of vehicle, in Tennessee or any other state.

(2) The department shall make driver history information required by this subsection available to the users designated in subsection (c)(4) of this section, or to their authorized agent, within ten (10) days of:

(A) Receiving the conviction or disqualification information from another State; or,

(B) The date of the conviction, if it occurred in the same State.

(3) The department shall retain on the driver history record all convictions, disqualifications and other licensing actions for violations for at least 3 years or longer as required under 49 CFR § 384.231(d).

(4) Only the following users or their authorized agents may receive the designated information:

(A) States: All information on all driver records.

(B) Secretary of Transportation: All information on all driver records.

(C) Driver: Only information related to that driver's record.

(D) Motor Carrier or Prospective Motor Carrier: After notification to a driver, all information related to that driver's, or prospective driver's, record.

SECTION 16. Tennessee Code Annotated Section 55-50-302, is amended by adding the following as a new subsection (g):

(g)

(1) The department shall not issue or renew a hazardous materials endorsement unless a Determination of No Security Threat has been issued in conformance with 49 CFR part 1572.

(2) The department shall revoke a current hazardous materials endorsement upon receipt of an Initial or Final Determination of Security Threat in accordance with 49 CFR part 1572.

SECTION 17. Tennessee Code Annotated, Section 55-50-304(1), is amended by deleting the current language and substituting instead the following:

(1)

(A) Any member of the armed forces while operating a motor vehicle owned or leased by any branch of the armed services of the United States;

(B) Any individual who is operating a CMV for military purposes, including active duty military personnel; members of the military reserves; members of the national guard on active duty, including personnel on full-time national guard duty, personnel on part-time national guard training, and national guard military technicians (civilians who are required to wear military uniforms); and active duty U.S. Coast Guard personnel. This exception is not applicable to U.S. Reserve technicians.

SECTION 18. Tennessee Code Annotated, Section 55-50-331, is amended by adding the following as a new appropriately designated subsection:

(\_) Any non-photo bearing driver license issued under the provisions of § 55-50-323 and § 55-50-335, and any non-expiring photo identification license issued under the provisions of § 55-50-323 and § 55-50-336, shall be issued in compliance with the federal regulations of 6 CFR Part 37 for non-REAL ID compliant licenses.

SECTION 19. Tennessee Code Annotated, Section 55-50-403, is amended by adding the following new subsections:

(3) In which the driver, or the CMV he or she is driving, or the motor carrier operation, is subject to an out-of-service order; or

(4) In violation of a Federal, State, or local law or regulation pertaining to railroad-highway grade crossings.

SECTION 20. Tennessee Code Annotated, Section 55-50-404(d), is amended by deleting the current language and substituting instead the following:

(d) A commercial driver license may not be issued to a person during a period in which the person is disqualified from operating a commercial motor vehicle, or while the person's driver license is suspended, revoked or cancelled in any state; nor may a commercial driver license be issued to a person unless the person first surrenders all previously issued driver licenses, either commercial or non-commercial, issued by any state. The department shall electronically notify the state of issuance that the license has been turned into the department and should be cancelled.

SECTION 21. Tennessee Code Annotated, Section 55-50-405(a), is amended by deleting the following language:

"Any person who operates a commercial motor vehicle without a valid commercial motor vehicle driver license in possession, or while driving privileges are suspended, revoked or cancelled, or while disqualified from operating a commercial motor vehicle shall be punished as follows:"

SECTION 22. Tennessee Code Annotated, Section 55-50-405(a)(1)(A), is amended by deleting the current language in its entirety and substituting instead the following:

(A) Driving a commercial motor vehicle under the influence of alcohol or a controlled substance, or with a blood alcohol concentration (B.A.C.) of four-hundredths of one percent (.04 %) or greater;

SECTION 23. Tennessee Code Annotated, Section 55-50-405(a)(7), is amended by deleting the current language in its entirety and substituting instead the following:

(7) The commissioner shall suspend the driver license of a driver who is convicted of violating an out-of-service order while driving a commercial motor vehicle for one hundred eighty (180) days if the driver is convicted of a first violation of an out-of-service order. The commissioner shall suspend the driver license of a driver who is convicted of violating an out-of-service order while driving a commercial motor vehicle for two (2) years if, during any ten-year period, the driver is convicted of two (2) violations of out-of-service orders in separate incidents. The commissioner shall suspend the driver license of a driver who is convicted of violating an out-of-service order while driving a commercial motor vehicle for three (3) years if, during any ten (10) year period, the driver is convicted of three (3) or more violations of out-of-service orders in separate incidents;

SECTION 24. Tennessee Code Annotated, Section 55-50-405(g), is amended by deleting the word "section" and substituting instead the word "title".

SECTION 25. Tennessee Code Annotated, Section 55-50-407(b), is amended by deleting the second sentence and substituting instead the following:

The department shall also request all information pertaining to the driving record of the person from all other states in which the person has been licensed to drive during the immediate preceding ten (10) years, and from the National Driver Register.

SECTION 26. Tennessee Code Annotated, Section 55-50-407(c), is amended by deleting the language "thirty (30) days" and substituting instead the language "ten (10) days".

SECTION 27. Tennessee Code Annotated, Section 55-50-408, is amended by deleting the language "point zero four (.04)" and substituting instead the words and figures "four-hundredths of one percent (.04%)".

SECTION 28. Tennessee Code Annotated, Section 65-15-106, is amended by adding the following as a new subsection (e):

(e) The department is authorized to apply for federal funds which may be available, and conduct any new entrant audits and review and compliance inspections as may be required by regulations promulgated by the United States department of transportation.

SECTION 29. Tennessee Code Annotated, Section 65-15-128(a)(3), is amended by deleting the current language in its entirety and substituting the following:

(3) Require the operators of its motor vehicles to submit to physical examination every two (2) years, in accordance with regulations promulgated by the United States department of transportation;

SECTION 30. This act shall take effect November 1, 2009, the public welfare requiring it.

**PASSED: May 14, 2009**



KENT WILLIAMS, SPEAKER  
HOUSE OF REPRESENTATIVES



RON RAMSEY  
SPEAKER OF THE SENATE

APPROVED this 27th day of May 2009



PHIL BREDESEN, GOVERNOR

**STATE OF TENNESSEE**

**PUBLIC CHAPTER NO. 332**

**SENATE BILL NO. 523**

**By McNally, Gresham, Ford**

Substituted for: House Bill No. 1832

By Mike Turner, Todd, Ulysses Jones, Moore, Watson, Harry Brooks, Dean, Rich, Faulkner, Matheny, Larry Miller, Ty Cobb, Dunn, Evans

AN ACT to amend Tennessee Code Annotated, Title 24, Chapter 1, Part 2, relative to privileged communications.

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

SECTION 1. Tennessee Code Annotated, Title 24, Chapter 1, Part 2, is amended by adding the following language as a new section thereto:

24-1-2\_\_.

(a) As used in this section:

(1) "Crisis response services" means consultation, risk assessment, referral, and crisis intervention services provided by a critical incident stress management team to individuals affected by crisis or disaster;

(2) "Critical incident stress management team member or team leader," referred to also as "team member," or "team leader" means an individual specially trained to provide crisis response services as a member or leader of an organized community or local crisis response team that holds membership in registered critical incident stress management team;

(3) "Crisis intervention" means a session at which crisis response services are rendered by a critical incident stress management team member or leader during or after a crisis or disaster;

(4) "Registered team" means a team formally registered with a recognized training agency. For the purposes of this section, a recognized training agency shall include the International Critical Incident Stress Foundation, the National Organization for Victim Assistance, the American Red Cross, the Tennessee Public Safety Network, and other such organizations;

(5) "Training session" means a session providing crisis response training by a qualified trained trainer utilizing the standards established by the accrediting agencies set out in subdivision (a)(4); and

(6) "Volunteer" means a person who serves and receives no remuneration for services except reimbursement for actual expenses.

(b) All communications between a critical incident stress management team member or team leader providing, and a group participant or person participating in, a crisis intervention shall be considered confidential and no such person shall be required to disclose any such communication unless otherwise required by law or rule of court.

(c) Except as provided under subsection (d), no person, whether critical incident stress management team member, team leader or group participant providing or participating in a crisis intervention shall be required to testify or divulge any information obtained solely through such crisis intervention.

(d) The testimonial privilege established under subsection (c) shall not apply if any of the following are true:

(1) The communication indicates the existence of a danger to the individual who receives crisis response services or to any other person or persons;

(2) The communication indicates the existence of past or child abuse or neglect of the individual, abuse of an adult as defined in Title 71, Chapter 6, or family violence as defined in Title 71, Chapter 6, Part 2;

(3) The communication indicates the existence of past or present acts constituting an intentional tort or crime, provided the applicable statute of limitation has not expired on the act indicated; or

(4) All parties involved in the crisis intervention, including the individual or individuals who received crisis response services, expressly waive the privilege and consent to the testimony.

SECTION 2. This act shall take effect July 1, 2009, the public welfare requiring it.

**PASSED: May 14, 2009**



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RON RAMSEY  
SPEAKER OF THE SENATE



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KENT WILLIAMS, SPEAKER  
HOUSE OF REPRESENTATIVES

APPROVED this 1st day of June 2009



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PHIL BREDESEN, GOVERNOR

STATE OF TENNESSEE

PUBLIC CHAPTER NO. 339

VETOED BY THE GOVERNOR

HOUSE BILL NO. 962

**By Representatives Todd, McCord, Tindell, Evans, Fincher, Watson, Faulkner, Eldridge, Rowland, McCormick, Bass, Hackworth, Curt Cobb, Carr, Matheny, Mumpower, Floyd, Bell, Lollar, Casada, Rich, Lynn, Harrison, Shipley, Dean, Curtis Johnson, Phillip Johnson, Niceley, Tidwell, Shepard, Hill, Ramsey, Halford, Haynes, Swafford, Maggart, Hensley, West, Montgomery, Dennis, Harry Brooks, Matlock, Dunn, Hawk, Lundberg, Weaver, Roach, Ford, Moore, Fraley**

Substituted for: Senate Bill No. 1127

By Senators Jackson, Norris, Gresham

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 17, relative to firearms.

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

SECTION 1. Tennessee Code Annotated, Section 39-17-1305(c), is amended by adding the following language as a new, appropriately designated subdivision:

(3)

(A) Authorized to carry a firearm under § 39-17-1351 who is not consuming beer, wine or any alcoholic beverage, and is within the confines of a restaurant that is open to the public and serves alcoholic beverages, wine or beer.

(B) As used in this subdivision (c)(3), "restaurant" means any public place kept, used, maintained, advertised and held out to the public as a place where meals are served and where meals are actually and regularly served, such place being provided with adequate and sanitary kitchen and dining room equipment, having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests. At least one (1) meal per day shall be served at least five (5) days a week, with the exception of holidays, vacations and periods of redecorating, and the serving of such meals shall be the principal business conducted.

SECTION 2. This act shall take effect on June 1, 2009, the public welfare requiring it.

**PASSED: May 14, 2009**



KENT WILLIAMS, SPEAKER  
HOUSE OF REPRESENTATIVES



RON RAMSEY  
SPEAKER OF THE SENATE

APPROVED this day of 2009

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PHIL BREDESEN, GOVERNOR

“See Attachments”

\*\*Effective date July 14, 2009\*\*



PHIL BREDESEN  
THE GOVERNOR OF TENNESSEE

28 May 2009

The Honorable Kent Williams  
Speaker of the House  
19 Legislative Plaza  
Nashville, TN 37243

RE: House Bill 962

Dear Speaker Williams:

I am vetoing House Bill 962.

I am a strong supporter of the right to keep and bear arms, as guaranteed by both the Second Amendment to the United States Constitution and Article I, Section 26 of the Tennessee Constitution. I believe these provisions guarantee an individual right to bear arms, and I am unequivocally committed to preserving this American right.

Americans have also understood for more than two centuries that there are sensible rules that we apply to the exercise of these rights. I have been a life-long supporter of the responsible and appropriate handling and use of firearms. As a young man growing up in a small town, I attended a gun safety class at my high school sponsored by the National Rifle Association. A basic tenet taught at that class was this: "*Guns and alcohol don't mix.*" This seemingly common sense proposition is as true today as it was almost fifty years ago.

In recognition of this basic principle of firearm safety, Tennessee state law has long prohibited the possession of firearms in bars and restaurants that serve alcohol. House Bill 962 would remove this protection in a manner that I, along with many law enforcement officers, believe to be reckless and lacking basic safeguards to ensure public safety. The notion that this bill would permit one to carry a concealed weapon into a crowded bar at midnight on a Saturday night defies common sense, and I cannot sign such a measure into law. As you consider this veto, I respectfully ask the legislature to rethink this issue.

Respectfully,

Phil Bredesen



Public Chapter No. 339

KENT WILLIAMS  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

House of Representatives  
State of Tennessee

BURNEY T. DURHAM  
CHIEF CLERK  
OF THE HOUSE

OFFICE OF THE CHIEF CLERK

2nd FLOOR, STATE CAPITOL  
TENNESSEE GENERAL ASSEMBLY  
NASHVILLE, TENNESSEE 37243-0081  
(615) 741-2901

June 5, 2009

Honorable Tre Hargett  
Secretary of State  
1<sup>st</sup> Floor State Capitol  
Nashville, TN 37243

Dear Mr. Secretary Hargett:

Pursuant to Tennessee Code Annotated, Section 3-2-105, I am transmitting to you House Bill No. 962. On May 28, 2009, Governor Bredesen vetoed House Bill No. 962. Attached is a copy of Governor Bredesen's veto message. On June 3, 2009, the Tennessee House of Representatives, by a majority of all the members elected to the House, passed House Bill No. 962 notwithstanding the objections of the Governor. House Bill No. 962 was then sent to the Tennessee Senate along with the Governor's veto message. On June 4, 2009, a message was received from the Tennessee Senate indicating that on that date the Tennessee Senate passed House Bill No. 962, by a majority vote of all members elected to the Senate, notwithstanding the objections of the Governor.

Sincerely,

Burney T. Durham  
Chief Clerk of the House

cc: Speaker Williams  
Lieutenant Governor Ramsey  
Representative Curry Todd  
Senator Doug Jackson

RECEIVED  
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GOVERNMENT OF STATE  
STATE CAPITOL



**STATE OF TENNESSEE**  
**PUBLIC CHAPTER NO. 342**  
**HOUSE BILL NO. 253**

**By Representative Casada**

Substituted for: Senate Bill No. 289

By Senator Beavers

AN ACT to amend Tennessee Code Annotated, Title 55, Chapter 8, relative to rules of the road.

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

SECTION 1. Tennessee Code Annotated, Section 55-8-197, is amended by deleting subsection (a) in its entirety and by substituting instead the following language:

(a) Any person who violates:

(1) Section 55-8-115 by failing to drive on the right half of the roadway as provided in such section, except for those motor vehicles in compliance with §§ 55-7-115 or 55-7-202;

(2) Sections 55-8-118 or 55-8-119 by unlawfully overtaking and passing another vehicle as provided in those sections; or

(3) Sections 55-8-128, 55-8-129, 55-8-130 or 55-8-131 by failing to yield the right of way as provided in those sections; and

the violation results in an accident resulting in serious bodily injury to or death of any person shall be guilty of a misdemeanor.

SECTION 2. This act shall take effect July 1, 2009, the public welfare requiring it.

**PASSED: May 20, 2009**



KENT WILLIAMS, SPEAKER  
HOUSE OF REPRESENTATIVES



RON RAMSEY  
SPEAKER OF THE SENATE

APPROVED this 3rd day of June 2009



PHIL BREDESEN, GOVERNOR

STATE OF TENNESSEE

PUBLIC CHAPTER NO. 347

SENATE BILL NO. 113

By Black, Burks

Substituted for: House Bill No. 484

By Harwell, Evans, Mike Turner, Hardaway, Swafford, Dean, Moore, Lollar

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 17, Part 3, relative to the offense of harassment.

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

SECTION 1. Tennessee Code Annotated, Section 39-17-308, is amended by deleting subsection (a) and substituting instead the following:

(a) A person commits an offense who intentionally:

(1) Threatens, by telephone, in writing, or by electronic communication, including, but not limited to, text messaging, facsimile transmissions, electronic mail or Internet services, to take action known to be unlawful against any person, and by this action knowingly annoys or alarms the recipient;

(2) Places one (1) or more telephone calls anonymously, or at an hour or hours known to be inconvenient to the victim, or in an offensively repetitious manner, or without a legitimate purpose of communication, and by this action knowingly annoys or alarms the recipient;

(3) Communicates by telephone to another that a relative or other person has been injured, killed or is ill when the communication is known to be false;

(4) Communicates with another person by any method described in subdivision (a)(1), without legitimate purpose:

(A)(i) With the malicious intent to frighten, intimidate or cause emotional distress; or

(ii) In a manner the defendant knows, or reasonably should know, would frighten, intimidate or cause emotional distress to a similarly situated person of reasonable sensibilities; and

(B) As the result of the communication, the person is frightened, intimidated or emotionally distressed.

SECTION 2. This act shall take effect July 1, 2009, the public welfare requiring it.

**PASSED: May 21, 2009**



RON RAMSEY  
SPEAKER OF THE SENATE



KENT WILLIAMS, SPEAKER  
HOUSE OF REPRESENTATIVES

**APPROVED this 4th day of June 2009**



PHIL BREDESEN, GOVERNOR

STATE OF TENNESSEE

PUBLIC CHAPTER NO. 348

SENATE BILL NO. 166

By Stanley, Ketron, Johnson

Substituted for: House Bill No. 1155

By Shepard, Lundberg

AN ACT to amend Tennessee Code Annotated, Title 57, Chapter 3, relative to wine shipment.

WHEREAS, the Federal Trade Commission issued a staff report in 2003 finding that, banning interstate direct shipments, states limit consumers' access to thousands of labels from smaller wineries; and

WHEREAS, the FTC report further found that states that permit interstate direct shipping generally report few or no problems with shipments to minors; and

WHEREAS, the FTC report further stated that states that have sought to achieve voluntary compliance with their tax laws report few, if any, problems with tax collection; now, therefore,

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

SECTION 1. Tennessee Code Annotated, Title 57, Chapter 3, Part 2, is amended by adding the following as a new section:

57-3-217.

(a) Any person, firm or corporation which holds a federal basic permit pursuant to the Federal Alcohol Administration Act and is in the business of manufacturing, bottling or rectifying wine, may apply to the commission for a direct shipper's license under this section.

(b) A direct shipper, meeting the requirements of this section, shall be authorized to make sales and delivery of wine, as defined in § 57-3-101(20), by common carrier, to the citizens of this state over the age of twenty-one (21) who have purchased such wine directly from the direct shipper, subject to the limitations and requirements imposed by this section.

(c) As a condition to the issuance of a direct shipper's license as authorized in this section, an applicant for such license must satisfy the following conditions:

(1) Pay to the commission a one-time non-refundable fee in the amount of three hundred dollars (\$300) when the

application is submitted for review. A direct shipper's license under this section shall not be issued until the applicant shall have paid to the commission the annual license fee of one hundred fifty dollars (\$150).

(2) Execute a consent to jurisdiction and venue of all actions brought before the commission, any state agency or the courts of this state, such that any and all hearings, appeals and other matters relating to the license of such direct shipper shall be held in the State of Tennessee.

(3) Acknowledge, in writing, that it will contract only with common carriers which agree that any delivery of wine, made in this state, shall be by face-to-face delivery and that deliveries will only be made to individuals who demonstrate that such individuals are over the age of twenty-one (21) years, and which individuals sign upon receipt of such wine.

(d)(1) No direct shipper may ship more than a total of nine (9) liters of wine to any individual during any calendar month nor shall such shipper ship more than twenty-seven (27) liters of wine to any individual in any calendar year.

(2) No direct shipper may ship wine to an address that is located in a jurisdiction that has not authorized the sale of alcoholic beverages by local option referendum pursuant to § 57-3-106.

(3) Any shipment of wine pursuant to this section shall be made only in containers which clearly indicate on the exterior of the container, visible to a person at least three feet (3') away, that the container "CONTAINS ALCOHOL: SIGNATURE OF PERSON AGE 21 OR OLDER REQUIRED FOR DELIVERY".

(e)(1) A direct shipper shall be responsible for remitting all sales taxes due resulting from any sale made under this section. In addition to all sales taxes imposed upon such sale, a direct shipper shall remit the gallonage tax as imposed by § 57-3-302.

(2) The taxes levied on sales made by a direct shipper as authorized by this section shall become due and payable on the first day of each month following the month during which such sales occur, and shall become delinquent if not paid on or before the 20th day of each such following month. For the purpose of ascertaining the amount of tax due, it is the duty of any direct shipper licensed pursuant to this section to transmit to the Commissioner of Revenue appropriate returns on forms prescribed by the commissioner.

(3) Upon request of the commission or its designated agent, any direct shipper licensed pursuant to this section shall

provide to the commission, under penalty of perjury, a list of any wine shipped to an address within this state, including the addressee.

(4) The commission may enforce the requirements of this section by administrative action, may suspend or revoke a direct shipper's license, and may accept an offer in compromise in lieu of suspension.

(5) A direct shipper that is found to have violated any of the provisions of this title, in addition to any fine imposed by the commission, shall reimburse the commission for all costs incurred in connection with the investigation and administrative action, including the out-of-pocket costs and reasonable personnel costs.

(6) No direct shipper may avoid liability under this section by subcontracting with a third party to perform its obligations required pursuant to this section.

(f) The commission and the Department of Revenue are authorized to promulgate rules and regulations which may be necessary to implement this act, in accordance with Title 4, Chapter 5.

(g)(1) It is an offense for a person who does not possess a direct shipper's license to ship wine to residents of this state.

(2) A violation of subdivision (1) is a class E felony, punishable by a fine only.

SECTION 2. Tennessee Code Annotated, Section 57-3-201, is amended by deleting the word "and" from the end of subdivision (3); by deleting the period at the end of subdivision (4) and substituting instead the language "; and", and by adding the following language as a new subdivision (5):

(5) Direct shipper's license.

SECTION 3. Tennessee Code Annotated, Section 57-3-402(b), is amended by deleting the first word, "No", and by substituting instead the language "Except as provided in § 57-3-217, no".

SECTION 4. For purposes of rulemaking, this act shall take effect upon becoming a law, the public welfare requiring it; for all other purposes this act shall take effect July 1, 2009, the public welfare requiring it.

**PASSED: May 21, 2009**



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RON RAMSEY  
SPEAKER OF THE SENATE



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KENT WILLIAMS, SPEAKER  
HOUSE OF REPRESENTATIVES

APPROVED this 4th day of June 2009



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PHIL BREDESEN, GOVERNOR

STATE OF TENNESSEE  
PUBLIC CHAPTER NO. 370  
SENATE BILL NO. 2150

By Stewart

Substituted for: House Bill No. 2037

By Sargent, Moore, Hensley, Rich

AN ACT to amend Tennessee Code Annotated, Section 55-12-139, relative to financial responsibility.

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

SECTION 1. Tennessee Code Annotated, Section 55-12-139(b), is amended in the first sentence of such subsection by deleting the word "moving" between the word "any" and the word "violation".

SECTION 2. This act shall take effect July 1, 2009, the public welfare requiring it.

**PASSED: May 20, 2009**

  
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RON RAMSEY  
SPEAKER OF THE SENATE

  
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KENT WILLIAMS, SPEAKER  
HOUSE OF REPRESENTATIVES

**APPROVED this 5th day of June 2009**

  
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PHIL BREDESEN, GOVERNOR

STATE OF TENNESSEE  
PUBLIC CHAPTER NO. 372  
SENATE BILL NO. 2224

By Faulk

Substituted for: House Bill No. 2166

By Faulkner, Rich, Harrison, Dennis, Hill, Halford, Kelsey, Lollar

AN ACT to amend Tennessee Code Annotated, Title 38, Chapter 8 and Title 65, Chapter 6, relative to railroad police officers.

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

SECTION 1. Tennessee Code Annotated, Section 38-8-104, is amended by adding the following language as a new subsection (f):

(f) The commission shall establish standards for the certification of railroad police officers commissioned pursuant to § 65-6-133.

SECTION 2. Tennessee Code Annotated, Section 38-8-107, is amended by adding the following new subsection:

(e) The commission shall also issue a certificate of compliance to any person seeking to be commissioned as a railroad police officer pursuant to § 65-6-133; provided, that such person meets the qualifications for employment as a police officer and satisfactorily completes an approved recruit training program as required by this part. To retain such certification, the railroad police officer shall also successfully complete an annual in-service training session appropriate for the officer's rank and responsibilities.

SECTION 3. Tennessee Code Annotated, Section 65-6-133, is amended by adding the following new section thereto:

(h) Any person commissioned as a police officer pursuant to this section shall, prior to such commission, receive peace officer standards and training certification.

SECTION 4. This act shall take effect July 1, 2009, the public welfare requiring it and shall apply to any railroad police officer commissioned pursuant to § 65-6-133 on or after the effective date of this act.

**PASSED: May 21, 2009**



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RON RAMSEY  
SPEAKER OF THE SENATE



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KENT WILLIAMS, SPEAKER  
HOUSE OF REPRESENTATIVES

APPROVED this 5th day of June 2009



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PHIL BREDESEN, GOVERNOR

STATE OF TENNESSEE

PUBLIC CHAPTER NO. 375

SENATE BILL NO. 473

By Burchett, Marrero

Substituted for: House Bill No. 1484

By Tindell, Williams, Todd, McDonald, Armstrong, Eldridge, Dean, Coley, Sontany, Hill, Camper, Lollar, Ulysses Jones, Fincher, Fraley, Hardaway, Towns, McManus, Curtis Johnson, Harry Brooks, Ferguson, Ty Cobb, Coleman, Bone, Yokley

AN ACT to amend Tennessee Code Annotated, Section 8-34-302, relative to the appointment of the firefighter representative to the board of trustees of the Tennessee consolidated retirement system.

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

SECTION 1. Tennessee Code Annotated, Section 8-34-302(a)(16)(B), is amended by deleting the language "submitted jointly by the professional organizations that represent firefighters in this state." and by substituting instead the language "submitted by the Tennessee professional firefighters association."

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

PASSED: May 28, 2009

  
RON RAMSEY  
SPEAKER OF THE SENATE

  
KENT WILLIAMS, SPEAKER  
HOUSE OF REPRESENTATIVES

APPROVED this 9th day of June 2009



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PHIL BREDESEN, GOVERNOR

STATE OF TENNESSEE  
PUBLIC CHAPTER NO. 382  
SENATE BILL NO. 2184

By Mr. Speaker Ramsey

Substituted for: House Bill No. 435

By Shipley, Ty Cobb

AN ACT to amend Tennessee Code Annotated, Section 39-14-510, relative to litter control.

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

SECTION 1. Tennessee Code Annotated, Section 39-14-510, is amended by adding the following as new subsections thereto:

(c)(1) The mayor of each county shall be the administrative official for this part, with the exception of the exclusions set out in § 39-14-511. The county mayor shall insure that the program is administered according to the provisions set out in Title 39, Chapter 14, Part 5.

(2) The county mayor shall be empowered to authorize disbursements from the county's general fund from the proceeds deposited under subsection (a) for enforcement of the provisions of this part covering all litter prevention, control, and education programs to be funded.

(3) The county mayor shall be further empowered to enter into agreements with city mayors or city managers within the mayor's county as to disbursements of monies for violations of litter control and prevention laws that occur within municipal boundaries.

(d) Each county shall establish the necessary fiscal structure within its accounting system to provide for proper monitoring and auditing of its receipts and disbursements under this act.

SECTION 2. This act shall take effect July 1, 2009, the public welfare requiring it.

**PASSED: May 26, 2009**



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RON RAMSEY  
SPEAKER OF THE SENATE



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KENT WILLIAMS, SPEAKER  
HOUSE OF REPRESENTATIVES

APPROVED this 9th day of June 2009



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PHIL BREDESEN, GOVERNOR

STATE OF TENNESSEE  
PUBLIC CHAPTER NO. 386  
HOUSE BILL NO. 590

By Representative Coleman

Substituted for: Senate Bill No. 784

By Senator Overbey

AN ACT to amend Tennessee Code Annotated, Title 39, relative to criminal offenses.


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

SECTION 1. Tennessee Code Annotated, Section 39-14-902, is amended by inserting the following as a new subdivision (4) and renumbering the remaining subdivisions accordingly:

(4) "Proceeds" includes gross profits from the commission of any specified unlawful activity including property, real, personal, or intangible of any kind, acquired or derived, directly or indirectly, from, produced through, realized through, or caused by an act or omission.

SECTION 2. This act shall take effect July 1, 2009, the public welfare requiring it.

**PASSED: June 2, 2009**

  
KENT WILLIAMS, SPEAKER  
HOUSE OF REPRESENTATIVES

  
RON RAMSEY  
SPEAKER OF THE SENATE

**APPROVED this 9th day of June 2009**



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PHIL BREDESEN, GOVERNOR

STATE OF TENNESSEE

PUBLIC CHAPTER NO. 387

HOUSE BILL NO. 815

By Representatives Campfield, Evans, Hardaway, Rich

Substituted for: Senate Bill No. 1243

By Senator Bunch

AN ACT to amend Tennessee Code Annotated, Section 39-16-515, relative to emergency service personnel.

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

SECTION 1. Tennessee Code Annotated, Section 39-16-515, is amended by deleting subsection (a) in its entirety and by substituting instead the following:

(a) It is an offense for a person to knowingly activate and point a laser pointer or other device utilizing a laser beam at an individual known to be a law enforcement officer, firefighter, emergency medical technician, or other emergency service personnel, while the individual is in the performance of the individual's official duties, with the intent to place such individual in fear of serious bodily injury or death.

SECTION 2. Tennessee Code Annotated, Section 39-16-515(b)(1), is amended by deleting the language "The law enforcement officer", and by substituting instead the language "The law enforcement officer, firefighter, emergency medical technician, or other emergency service personnel".

SECTION 3. This act shall take effect July 1, 2009, the public welfare requiring it.

**PASSED: May 28, 2009**



KENT WILLIAMS, SPEAKER  
HOUSE OF REPRESENTATIVES



RON RAMSEY  
SPEAKER OF THE SENATE

APPROVED this 9th day of June 2009



PHIL BREDESEN, GOVERNOR

STATE OF TENNESSEE

PUBLIC CHAPTER NO. 389

HOUSE BILL NO. 1202

By Representatives McCord, Litz

Substituted for: Senate Bill No. 1502

By Senator Burchett

AN ACT to amend Tennessee Code Annotated, Title 6; Title 7 and Title 55, relative to surveillance cameras installed to enforce or monitor traffic laws.

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

SECTION 1. Tennessee Code Annotated, Section 55-8-198, is amended by adding a new subsection thereto, as follows:

(e) No surveillance cameras shall be permitted on federal interstate highways except for Smart Way cameras, other intelligent transportation system cameras or, when employees of the department or construction workers are present, surveillance cameras used to enforce or monitor traffic violations within work zones designated by the department of transportation; provided, that such cameras shall be operated only by a state entity.

SECTION 2. Tennessee Code Annotated, Section 55-8-198, is amended by adding the following language as new subsection (c) and by redesignating the present language accordingly:

(c) Effective July 1, 2009, a state agency or political subdivision of the state that installs, owns, operates, or maintains a traffic-control signal light located in an intersection that employs a surveillance camera for the enforcement or monitoring of traffic violations shall ensure that:

(1) The surveillance camera does not identify as a violation of § 55-8-110(a)(3), or any municipal law or ordinance that mirrors, substantially duplicates or incorporates by cross-reference the language of such provision, any vehicle which legally entered the intersection during the green or yellow intervals in accordance with § 55-8-110(a)(1) and (2); and

(2) Appropriate signage is located not less than five hundred feet (500') but not more than one thousand feet (1,000') in advance of the intersection informing drivers as to the presence of surveillance cameras at the approaching intersection.

If the state agency or political division of the state violates the provisions of this subsection, then any traffic citation based solely on evidence generated by the surveillance camera shall be deemed to be invalid.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

**PASSED: June 2, 2009**



KENT WILLIAMS, SPEAKER  
HOUSE OF REPRESENTATIVES



RON RAMSEY  
SPEAKER OF THE SENATE

**APPROVED this 9th day of June 2009**



PHIL BREDEESEN, GOVERNOR

STATE OF TENNESSEE

PUBLIC CHAPTER NO. 390

HOUSE BILL NO. 1210

By Representatives Bass, Fincher, Harry Brooks, Hardaway, Coley

Substituted for: Senate Bill No. 1419

By Senators Ketron, Burks

AN ACT to amend Tennessee Code Annotated, Title 40, relative to the issuance of warrants and criminal summons.

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

SECTION 1. Tennessee Code Annotated, Section 40-6-205, is amended by adding the following as a new subsection:

(c) Notwithstanding the provisions of this section, if the affiant to an affidavit of complaint for an arrest warrant is the parent or legal guardian of a child who is the victim of alleged criminal conduct, no arrest warrant shall issue to such an affiant without the written approval of the district attorney general in the district in which the conduct occurred if:

(1) The person the affiant seeks to have arrested was an employee of an LEA at the time of the alleged offense; and

(2) The affiant alleges that the LEA employee engaged in conduct that harmed the child of the affiant parent or legal guardian and, at the time of such conduct, the LEA employee had supervisory or disciplinary power over the child.

SECTION 2. Tennessee Code Annotated, Section 40-6-215, is amended by adding the following new subsection (m):

(m) Notwithstanding the provisions of this section, if the affiant to an affidavit of complaint for a criminal summons is the parent or legal guardian of a child who is the victim of alleged criminal conduct, no criminal summons shall issue to such an affiant without the written approval of the district attorney general in the district in which the conduct occurred if:

(1) The person the affiant seeks to have issued a criminal summons was an employee of an LEA at the time of the alleged offense; and

(2) The affiant alleges that the LEA employee engaged in conduct that harmed the child of the affiant parent or legal guardian and, at the

time of such conduct, the LEA employee had supervisory or disciplinary power over the child.

SECTION 3. This act shall take effect July 1, 2009, the public welfare requiring it.

**PASSED: May 28, 2009**



KENT WILLIAMS, SPEAKER  
HOUSE OF REPRESENTATIVES



RON RAMSEY  
SPEAKER OF THE SENATE

**APPROVED this 9th day of June 2009**



PHIL BREDESEN, GOVERNOR