



Friday, March 4, 2011

ALCOHOLIC BEVERAGES

[SB 0321](#)

Ketron
HB 0989
Todd

New licensing structure for restaurants. Directs the commission of alcoholic beverages to develop a license structure for all restaurants and limited service restaurants using ISO comprehensive general liability codes which categorize restaurants based on their annual receipt of food and alcohol. Requires the commission to inform those seeking license renewal that it will be based on the code assigned. Prohibits the commission from renewing licenses for establishments with gross food sales under 15 percent. (S: Ketron; H: Todd)

Senate Status: Referred to Senate State & Local Government.

House Status: Referred to House General Subcommittee of State & Local Government.

ANIMALS & ANIMAL HUSBANDRY

SB 1135

Marrero
[HB 0099](#)
Hardaway

Minimal liability insurance for dangerous animal owners. Requires all owners of dangerous, vicious, and wild animals to secure minimal liability insurance of \$100,000 within 60 days from the date the owner knows or should reasonably know that the animal is a dangerous, vicious, or wild animal. (S: Marrero; H: Hardaway)

Senate Status: Referred to Senate Judiciary.

House Status: Referred to House General Subcommittee of Agriculture.

BANKING & CREDIT

SB 0997

McNally
[HB 0852](#)
Haynes R.

Homeowner's insurance - estimate of closing costs. Prohibits mortgage companies from estimating the cost of homeowner's insurance for inclusion in their good faith estimate of closing costs. Requires the prospective purchaser to provide this information to the mortgage company prior to the good faith estimate. (S: McNally; H: Haynes R.)

Senate Status: Referred to Senate Commerce, Labor & Agriculture.

House Status: Referred to House General Subcommittee of Commerce.

CAMPAIGNS & LOBBYING

[SB 0177](#)
Watson B.
HB 0647
Cobb J.

Termination of employment as a lobbyist. Repeals provisions prohibiting lobbyists and former lobbyists from serving on the Advisory Council on Workers' Compensation, the Alcoholic Beverage Commission, the State Board for Licensing Contractors, the Tennessee Private Investigation and Polygraph Commission, the Tennessee Advisory Committee for Acupuncture, the Tennessee Massage Licensure Board, the Board of Athletic Trainers, the Council of Certified Professional Midwifery, and the Polysomnography Professional Standards Committee. Broadly captioned. (S: Watson B.; H: Cobb J.)
House Co-Sponsors: Rich; Shipley

Senate Status: Referred to Senate State & Local Government.

House Status: House companion bill introduced. (H: J. Cobb)

CEMETERY & FUNERAL SERVICES

SB 1010
Campfield
[HB 0692](#)
Matheny

Registration requirements for funeral directors. Exempts funeral directors from registering as pre-need sales agents or pre-need sellers before engaging in the sale of pre-need merchandise or pre-need contracts. (S: Campfield; H: Matheny)

Senate Status: Referred to Senate Commerce, Labor & Agriculture.

House Status: Referred to House General Subcommittee of Commerce.

COMMERCIAL LAW

SB 0517
Bell
[HB 0278](#)
Dennis

Promulgated rules of the consumer affairs division. Deletes a provision that allows procedural rules promulgated by the consumer affairs division to automatically become law when it is not acted upon by the commerce, labor and agricultural committee of the senate or commerce committee of the house within 30 days of it being filed with the chairs of each committee for review. (S: Bell; H: Dennis)

Senate Status: Referred to Senate Commerce, Labor & Agriculture.

House Status: Caption bill held on House clerk's desk.

SB 1413
Norris
[HB 1603](#)
Maggart

LLPs - list partnerships interests in partnership agreement. Requires a partnership agreement to contain a statement of all partnership interests in a Limited Liability Partnership. (S: Norris; H: Maggart)

Senate Status: Referred to Senate Commerce, Labor & Agriculture.

House Status: Referred to House General Subcommittee of Commerce.

SB 1506
Gresham
[HB 0804](#)
Dennis

Posting of bond by health clubs. Deletes statutory requirement that certain health clubs post either a 25,000 dollar bond or an audited financial statement with the department of commerce and insurance. (S: Gresham; H: Dennis)

Senate Status: Referred to Senate Commerce, Labor & Agriculture.

House Status: Referred to House General Subcommittee of Commerce.

SB 1793 Awarding of additional exemplary or punitive damages. Prohibits the court
Johnson J. from awarding exemplary or punitive damages for an unfair or deceptive practice that is a
[HB 1561](#) willful or knowing violation of consumer protection law if the court has already awarded
Marsh three times the actual damages sustained. (S: Johnson J.; H: Marsh)

Senate Status: Referred to Senate Commerce, Labor & Agriculture.

House Status: Set for House General Subcommittee of Judiciary 03/09/2011.

EDUCATION

SB 0841 Development of an athletic concussion policy. Requires the department of
Campfield education to develop an athletic concussion policy for adoption by each LEA to identify
[HB 0978](#) students at risk for concussions during the course of athletic activities. Requires any
Shipley insurance policy issued to a school or organization providing youth recreational activities
to require the school or organization to adopt an athletic concussion policy, which includes
certain provisions. (S: Campfield; H: Shipley)

Senate Status: Referred to Senate Education.

House Status: Referred to House General Subcommittee of Education.

ESTATES & TRUSTS

SB 0387 Bonds of executors and administrators requirements. Requires bonds of
Kelsey executors and administrators to be in substantially, instead of may be, in the same form
[HB 0334](#) specified in the code. Requires such bonds to include expenses for court costs, attorney's
Coley fees and other related expenses of administering the estate. (S: Kelsey; H: Coley)

Senate Status: Senate Judiciary deferred 03/15/2011.

House Status: Set for House General Subcommittee of Judiciary 03/09/2011.

GOVERNMENT REGULATION

[SB 1606](#) Sanctions against a licensed entity. Requires notice and hearing by an
Marrero administrative law judge for any proceedings by a state department, division or agency to
HB 2072 impose sanctions against a licensed entity. Clarifies that a licensed entity that contracts
Kernell with the state does not forfeit any such rights. (S: Marrero; H: Kernell)

Senate Status: Referred to Senate Judiciary.

House Status: Referred to House Judiciary. House Government Operations will review
if recommended.

SB 1992 Regulation, investigatory and hearing cost assessments. Deletes current
Stewart E. statutory language which authorizes the commissioner of commerce and insurance to
[HB 0728](#) assess investigatory and hearing costs such as, but are not limited to, those incurred and
Dean assessed for the time of the prosecuting attorneys, investigators, expert witnesses,
administrative judges and any other persons involved in the investigation, prosecution and
hearing of the action. (S: Stewart E.; H: Dean)

Senate Status: Senate companion bill introduced. (S: Stewart E.)

House Status: Referred to House General Subcommittee of Commerce.

HEALTH CARE

[SB 0326](#)

Beavers
HB 0369
White M.

Health Care Compact. Enacts health care compact, declaring that member states have the primary responsibility to regulate health care policy within their states. Makes effective upon adoption by the member states and consent of the federal congress. Declares that member states have the right to federal funding according to mandatory spending formula. Creates an interstate advisory health care commission. (S: Beavers; H: White M.)

House Co-Sponsors: Shipley; Casada; Carr

Senate Status: Set for Senate General Welfare Committee 03/09/2011.

House Status: Taken off notice 03/01/2011 in House General Subcommittee of Health & Human Resources.

SB 0642

Bell
[HB 0435](#)
Hill

Ambulatory surgical centers performing abortions. Increases from \$2,000,000 to \$3,000,000 the required amount of medical malpractice liability that ambulatory surgical treatment centers performing abortions must maintain. Requires that the administrator of an ambulatory surgical treatment center that performs abortions be either a licensed physician or a registered nurse rather than also allowing a licensed practical nurse or a graduate of a four-year institution that has experience in a health-related field. Adds that the licensed physician or registered nurse must never have been convicted of disciplinary action for violating abortion laws. Raises to \$5,000 from \$2,000 the maximum civil penalty that board for ambulatory surgical treatment centers may assess for violating regulations. Broadly captioned. (S: Bell; H: Hill)

Senate Status: Referred to Senate General Welfare.

House Status: Referred to House General Subcommittee of Health & Human Resources.

SB 0643

Bell
[HB 0436](#)
Hill

Ambulatory surgical centers performing abortions. Increases from \$2,000,000 to \$3,000,000 the required amount of medical malpractice liability that ambulatory surgical treatment centers performing abortions must maintain. Requires that the administrator of an ambulatory surgical treatment center that performs abortions to be either a licensed physician or a registered nurse rather than also allowing a licensed practical nurse or a graduate of a four-year institution that has experience in a health-related field. Adds that the licensed physician or registered nurse must never have been convicted of disciplinary action for violating abortion laws. Raises to \$5,000 from \$2,000 the maximum civil penalty that board for ambulatory surgical treatment centers may assess for violating regulations. (S: Bell; H: Hill)

Senate Status: Referred to Senate Judiciary.

House Status: Referred to House General Subcommittee of Health & Human Resources.

INSURANCE AUTOMOBILES

SB 0525

Tracy

Limits right to recover noneconomic damages by motorist. Specifies that an owner or operator of a motor vehicle who knowingly permits the operation of his or her

[HB 0556](#)
Matheny
motor vehicle on the highway and does not comply with the motor vehicle financial responsibility law is deemed to have waived any right to recover against a complying policyholder for noneconomic loss. (S: Tracy; H: Matheny)

Senate Status: Referred to Senate Judiciary.
House Status: Referred to House General Subcommittee of Transportation.

SB 0994
McNally
[HB 0849](#)
Haynes R.
New claim settlement practices. Requires automobile liability insurers to acknowledge receipt of claim notifications and provide necessary claim forms within 10 business days, unless the claim is paid during that period of time. Requires such insurer to provide the claimant with an explanation of denial or acceptance of claim or explanation why the insurer needs additional time within 15 business days of receipt of claim notification. Requires such insurer to complete the claims investigation within 30 days, unless insurer provides reasonable cause. (S: McNally; H: Haynes R.)

Senate Status: Referred to Senate Commerce, Labor & Agriculture.
House Status: Referred to House General Subcommittee of Commerce.

INSURANCE GENERAL

[SB 0011](#)
Ketron
HB 0684
Maggart
Insurance investigations conducted by the state. Includes testimony to the list of documents and other information obtained by the commissioner in an investigation of an insurer or producer that is to be considered confidential and not subject to inspection by the public. Requires the department to provide an insurer or producer a copy of an order initiating an investigation or a copy of a complaint within 15 days of issuance of order or receipt of complaint. Prior to the contested case hearing, gives an insurer or producer under investigation the right to petition the chancery court of Davidson County to modify, quash, or take any other appropriate action relative to the subpoena. Also requires commissioner to provide insurer or producer with notice of the closure or completion of the investigation within 15 days if such closure. Requires all investigations to be completed within two years of receipt of initial complaint, initiation of investigation or effective date of act. (S: Ketron; H: Maggart)

Senate Status: Referred to Senate Commerce, Labor & Agriculture.
House Status: Referred to House General Subcommittee of Commerce.

[SB 0465](#)
Southerland
HB 0500
Marsh
Broadens definition of NAIC. Broadens the definition of the National Association of Insurance Commissioners to include any successor organization in the context of insurance producer licensing. (S: Southerland; H: Marsh)

Senate Status: Referred to Senate Commerce, Labor & Agriculture.
House Status: Referred to House General Subcommittee of Commerce.

[SB 0466](#)
Southerland
HB 0501
Marsh
Broadens definition of NAIC. Broadens the definition of National Association of Insurance Commissioners (NAIC) to include any successor organizations. (S: Southerland; H: Marsh)

Senate Status: Referred to Senate Commerce, Labor & Agriculture.
House Status: Referred to House General Subcommittee of Commerce.

[SB 0467](#)
Southerland
NAIC redefined. Redefines National Association of Insurance Commissioners (NAIC) to include any successor organization. (S: Southerland; H: Marsh)

HB 0499

Marsh

Senate Status: Referred to Senate Commerce, Labor & Agriculture.
House Status: Referred to House General Subcommittee of Commerce.

[SB 0468](#)

Southerland

HB 0502

Marsh

Broadens the definition of NAIC-SVO relative to insurance. Includes in the definition of NAIC-SVO any successor organization in addition to the current meaning as the securities valuation office of the National Association of Insurance Commissioners, as it applies to rules regarding domestic life insurance companies. (S: Southerland; H: Marsh)

Senate Status: Referred to Senate Commerce, Labor & Agriculture.
House Status: Referred to House General Subcommittee of Commerce.

SB 0698

Faulk

[HB 0756](#)

Stewart M.

Study on the cost of civil litigation in TN. Requires the commissioner of commerce and insurance to develop and implement a reporting plan whereby the department of commerce and insurance must track and study the cost of civil litigation brought in TN as compared to the cost brought in other states and the federal system. Requires the commissioner to submit an annual report to the speakers of the senate and the house summarizing the finding of the plan. Requires the annual report to be submitted on or before November 1st of each year. Requires that any cost associated with the implementation of the plan to be paid out of existing reserves of the insurance division of the department of commerce and insurance. (S: Faulk; H: Stewart M.)

Senate Status: Referred to Senate Commerce, Labor & Agriculture.
House Status: Referred to House General Subcommittee of Judiciary.

SB 0777

Ketron

[HB 0967](#)

Curtiss

Allows certain filings for personal risk insurance. Allows filings for personal risk insurance that provide for an overall statewide rate increase or decrease of no more than 25 percent in the aggregate for all coverages that are subject to the filing to take effect the date it is filed. (S: Ketron; H: Curtiss)

Senate Status: Referred to Senate Commerce, Labor & Agriculture.
House Status: Set for House General Subcommittee of Commerce 03/09/2011.

SB 1025

Ketron

[HB 0966](#)

Curtiss

Surplus Lines Insurance Act. Enacts the Surplus Lines Insurance Multi-State Compliance Contract, which implements the express provisions of the Non-Admitted and Reinsurance Reform Act of the Dodd-Frank Wall Street Reform and Consumer Protection Act. Creates the surplus lines insurance multi-state compliance compact commission and procedures related to the commission, including membership, powers, organization, immunity, defenses, and more. Changes current provisions related to surplus lines insurance. Defines commercial purchaser. Exempts commercial purchasers from diligently researching non-surplus lines insurance companies if the surplus lines agent has disclosed certain information to the commercial purchaser. Specifies certain periods of time for surplus lines agents must file with the commissioner of commerce and insurance. Changes eligibility of surplus lines insurers. Changes the procedure of taxing surplus lines insurance premiums. Penalizes such agents for not keeping a record of each surplus lines contract in his or her office. (54 pp.) (S: Ketron; H: Curtiss)

Senate Status: Referred to Senate Commerce, Labor & Agriculture.
House Status: House General Subcommittee of Commerce deferred to 03/23/2011.

SB 1027

Ketron

[HB 1267](#)

Insurance for portable electronics. Requires a vendor to hold a limited lines license to sell or offer coverage under a policy of portable electronics insurance. Specifies that a limited lines license issued to a vendor authorizes any employee of the vendor to

Sargent sell or offer coverage under a policy of portable electronics insurance to a customer at each location at which the vendor engages in portable electronics transactions. Requires brochures or written materials to be provided at each location disclosing that the portable electronics insurance may provide a duplication of coverage already provided by a customer's homeowner's insurance policy, renter's insurance policy, or other source of coverage. Specifies other requirements for the brochure. Allows portable electronics insurance to be offered on a month-to-month or other periodic basis. Specifies training requirements for employees of vendor. (16 pp.) (S: Ketron; H: Sargent)

Senate Status: Referred to Senate Commerce, Labor & Agriculture.

House Status: Referred to House General Subcommittee of Commerce.

SB 1143
Henry
[HB 0019](#)
Moore Required homeowner's association insurance coverage. Requires a homeowner's association to maintain insurance coverage to discharge contractual obligations in the event of damage. Requires a homeowner's association to report the following information quarterly to each homeowner, and upon request, to each homeowner, mortgage or beneficiary under a deed of trust: certificate or memoranda of insurance, proof of policy coverage, and contact information for the designated insurance carriers and banking institutions holding funds in escrow. Establishes that failure of a homeowner's association to abide by these requirements will subject the directors and officers of the association to joint and several personal liability. (S: Henry; H: Moore)

Senate Status: Referred to Senate Commerce, Labor & Agriculture.

House Status: Held on House clerk's desk.

[SB 1173](#)
Berke
HB 1595
Floyd Converting an insurance policy. Requires the maximum dollar amounts of coverage under optional insurance plans operating on an expense incurred basis be rounded to the nearest \$20 multiple instead of the nearest \$10 multiple. (S: Berke; H: Floyd)

Senate Status: Referred to Senate Commerce, Labor & Agriculture.

House Status: Referred to House General Subcommittee of Commerce.

[SB 1540](#)
Norris
HB 2007
McCormick The Amended and Restated Tennessee Captive Insurance Act. Enacts the "Amended and Restated Tennessee Captive Insurance Act." (Part of Administration Package) (S: Norris; H: McCormick)

Senate Status: Referred to Senate Commerce, Labor & Agriculture.

House Status: Referred to House General Subcommittee of Commerce.

SB 1765
Ketron
[HB 1845](#)
Sargent Investigation of insurance agents. Restructures provisions concerning confidentiality of documents regarding termination of an insurance producer and clarifies that such documents are not subject to public inspection. Requires that investigations by the commissioner regarding licensed insurance producers be reasonable in scope, relevant, and conducted in the least obtrusive manner. Grants a person under investigation by the commissioner various rights of access to records and required notice regarding statements made and complaints filed. Limits investigations to two years, requires proceedings be brought within five years of the cause of action accruing, allows a person to challenge the validity of a commissioner's request for documents through an administrative judge, and grants the commissioner the right to take testimony of any person in the insurance business. Allows persons under investigation for unfair trade or claims practices to obtain copies of any complaints or inquisitorial orders and any

recorded statements made by that person from the commissioner. Creates a penalty scheme for persons in violation of laws applicable to insurance producers, which authorizes the commissioner to prohibit specified acts and practices, suspend or revoke licenses, or order monetary penalties of up to \$1,000 per violation and \$100,000 in the aggregate to be determined through the consideration of a list of specified factors. (S: Ketron; H: Sargent)

Senate Status: Referred to Senate Commerce, Labor & Agriculture.

House Status: Set for House Commerce Committee 03/08/2011.

SB 1854
Crowe
[HB 1207](#)
Hill

Insurance producer licensing - continuing education. Clarifies that renewal of an insurance producer license does not require the satisfaction of applicable continuing education requirements for insurance producers who have been continuously licensed since January 1, 1994, including times in which the license was surrendered for the producer to serve as commissioner of commerce and insurance. (S: Crowe; H: Hill)

Senate Status: Referred to Senate Commerce, Labor & Agriculture.

House Status: Referred to House General Subcommittee of Commerce.

SB 1912
Woodson
[HB 1189](#)
Marsh

Statutory remedies and sanctions limited. Specifies the statutory remedies and sanctions applicable to specified acts by an insurer, person, or entity required to be licensed, permitted, or authorized by the division of insurance under title 56, related to breach of contract or alleged unfair or deceptive practices. (S: Woodson; H: Marsh)
House Co-Sponsors: Brooks, Kevin; Fitzhugh

Senate Status: Referred to Senate Commerce, Labor & Agriculture.

House Status: Set for House General Subcommittee of Commerce 03/09/2011.

SB 2018
Stewart E.
[HB 1047](#)
Matheny

Licensure of independent insurance adjusters. Requires independent insurance adjusters to be licensed. (S: Stewart E.; H: Matheny)

Senate Status: Introduced 2/23/2011

House Status: Referred to House General Subcommittee of Commerce.

SB 2047
Ford O.
[HB 1940](#)
Towns

Setting of rates base upon zip code of applicant. Prohibits an insurance company from setting rates based upon the zip code of the applicant's place of residence or employment. (S: Ford O.; H: Towns)

Senate Status: Referred to Senate Commerce, Labor & Agriculture.

House Status: Referred to House General Subcommittee of Commerce.

INSURANCE HEALTH

[SB 0079](#)
Beavers
HB 0115
Weaver

Tennessee Health Care Freedom Act. Declares that the public policy of this state is that every person within this state is free to choose or to decline to choose any mode of securing health care services without penalty or threat of penalty. Also declares that the public policy of this state is that every person within this state has the right to purchase health insurance or to refuse to purchase health insurance. Specifies that the government may not interfere with a citizen's right to purchase health insurance or with a citizen's right to refuse to purchase health insurance. Also specifies that the government may not enact a law that would restrict these rights or that would impose a form of punishment for exercising either of these rights. States that any law to the contrary is to be void ab initio.

(S: Beavers; H: Weaver)

Amendment: Senate amendment 1, House Commerce amendment 1 specifies that the legislation should not interfere with child support cases in which purchasing an insurance policy is required of one party by the court. Senate amendment 2, House Commerce amendment 2 specifies that employers are authorized to require the purchase of insurance as a condition of employment.

Senate Status: Senate 02/23/2011 passed with amendments 1 and 2.

House Status: Set for House Floor 03/07/2011.

SB 0361
Johnson J.
[HB 0303](#)
Curtiss

Assignment of benefits to a health care provider. Alters conditions regarding contracts of assignment of benefits to a health care provider. Requires an assignment of benefits to a health care provider be disregarded if the health care facility fails to include the changed language in its written notice to the insured. (S: Johnson J.; H: Curtiss)

Senate Status: Senate 02/28/2011 passed.

House Status: House passed 02/28/2011.

Other Status: Sent to governor 03/02/2011.

[SB 0510](#)
Faulk
HB 0568
Dennis

Reporting on medical malpractice claims. Requires entities reporting to the commissioner of commerce and insurance on medical malpractice claims to include information as to whether the health care provider received TennCare payment for the incident that is the subject of the claim. Requires the commissioner to include such information in the annual report on medical malpractice claims. Broadly captioned. (S: Faulk; H: Dennis)

Senate Status: Referred to Senate Commerce, Labor & Agriculture.

House Status: House General Subcommittee of Commerce deferred to 03/16/2011.

SB 1119
Woodson
[HB 0682](#)
Marsh

Promotional incentives for health insurance policies. Authorizes insurers to use incentives and rewards to encourage or reward participation in a health promotion program such merchandise, gift cards, debit cards, premium discounts, and incentives having to do copayments, deductibles. (S: Woodson; H: Marsh)

Senate Status: Referred to Senate Commerce, Labor & Agriculture.

House Status: Referred to House General Subcommittee of Health & Human Resources.

[SB 1539](#)
Norris
HB 2005
McCormick

Commissioner must approve certain group policy rates. Requires that hospital and medical service corporations submit premium rates and risk classifications to commissioner of commerce and insurance prior to any group policies being issued. (Part of Administration Package) (S: Norris; H: McCormick)

Senate Status: Referred to Senate Commerce, Labor & Agriculture.

House Status: Referred to House General Subcommittee of Commerce.

SB 1816
Johnson J.
[HB 1560](#)
Johnson P.

Working group to study issues affecting health insurance. Requires the commissioner of commerce and insurance to convene a working group of representatives from the insurance industry and the health care providers professions to study recent trends concerning various issues affecting the health insurance industry and those providing health care. (S: Johnson J.; H: Johnson P.)

Senate Status: Referred to Senate Commerce, Labor & Agriculture.

House Status: Introduced 2/23/2011

SB 1823
Herron
[HB 0097](#)
Hardaway

Availability of state employee insurance to all citizens. Authorizes the state insurance committee to establish a program under which citizens of Tennessee may buy into and be covered under the same group insurance health care plan offered to all state employees. (S: Herron; H: Hardaway)

Senate Status: Senate companion bill introduced. (S: Herron)

House Status: Referred to House General Subcommittee of Commerce.

JUDICIARY

[SB 0349](#)
Haynes J.
HB 0535
Stewart M.

Cost bond signed by attorney in lieu of fees. Requires clerk to accept cost bond signed by attorney in lieu of party paying fees or clerk must forfeit all costs. (S: Haynes J.; H: Stewart M.)

Senate Status: Referred to Senate Judiciary.

House Status: Referred to House Judiciary.

SB 0360
Johnson J.
[HB 0174](#)
Casada

Medical malpractice resulting from emergency care. Establishes new requirements for medical malpractice actions in an emergency department of a hospital. Establishes the claimant has the burden of proving, by a preponderance of the evidence, the gross negligence of the defendant. Requires the jury to be further instructed that injury alone does not raise a presumption of the defendant's gross negligence. (S: Johnson J.; H: Casada)

Senate Status: Referred to Senate Judiciary.

House Status: Referred to House General Subcommittee of Judiciary.

[SB 0395](#)
Overbey
HB 0511
Lundberg

Transportation-related presumptions and immunity. Establishes a presumption of proximate cause of injuries or damages for motor vehicle accidents occurring within a construction zone when one of the vehicle drivers was drunk, under the influence of certain drugs, or convicted of reckless driving in relation to the accident. Provides immunity to road and bridge contractors if at the time of the accident, the contractor was in compliance with contract documents material to the condition that was the proximate cause of the injury, but exceptions apply. Establishes a presumption that engineers who provide engineering plans to the department of transportation have exercised the care that other similarly situated engineers have exercised. (S: Overbey; H: Lundberg)

Senate Status: Referred to Senate Transportation.

House Status: Referred to House General Subcommittee of Judiciary.

SB 0786
Southerland
[HB 0767](#)
Montgomery

Powers of the commissioner of commerce and insurance. Deletes provisions authorizing the commissioner of commerce and insurance to actively participate in rule-making hearings concerning unfair trade practices in the field of insurance such as administering oaths, receiving oral and documentary evidence, subpoenaing witnesses, requiring production of evidence, and making stenographic records of all evidence and proceedings. (S: Southerland; H: Montgomery)

Senate Status: Referred to Senate Commerce, Labor & Agriculture.

House Status: Referred to House General Subcommittee of Commerce.

LABOR LAW

SB 1986
Stewart E.
[HB 1758](#)
Pitts

Employee misclassification advisory task force. Clarifies the purpose of the employee misclassification advisory task force is to make recommendations related to employee misclassification in the construction industry. Requires the advisory taskforce to share information and coordinate investigative efforts with other agencies to detect construction employers intentionally misclassifying employees to receive desired results in unemployment taxes and workers compensation premiums, and permits the taskforce to enter into contracts with other agencies in furtherance of such efforts. (S: Stewart E.; H: Pitts)

Senate Status: Referred to Senate Commerce, Labor & Agriculture.
House Status: Referred to House Consumer & Employee Affairs.
Other Status: Workers' Compensation Advisory Council deferred to next meeting.

LOCAL GOVERNMENT

SB 0746
Ketron
[HB 0879](#)
Rich

Increases amount of bond to be posted by property assessor. Increases the bond a county property assessor must post from \$10,000 to \$25,000. Removes the present law provision stating that the governing body of any county by a two-thirds vote may elect whether or not county officials must post a bond. Broadly captioned. (S: Ketron; H: Rich)

Senate Status: Referred to Senate State & Local Government.
House Status: Caption bill held on House clerk's desk.

SB 0987
McNally
[HB 0855](#)
Haynes R.

Cost of fire services rendered to nonsubscriber. Authorizes fire service utility district in Knox County to impose charges on nonsubscriber for cost of services rendered. (S: McNally; H: Haynes R.)

Senate Status: Referred to Senate State & Local Government.
House Status: Referred to House General Subcommittee of State & Local Government.

PROFESSIONS & LICENSURE

SB 1545
Berke
[HB 0287](#)
McDonald

License & insurance requirements for elevator mechanics. Creates a set of regulations regarding all elevator, escalator, dumb lift, moving walk and platform lift installations, repairs, maintenance and the like requiring they be completed by persons with an elevator mechanics license, which shall be present at the jobsite, and are under the direct supervision of an elevator contractor. Requires specific qualifications be met to become a licensed elevator mechanic and obtain license renewal. Grants the elevator and amusement device safety board the power to suspend and revoke a license or issue civil penalties and the discretion to develop an application form and a license and renewal fee. Allows a temporary elevator mechanics license to be issued as needed during emergencies. Requires elevator contractors to carry a specified minimum insurance policy and notify the board within 10 days of any cancellation or material alteration. Requires all licensing and renewal fees collected by the board be used to cover the costs of

implementing licensing rules and allows the board to impose a safety fee on elevator inspections and installations. (pp 14) (S: Berke; H: McDonald)

Senate Status: Referred to Senate Commerce, Labor & Agriculture.

House Status: Referred to House General Subcommittee of Commerce.

TORT LIABILITY

SB 0109 Apiarists' tort liability limited. Limits liability of apiarists, unless the apiarist
Johnson J. committed an intentional tort or gross negligence. (S: Johnson J.; H: Casada)
[HB 0030](#) Senate Co-Sponsor: Tracy
Casada

Senate Status: Referred to Senate Judiciary.

House Status: House Judiciary Committee deferred to 03/01/2011.

[SB 0138](#) Landowner's duty to person on land for recreational purpose. Clarifies that
Ketron a landowner does not owe a duty to keep their premises safe or give warning of
HB 0176 dangerous conditions for persons entering the property, with or without the owner's
Marsh permission, for the purpose of various recreational activities unless failure to do so would
constitute gross negligence. Continues to provide immunity from liability for failing to guard
or warn of conditions caused by forces of nature. (S: Ketron; H: Marsh)

Senate Status: Referred to Senate Judiciary.

House Status: House General Subcommittee of Judiciary deferred to a future meeting,
date uncertain, that will hear all tort reform legislation.

SB 0249 Tort Reform- Medical Malpractice & Products Liability. Creates the Private
Johnson J. Attorney Retention Sunshine Act which requires state agencies obtaining legal services to
[HB 0183](#) conduct an open bidding process for services, seek general assembly approval for
Sargent contracts over \$1,000,000, and prohibits legal fees exceeding \$1,000 per hour. Creates
the Asbestos Claims Priority Act which prohibits the filing of specific asbestosis related
claims including nonmalignant conditions, asbestos related cancer, mesothelioma, and
wrongful death unless specific and enumerated prima facie evidence is shown by medical
report and filed within 120 days of filing the complaint. Restricts premises owner liability for
asbestos exposure on their property, and limits jurisdiction of Tennessee courts over
asbestos claims. Creates the Innocent Successor Asbestos-Related Liability Fairness Act.
Sets a maximum amount of liability placed on corporations that have incurred or assumed
asbestos related liability as a result of a merger or consolidation prior to January 1, 1972.
Redefines and expands the definition and requirements of a products liability claim
including what constitutes defective and unreasonably dangerous, the burden of proof,
requisite knowledge of both the plaintiff and the defendant, actions or knowledge by the
plaintiff that absolve a defendant of liability, seller versus manufacturer liability, and seller
indemnity. Creates a rebuttable presumption that when a seller or manufacturer is in
compliance with applicable federal law a product is not considered to be defective.
Replaces the term "Medical malpractice" with "Health care liability action" which clarifies
the cause of action as limited to any civil action against a health care provider alleging
injury related to the provision or failure to provide health care. Requires, rather than
permits, a plaintiff in a health care liability action to include a demand for a specific sum in
their complaint and limits suits against attorneys for failure to collect the demanded
amount. Requires that a plaintiff file a HIPPA- complaint medical authorization form with
their petition in a health care liability action. Allows an award of \$75,000 or more in a

health care liability action be made in periodic payments per court order and by party request. Restricts the amount of fees an attorney can collect in a health care liability action when employment contract was based on a contingent fee from a maximum of thirty three and one third percent of the damage award to various percentages based on the recovery amount, starting with forty percent of the first \$50,000. Requires, subject to judicial waiver, an expert witness to have been practicing in the same specialty as the defendant to testify to duty and breach in a health care liability action. Prohibits specific expressive conduct and offers to correct from being used as evidence of an admission of fault against health care providers in suits and other disciplinary proceedings concerning unexpected results from medical treatment. Limits the amount of bond or other security a health care provider must post when an appeal is pending to no more than \$1,000,000. Clarifies that groups qualifying as medical or peer review committees that provide review for the professional conduct and competency of peers are not limited to those listed in the code. Places the maximum amount of noneconomic damages recoverable under a civil action at \$250,000 per person, \$500,000 per occurrence, or a specified number based on the amount of full-time employees the defendant employs and restricts the award of punitive damages for claims involving drugs and devices. Redefines economic damages to include provisions regarding expenses forgiven, discounted, or covered by private insurance. Requires the plaintiff to show an actual out-of-pocket loss to recover any damages and prove causation in a suit for unfair or deceptive acts or practices. (pp 40.) (S: Johnson J.; H: Sargent)

Senate Status: Referred to Senate Judiciary.

House Status: Referred to House General Subcommittee of Judiciary.

SB 0250
Johnson J.
[HB 0182](#)
Sargent

Changes to venue, damages, and certain civil actions. Specifies that venue in transitory civil actions may be in a county where a substantial act, omission, or event allegedly occurred, instead of where the action arose. Specifies that venue for corporations in transitory civil actions may be in a county where the principal place of business is located. Removes venue for corporations within counties where the corporation has an office or agency located. Requires that each joined plaintiff must independently establish venue. Requires courts to dismiss certain claims, instead of adjudicating under forum non conveniens. Requires courts to consider certain factors when considering to dismiss an action or transfer venue under forum non conveniens. Specifies that it is a Class A misdemeanor to prevent a juror from serving jury duty or to require a juror to use annual, vacation, or sick leave to respond to a summons. Alters joint and several liability on multiple tortfeasors. Caps noneconomic damages at 500,000 dollars in medical malpractice lawsuits. Alters product liability actions to require the plaintiff to prove certain additional evidence, allow the product seller to be indemnified by the manufacturer in certain situations. Caps noneconomic damages at 1,000,000 dollars on all civil actions. Prohibits property owners or occupants from liability regarding certain injuries to independent contractors occurring on the property. Specifies how and when punitive damages can be awarded in certain actions. Caps punitive damages in certain actions at an amount depending on the defendant's net worth. (15 pp.) (S: Johnson J.; H: Sargent)

Senate Status: Referred to Senate Judiciary.

House Status: Referred to House General Subcommittee of Judiciary.

[SB 0339](#)
Haile
HB 0567

Tort liability limits for bovine owners. Limits a bovine owner's liability for injuries, loss, damage or death of another resulting from bovine activities if the bovine owner maintains proper warning notice on signs, maintains proper fences and enclosures, or

Dennis does not commit a willful or wanton act. (S: Haile; H: Dennis)
Amendment: Senate amendment 1 changes the standard of conduct that, when applied to an act or omission committed by a bovine owner that causes injury, loss, damage, or death, will not be eligible for prevention or limitation of liability under this bill from "willful or wanton disregard for the safety of the person" to "negligent disregard for the safety of the person".

Senate Status: Senate 03/03/2011 passed with amendment.
House Status: House Agriculture 03/01/2011 recommended. Sent to Calendar & Rules.

[SB 0386](#)
Kelsey
HB 0363
Dennis
Jobs Creation Lawsuit Reform Act. Enacts the "Jobs Creation Lawsuit Reform Act." Caps the reasonable attorney fees in medical liability/malpractice actions to 40 percent of the first 50,000 dollars in damages recovered, 33 and one-third percent of the next \$50,000 in damages recovered, 25 percent of the next \$500,000 in damages recovered, and 15 percent of any amount by which the recovery exceeds \$600,000. (Broadly captioned.) (S: Kelsey; H: Dennis)

Senate Status: Referred to Senate Judiciary.
House Status: Referred to House General Subcommittee of Judiciary.

[SB 0648](#)
Southerland
HB 1165
Hawk
Governmental immunity for injuries caused by county roads. Grants governmental immunity from tort liability for injuries caused by unsafe conditions on unpaved county roads on which the use of off-highway vehicles is permitted. (S: Southerland; H: Hawk)

Senate Status: Referred to Senate Judiciary.
House Status: Referred to House General Subcommittee of Judiciary.

[SB 0706](#)
Harper
HB 1755
Pruitt
Governmental Tort Liability - Davidson County. Includes any nonprofit public benefit corporation or charitable entity in Davidson County operating as part of the metropolitan hospital authority as a "governmental entity" for purposes of the Governmental Tort Liability Act. (S: Harper; H: Pruitt)
House Co-Sponsors: Gilmore; Odom

Senate Status: Referred to Senate Judiciary.
House Status: Referred to House General Subcommittee of Judiciary.

SB 0938
Kelsey
[HB 1152](#)
Dennis
Tort reform regarding punitives, noneconomic losses. Caps noneconomic losses at 250,000 dollars against each defendant or maximum of 500,000 dollars for each occurrence. Specifies that noneconomic losses do not include medical expenses, lost past or future wages or earnings capacity, other loss of income, funeral and burial expenses, economic value of services performed, or other similar actual monetary losses. Caps punitive damages at the greater of 250,000 dollars or twice the amount of compensatory damages, if the defendant employs more than 100 full-time employees. Caps punitive damages at the lesser of 250,000 dollars or twice the amount of compensatory damages, if the defendant employs 100 full-time employees or less. Specifies that such caps on punitive damages does not apply to certain actions. Specifies that each monetary figure will be adjusted at three-year intervals according to the Consumer Price Index rate. Specifies that such punitive damages caps do not apply to certain tort actions involving intentional or knowing mental states and when the defendant has been convicted of a felony that has one of the intentional or knowing mental states. Prohibits punitive damages in cases where the injury was caused by a drug or device that was approved by the

Federal Food, Drug, and Cosmetic Act or the Federal Public Health Service Act or was an over-the-counter drug marketed according to federal regulation and the drug meets other conditions. Places the burden on plaintiffs seeking to prove discrimination in employment or retaliatory discharge at various levels regarding certain issues throughout the trial process. (S: Kelsey; H: Dennis)

Senate Status: Referred to Senate Judiciary.
House Status: Introduced 2/17/2011

[SB 1185](#)
Burks
HB 1847
Sexton

Fairfield Glade. Defines Fairfield Glade as a governmental entity for the purposes of the Governmental Tort Liability Act. (S: Burks; H: Sexton)

Senate Status: Referred to Senate Judiciary.
House Status: Referred to House General Subcommittee of Judiciary.

SB 1277
Ketron
[HB 0912](#)
Lundberg

Written liability waivers regarding recreational activities. Allows any person, including minors, to waive, in writing, the landowner's duty of care for injuries that arise from the recreational use of the land, with the exception of gross negligence, willful or wanton conduct, or failure to warn against a dangerous condition. (S: Ketron; H: Lundberg)

Senate Status: Referred to Senate Judiciary.
House Status: Introduced 2/16/2011

[SB 1322](#)
Johnson J.
HB 1848
Sexton

Study - impact of tort reform on anticompetitive activities. Creates an advisory council to study the potential impact of tort reform measures on anticompetitive activities engaged in by hospitals, insurance companies and health care professionals and whether or not such impact, if any, would increase or decrease the overall cost of healthcare in this state. (S: Johnson J.; H: Sexton)

Senate Status: Referred to Senate Judiciary.
House Status: Introduced 2/23/2011

[SB 1323](#)
Johnson J.
HB 1976
Lundberg

Liability of skilled nursing facilities. Requires that causes of action against skilled nursing facilities be brought solely and exclusively as medical malpractice suits for the purposes of requirements for all medical malpractice suits, including requirements for the claimant's burden of proof. Requires all injuries and occurrences brought by such a claimant be counted as one occurrence. Specifies there is no limit on the amount of economic damages that may be recovered in such an action. Limits the amount of non-economic damages recoverable in such an action at \$250,000. Specifies that punitive damages be permitted only if the claimant proves by clear and convincing evidence that the defendant's conduct demonstrated actual malice toward the claimant. Limits the maximum amount of punitive damages at \$500,000. (S: Johnson J.; H: Lundberg)

Senate Co-Sponsor: Kelsey
House Co-Sponsor: Dennis

Senate Status: Referred to Senate Judiciary.
House Status: Introduced 2/23/2011

SB 1942
McNally
[HB 1172](#)
Ramsey B.

Health care provider liability for indwelling catheters. Prohibits health care institutions and health care providers from being liable for claims related to the misuse of an indwelling catheter if the misuse occurs after the patient is discharged and the entity provides a certain written notice of immunity to the patient. Defines "misuse" as the

introduction of foreign drugs or substances into the indwelling catheter. (S: McNally; H: Ramsey B.)

Senate Status: Referred to Senate Judiciary.

House Status: Set for House General Subcommittee of Health & Human Resources
03/08/2011.

TRANSPORTATION GENERAL

[SB 0571](#)

Berke
HB 1110
Campbell S.

Traffic violations and credit reporting agencies. Prohibits information relative to violations captured by unmanned traffic surveillance cameras from being transmitted to credit reporting agencies. (S: Berke; H: Campbell S.)

Senate Status: Referred to Senate Transportation.

House Status: Referred to House General Subcommittee of Transportation.

SB 2026

Stewart E.
[HB 0236](#)
Harmon

Regulation & installation of traffic light cameras. Creates a new requirement that local governing bodies request a traffic engineering study on areas chosen for enforcement camera installation to ensure there is a need for the device. Requires the study be conducted by professionals specialized in traffic engineering and under standards implemented by the Institute of Transportation Engineers. Sets a guideline for the minimum information the study must provide based on the type of camera being installed. Requires that all cameras installed after January 1, 2012 follow enumerated operational protocols concerning the appearance and functioning of the cameras and that the local governing body evaluate the cameras on a monthly basis to ensure compliance. Requires that local governing bodies prior to installing an enforcement camera notify the public 30 days prior to installation through a public awareness program and only issue warning citations for the first 30 days of the cameras operation. Places various restrictions and requirements on contracts between local governing bodies and private vendors including limiting contracts to four years, prohibiting payment based on the amount of citations issued, and requiring copies of contracts with private vendors be given to the comptroller of the treasury. Requires a certified officer to review video evidence and determine if a violation occurred rather than an employee of a law enforcement office. Invalidates any notice given to a violator by a private vendor. Deletes the provision allowing for additional penalties for failure to pay the violation fine after a second notice has been sent based solely on the evidence provided by an enforcement camera. Changes the entity entitled to determine whether cameras are meeting various requirements from state agencies and political subdivisions to courts of competent jurisdiction. (pp 14) (S: Stewart E.; H: Harmon)

Senate Status: Senate companion bill introduced. (S: Stewart E.)

House Status: Referred to House General Subcommittee of Transportation.

TRANSPORTATION VEHICLES

[SB 0266](#)

Tracy
HB 0339
Dean

Notice to department of revenue and removal of liability. Requires the owner, seller, or person in possession of a motor vehicle to provide notice to the department of revenue when such motor vehicle's title is transferred. Relieves a motor vehicle seller from liability related to the vehicle when the seller has delivered the title and provided such notice or paid the appropriate fees related to the vehicle's registration. (S:

Tracy; H: Dean)

Senate Status: Referred to Senate Transportation.

House Status: Referred to House General Subcommittee of Transportation.

[SB 0821](#)

Gresham
HB 1071
Rich

Proof of insurance to register vehicle & keep registration. Requires proof of vehicle insurance to register vehicle, as part of the financial responsibility law. Creates procedure for the commissioner of revenue to revoke vehicle registration if the vehicle no longer meets the requirements of the financial responsibility law, including if the vehicle insurance is no longer valid. Establishes registration reinstatement fees to reinstate the vehicle's registration after the registration has been revoked. Increases fines for operating a vehicle without proper insurance proof. Creates a Class C felony for fraudulently alters or counterfeits an insurance card to make it look valid or provides an invalid or counterfeit insurance card available as evidence of proper insurance proof. (S: Gresham; H: Rich)

Senate Status: Referred to Senate Commerce, Labor & Agriculture.

House Status: Referred to House General Subcommittee of Transportation.

[SB 0914](#)

Overbey
HB 1236
Montgomery

Allows dismissal of case regarding financial responsibility. Allows, instead of requires, the court to dismiss a charge of failure to provide proof of financial responsibility if the person did not have such proof at the time of the charge but submitted satisfactory proof at time of court date that financial responsibility was obtained. (S: Overbey; H: Montgomery)

Senate Status: Referred to Senate Judiciary.

House Status: Referred to House General Subcommittee of Transportation.

[SB 1292](#)

Southerland
HB 1834
Miller D.

Failure to provide proof of insurance. Increases penalty for failing to provide evidence of financial responsibility from \$100 fine to \$250 fine for first offense and \$500 fine and mandatory impoundment of driver's motor vehicle for second or subsequent offense. Requires the county clerk to provide, upon the registration of a motor vehicle, the requirements of the Financial Responsibility Law of 1977. (S: Southerland; H: Miller D.)

Senate Status: Referred to Senate Commerce, Labor & Agriculture.

House Status: Referred to House General Subcommittee of Transportation.

[SB 1330](#)

Norris
HB 1933
Towns

Insurance requirements for previous DUI offenders. Doubles the minimum amount of liability insurance coverage a person with two or more convictions for driving under the influence or underage driving while impaired is required to have in order to comply with financial responsibility law as of January 1, 2012, increasing the minimum coverage for such offenders as follows: \$60,000 per accident single limit policy, \$50,000 for one person injury/\$100,000 for two or more person injury/\$30,000 property damage split-limit policy, \$60,000 deposit of cash with the commissioner, or \$60,000 bond filed with the commissioner. (S: Norris; H: Towns)

Senate Status: Referred to Senate Commerce, Labor & Agriculture.

House Status: Introduced 2/23/2011

SB 1342
Summerville
[HB 1296](#)
Hensley

Proof of insurance required for any traffic violation. Requires officer to request proof of insurance from the driver of a motor vehicle for any traffic violation, moving or otherwise. (S: Summerville; H: Hensley)

Senate Status: Referred to Senate Commerce, Labor & Agriculture.

House Status: Set for House General Subcommittee of Transportation 03/08/2011.

SB 1698
Burks
[HB 0352](#)
McDonald

Penalty for failure to provide proof of insurance. Authorizes county or municipal law enforcement officers to impound motor vehicles upon driver's failure to provide evidence of financial responsibility. Requires police department to notify owner of motor vehicle and all lienholders of record within two business days that the vehicle has been impounded. Allows owner or lienholder to reclaim vehicle within ten days of the notice upon payment of all towing, preservation and storage charges. Specifies that failure of owner or lienholder to reclaim the vehicle within the time provided shall be deemed a waiver by the owner and all lienholders of all right, title and interest in the vehicle and consent to sale of the vehicle at public auction. (S: Burks; H: McDonald)
House Co-Sponsor: Bass

Senate Status: Referred to Senate Judiciary.

House Status: Referred to House General Subcommittee of Transportation.

SB 2060
Haile
[HB 2020](#)
Evans

Proof of insurance required to register vehicle. Prohibits a person from registering a vehicle or renewing a vehicle's registration unless the application for registration or renewal is accompanied by proof of compliance with the financial responsibility law. Increases fines for failure to comply with such law. (S: Haile; H: Evans)

Senate Status: Introduced 2/23/2011

House Status: Introduced 2/23/2011

WORKERS COMPENSATION

SB 0415
Barnes
[HB 0163](#)
Pitts

Exempted construction services providers. Allows a construction services provider who is an affiliate of an exempted construction services provider to also be eligible for an exemption from workers' compensation insurance. (S: Barnes; H: Pitts)
House Co-Sponsor: Curtiss

Senate Status: Referred to Senate Commerce, Labor & Agriculture.

House Status: Referred to House General Subcommittee of Consumer & Employee Affairs.

Other Status: Workers' Compensation Advisory Council deferred to next meeting.

[SB 0471](#)
Tracy
HB 0506
Brooks, Harry

Eligibility of benefits after failing drug test. in cases where the employer has implemented a drug-free workplace, disqualifies an injured employee from receiving benefits under a workers' compensation claim for a work-related injury if the employee refuses to submit to drug or alcohol testing or tests positive for specified blood alcohol concentration levels or positive drug confirmations, instead of creating a rebuttable presumption that the alcohol or drug was the proximate cause of work injury. (S: Tracy; H: Brooks, Harry)

Senate Status: Referred to Senate Commerce, Labor & Agriculture.

House Status: Referred to House Consumer & Employee Affairs.

Other Status: Set for Workers' Compensation Advisory Council 02/28/2011.

SB 0560
McNally
[HB 0490](#)
Eldridge

Exclusive remedy does not limit certain actions. States that the exclusivity of remedy provision (making workers' compensation the injured employee's sole remedy against his or her employer) is not be construed to limit third party actions against

tortfeasors. Contains broad caption. (S: McNally; H: Eldridge)

Senate Status: Referred to Senate Commerce, Labor & Agriculture.

House Status: Referred to House General Subcommittee of Consumer & Employee Affairs.

Other Status: Set for Workers' Compensation Advisory Council 02/28/2011.

[SB 0588](#)

Finney L.
HB 1870
Pitts

Religious exemption from workers' compensation. Allows an employee to apply for exemption from the workers' compensation requirements if the employee is a member of a recognized religious sect and follows the religious teachings of such sect which prevents the employee from accepting benefits provided by the workers' compensation laws. Provides the employee an opportunity to revoke the exemption. Requires the exempted employee to sue under common law principles to recover for personal injury or death by accident brought against the employer. (S: Finney L.; H: Pitts)

Senate Status: Referred to Senate Commerce, Labor & Agriculture.

House Status: Referred to House General Subcommittee of Consumer & Employee Affairs.

Other Status: Workers' Compensation Advisory Council deferred to next meeting.

[SB 0781](#)

Ketron

Corporate officer exemptions in construction industries. Allows five instead of three corporate officers in a corporation engaged in the construction industry to apply for exemptions from the workers' compensation insurance requirements. Contains broad caption. (S: Ketron)

Senate Status: Referred to Senate Commerce, Labor & Agriculture.

Other Status: Set for Workers' Compensation Advisory Council 02/28/2011.

[SB 0932](#)

Norris
HB 1503
Eldridge

Workers' compensation modifications. (1) Excludes persons providing services as a leased operator or an owner-operator of a vehicle under contract to a common carrier performing certain interstate commerce transactions from the wage regulations and employment securities provisions. (2) Allows parties to immediately, instead of having to three years, settle the issue of future medical benefits in workers' compensation settlements (except permanent and total disability). Allows the trial court or department of labor and workforce development specialist approving settlement to terminate the right to future medical benefits after finding that compensability is a contested issue and is a potentially valid defense of the employer. (3) Specifies that treating medical providers must communicate with the employer and honor any employer request for medical information related to the claimed workers' compensation injury. (4) Changes the definition of "injury" and "personal injury" to not include diseases, unless diseases result unavoidably from the employment. Specifies that mental injuries are accidental only if they are caused by specific incidents and is identifiable by the time and place of occurrence. Creates a presumption that the treating physician's opinion is correct concerning compensability. (5) Establishes that hearing loss, carpal tunnel syndrome, and other repetitive motion injuries are not occupational diseases and not compensable unless the disease exists and arose primarily out of and in the course of employment and it follows an incident of occupational disease, it is infectious or contagious disease contracted in course of certain employments, such as in a hospital or as emergency rescue personnel, or it is caused by conditions peculiar to such employment. (S: Norris; H: Eldridge)

House Co-Sponsors: Carr; Womick; Sanderson

Senate Status: Referred to Senate Commerce, Labor & Agriculture.

House Status: Referred to House General Subcommittee of Consumer & Employee Affairs.

Other Status: Set for Workers' Compensation Advisory Council 02/28/2011.

[SB 1136](#)

Marrero
HB 1856
Turner M.

Surcharge on workers' compensation insurance premiums. Requires certain workers' compensation insurance carriers to be taxed the same four percent of tax on written manual premiums, instead of requiring all insurance carriers to pay the four percent of tax on all premiums. Broadly captioned. (S: Marrero; H: Turner M.)

Senate Status: Referred to Senate Commerce, Labor & Agriculture.

House Status: Referred to House General Subcommittee of Consumer & Employee Affairs.

Other Status: Set for Workers' Compensation Advisory Council 02/28/2011.

SB 1243

Yager
[HB 1457](#)
McCormick

Certificate of insurance or workers' compensation policy. Requires the county building commissioner to return by mail a copy of a certificate of insurance or workers' compensation policy within 15 working days, instead of 10 working days, to the person who obtained the permit. Contains broad caption. (S: Yager; H: McCormick)

Senate Status: Referred to Senate State & Local Government.

House Status: Referred to House General Subcommittee of State & Local Government.

SB 1304

Johnson J.
[HB 1083](#)
Eldridge

Claims involving a drug-free workplace. In cases where the employer has implemented drug-free workplace, disqualifies employee from receiving workers' compensation benefits if employee refuses testing for drugs or alcohol or test positive for specified blood alcohol concentration levels or positive drug confirmations, instead of creating rebuttable presumption that alcohol or drug was the proximate cause of work injury. (S: Johnson J.; H: Eldridge)

Senate Status: Referred to Senate Commerce, Labor & Agriculture.

House Status: Referred to House General Subcommittee of Consumer & Employee Affairs.

Other Status: Set for Workers' Compensation Advisory Council 02/28/2011.

SB 1307

Johnson J.
[HB 1001](#)
Eldridge

Increase of time to return certain exemptions. Increases the time that the secretary of state has to return an application for a construction services provider's workers' compensation exemption from 10 to 14 days. (S: Johnson J.; H: Eldridge)

Senate Status: Referred to Senate Commerce, Labor & Agriculture.

House Status: Referred to House General Subcommittee of Consumer & Employee Affairs.

Other Status: Set for Workers' Compensation Advisory Council 02/28/2011.

SB 1313

Johnson J.
[HB 1300](#)
Eldridge

Appointments to advisory council on workers' compensation. Changes references from "names" to "nominees" in regard to appointments to advisory council on workers' compensation. (S: Johnson J.; H: Eldridge)

Senate Status: Referred to Senate Commerce, Labor & Agriculture.

House Status: Referred to House General Subcommittee of Consumer & Employee Affairs.

Other Status: Set for Workers' Compensation Advisory Council 02/28/2011.

SB 1550
Ketron
[HB 2030](#)
Curtiss

Exemption from coverage - construction services providers. Clarifies that the general contractor of a commercial construction project shall select the three individual construction services providers who may be exempt from workers' compensation coverage while working on the commercial construction project. Allows five instead of three corporate officers who are engaged in the construction industry to apply for an exemption from the requirements that they be covered by workers' compensation insurance. Contains broad caption. (S: Ketron; H: Curtiss)

Senate Status: Set for Senate Commerce, Labor & Agriculture Committee 03/08/2011.
House Status: Introduced 2/23/2011
Other Status: Set for Workers' Compensation Advisory Council 02/28/2011.

SB 1757
Ketron
[HB 1191](#)
Curtiss

Certain services exempt from workers' compensation coverage. Requires the general contractor of a commercial construction project to select the three individual construction services providers who may be exempt from workers' compensation coverage while working on the commercial construction project. Contains broad caption. (S: Ketron; H: Curtiss)

Senate Status: Referred to Senate Commerce, Labor & Agriculture.
House Status: Referred to House General Subcommittee of Consumer & Employee Affairs.
Other Status: Set for Workers' Compensation Advisory Council 02/28/2011.

SB 1785
Ketron
[HB 2047](#)
Brooks, Harry

Claims involving a drug free workplace. State Summary: As introduced, changes the evidence requirement from a preponderance of the evidence to clear and convincing evidence for rebutting the presumption that drugs or alcohol were the proximate cause of an injury from a drug test result or the refusal to submit to a drug test. - Amends TCA Title 50, Chapter 6 and Title 50, Chapter 9. (S: Ketron; H: Brooks, Harry)

Senate Status: Introduced 2/23/2011
House Status: Introduced 2/23/2011
Other Status: Set for Workers' Compensation Advisory Council 02/28/2011.

SB 1810
Johnson J.
[HB 1508](#)
Maggart

Application to local governments. Requires local governments to participate in workers' compensation. Defines "employer" under Workers' Compensation Law to include Davidson County, Shelby County, and any municipality with population over 100,000. (S: Johnson J.; H: Maggart)

Senate Status: Referred to Senate Commerce, Labor & Agriculture.
House Status: Referred to House General Subcommittee of Consumer & Employee Affairs.
Other Status: Set for Workers' Compensation Advisory Council 02/28/2011.

SB 1839
Herron
[HB 0581](#)
McDaniel

Exemption from workers' compensation for religious beliefs. Allows an employee to apply for exemption from the workers' compensation requirements if the employee is a member of a recognized religious sect and follows the religious teachings of such sect which prevents the employee from accepting benefits provided by the workers' compensation laws. Provides the employee an opportunity to revoke the exemption. Requires the exempted employee to sue under common law principles to recover for personal injury or death by accident brought against the employer. Contains broad coverage. (S: Herron; H: McDaniel)

Senate Status: Senate companion bill introduced. (S: Herron)
House Status: Referred to House General Subcommittee of Consumer & Employee Affairs.
Other Status: Set for Workers' Compensation Advisory Council 02/28/2011.

SB 1950
Southerland
[HB 2107](#)
Curtiss

Exemptions from workers' compensation requirements. Provides that the general contractor determines the three construction services providers that may be awarded exemptions from carrying workers' compensation insurance on themselves. Contains broad caption. (S: Southerland; H: Curtiss)

Senate Status: Introduced 2/23/2011
House Status: Introduced 2/23/2011
Other Status: Set for Workers' Compensation Advisory Council 02/28/2011.

SB 2019
Stewart E.
[HB 1045](#)
Matheny

Worker's compensation administrative review appeal. Grants the aggrieved party the right to appeal the administrative review of a specialist order determining whether an employee is entitled to medical care or treatment covered by workers' compensation pursuant to approved settlement. Grants de novo appellate review to the chancery court in the county where the employee resides or where the alleged injury occurred, or the county in which the employer maintains an office if the employee is from out-of-state. Requires the aggrieved party appeal within 10 days of the final order. Prohibits assessment of penalty if aggrieved party appeals final order. Contains broad caption. (S: Stewart E.; H: Matheny)

Senate Status: Introduced 2/23/2011
House Status: Referred to House General Subcommittee of Consumer & Employee Affairs.
Other Status: Set for Workers' Compensation Advisory Council 02/28/2011.

SB 2023
Stewart E.
[HB 1757](#)
Pitts

Authority of commissioner to enjoin operation of business. Extends authority of commissioner of labor and workforce development to enjoin operation of a business or to order monetary penalties to include workers' compensation premium fraud by an employer. Contains broad caption. (S: Stewart E.; H: Pitts)

Senate Status: Referred to Senate Commerce, Labor & Agriculture.
House Status: Referred to House General Subcommittee of Consumer & Employee Affairs.
Other Status: Workers' Compensation Advisory Council deferred to next meeting.