



Municipal Technical Advisory Service

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Municipal Technical Advisory Service
INSTITUTE *for* PUBLIC SERVICE

Summary of Public Acts 2024:

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WARNING

Users of this publication are cautioned that much judgement is involved in determining which Public Acts to summarize and how to summarize them. Before taking action or giving advice based upon any Public Act summarized here, one should consult the Act itself and not rely on the summary.

CODES

P.C. 771 (HB1892/SB2100) authorizes the use of third-party inspectors/examiners in lieu of local or state inspectors/examiners for certain permitted processes and requirements. The act states that a person may engage a third-party inspector/examiner to examine plans and specifications prior to construction, in lieu of examination/inspections by the local jurisdiction. If a person chooses to engage a third-party examiner/inspector, they must submit the appropriate fee and all the information required under the act. No later than 10 business days after receipt, the local jurisdiction must approve the application, provide a report of deficiencies, or request additional information necessary to ensure compliance with applicable codes. If the local jurisdiction fails to respond after 10 business days, then they must refund the application fees and the applicant may file a withdrawal of review and refile the application with the state fire marshal's office. If the reapplication is made, then the state fire marshal has 10 business days to respond. This same process also applies to locally required building construction inspections. If a person chooses to engage a third-party inspector, they must do so for all subsequent inspections for the structure.

A third-party inspector is defined as an individual registered with the state fire marshal to perform third-party inspections who is also: registered as an engineer in Tennessee, registered as an architect in Tennessee, or is certified under the laws governing the municipal and county fire prevention and building officials. A third-party examiner is defined as an individual registered with the state fire marshal to perform third-party plans examinations and who is registered as an engineer in Tennessee, registered as an architect in Tennessee, or is certified under the laws governing municipal and county fire prevention and building officials.

CODES

A third-party inspector or examiner may not conduct an inspection or examination if the individual has a conflict of interest. A local jurisdiction or state fire marshal may reject an application if it determines the inspector/examiner had a conflict of interest. A conflict of interest is defined as (1) employment or other affiliation, or financial interest in, the individual, firm or corporation engaged in the construction of the project, or (2) a relationship with a family member or other individual involved in the project, examination of plans, or inspection that could create an appearance of impropriety.

If an applicant believes that the local jurisdiction has misinterpreted the building codes or rejected the application in error, then the applicant may seek determination by the local board of appeals or similar administrative process; provided that a board of appeals or similar process provides a final decision to a court of competent jurisdiction. If there is no appeals board of similar process, then the applicant may file directly in a court of competent jurisdiction.

The above does not apply to state buildings, educational occupancies or any other occupancy requiring the inspection by the state fire marshal for initial licensure.

The act also creates the same process for third-party water resources engineers to prepare permit packages to install subsurface sewage disposal systems and to review engineering reports, plans and specifications to construct, install or modify a non-discharging treatment works or sewage system, including the collection system, treatment facility and land application components. In those cases the state department will have to meet the 10 business day requirements.

Effective October 1, 2024.



EDUCATION

P.C. 801 (HB1202/SB1325) authorizes faculty or staff to carry a concealed handgun if certain requirements are met. For a faculty or staff member to carry a handgun on school grounds the following requirements must be met:

1. The individual must possess a valid handgun carry permit issued in Tennessee;
2. There must be joint written authorization from the LEA's director of schools, the principal of the school which the person is assigned, and the appropriate chief law enforcement officer;
3. The individual must not be prohibited from purchasing, possessing or carrying a handgun under the Tennessee law or federal law, as determined by a background check;
4. The individual must pass a psychiatric evaluation by a licensed Tennessee health care provider. The requirements of the evaluation are set out in the act; and
5. The individual must complete 40 hours of basic training in school policing that is approved by the POST commission each year.

The act also states that the LEA and the law enforcement agency are immune from claims for monetary damages that arise solely from, or that are related to a faculty or staff members use of, or failure to use, a handgun; provided, that the individual is authorized to carry the handgun pursuant to the act. The faculty or staff member may also not carry the weapon openly or in stadiums, gymnasiums, or auditoriums when school-sponsored events are in progress. The faculty or staff member also may not carry the weapon in meetings regarding disciplinary matters, tenure issues or in a hospital or clinic where medical or mental health services are provided.

Effective April 26, 2024.

FINANCES

P.C. 513 (HB0284/SB0379) standardizes the thresholds for competitive sealed bids for counties, municipalities, utility districts, local education agencies, and other local governmental entities. The act standardizes sealed bids for LGEs so that they conform with the provision of TCA 12-3-1212. That code section requires that:

- An LGE having centralized purchasing authority with a full-time purchasing agent may, by resolution or ordinance of the governing body, increase the threshold over which public advertisement and sealed competitive bids are required to an amount not to exceed \$50,000 for nonemergency, nonproprietary purchases;
- An LGE having non-centralized purchasing authority may, by resolution or ordinance of the governing body, increase the threshold over which public advertisement and sealed competitive bids are required to an amount not to exceed \$25,000 for nonemergency, nonproprietary purchases; and
- At least three written quotations are required, when possible for purchases costing less than the applicable bid threshold, and purchases of like items must be aggregated.

Effective March 1, 2024.



FINANCES

P.C. 538 (HB1787/SB1846) specifies that the ratings services that grade potential investments for idle funds of local governments be nationally recognized statistical rating organizations as identified by the United States securities and exchange commission. Previously, those investments were to be rated by at least two nationally recognized rating services. The act also authorizes municipalities to invest idle funds in nonconvertible debt securities that are rated equal to or higher than bonds, notes or treasury bills of the United States. Previously those securities had to be rated in the highest category.

Effective March 7, 2024.



FINANCES

P.C. 661 (HB2547/SB2432) authorizes city, county utility districts, LEAs, or other local governmental entities to purchase gas or diesel on the open market without competitive bidding when purchasing in bulk that would exceed normal bid limits. Also authorizes purchases from department of general services contracts when available.

Effective April 9, 2024.

FINANCES

P.C. 690 (HB1880/SB2130) exempts any general obligation refunding bonds issued pursuant to TCA 9-21-911 from the reporting requirements to the comptroller, if the general obligation bonds will repay a public building authority loan and the building authority loan was used as interim financing for the general obligation refunding bonds.

Effective *April 11, 2024*.



GENERAL GOVERNMENT

P.C. 631 (HB1931/SB2572) states that a local governmental entity or official shall not adopt or enact a resolution, ordinance, or policy that prohibits or limits the ability of a law enforcement agency to conduct traffic stops based on observation of or reasonable suspicion that the operator or a passenger in a vehicle has violated a local ordinance or state or federal law. A resolution, ordinance, or policy that is adopted in violation of this section is null and void.

Effective March 28, 2024.

GENERAL GOVERNMENT

P.C. 701(HB2425/SB2422) requires notices relating to annexation or municipal zoning to be published, posted, or mailed 21 days, rather than 15 days, prior to the public hearing on the annexation or zoning. The act also requires the annexing municipality to provide notice of annexation to property owners whose property is within 200 feet of the territory being annexed and requires signs that inform viewers of the proposed annexation to be posted in and around the area being annexed. The size and location requirements for those signs are spelled out in the act.

Effective July 1, 2024.

GENERAL GOVERNMENT

P.C. 748 (HB2119/SB1983) makes changes to the laws governing eminent domain. The act establishes generally that when using eminent domain, a condemner bears the burden of proving by a preponderance of the evidence that (1) The land, real estate, premises, or other property the condemner seeks to acquire is required for a public use; (2) The condemner has a plan that reflects a reasonable schedule to complete the public use after the condemner takes ownership of the property; (3) The condemner has access to funding to complete the public use; and (4) The public use cannot be accomplished by using or acquiring other property within the vicinity of the condemned property with the consent of the owner of the other property without an unreasonable increase in cost, delay, or a reduction in the effectiveness of the property.

The act also establishes that, when a condemner approves the use of eminent domain, the property owner has a right to have a court of competent jurisdiction determine if the taking is necessary to accomplish the public use. The act does not apply to condemnations for utility or transportation projects.

Effective April 22, 2024.



GENERAL GOVERNMENT

P.C.793 (HB2114/SB2317) requires, when legal notices must be published in a newspaper of general circulation, that the notice also be published on a news and information website that has a URL, if such a website exists, that meets certain requirements. The requirements include but are not limited to:

- (1) Has been published continuously for the previous twelve-month period;
- (2) Must have content revised on a regular basis not less than three (3) times per week;
- (3) Does not serve primarily as a platform to promote the interests or opinions of a special interest group, individual, or cause;
- (4) Is principally devoted to the dissemination of local or general news with at least fifty percent (50%) of all editorial content reported being original, excluding advertisements; and
- (5) Exists and is registered pursuant to state law with the secretary of state. The news and information website must have an office of publication known to be based in the county in which the notice is required to be published and that is available and open to the public where business is transacted during usual business hours, that maintains a telephone number and email listing, and that includes in each updated publication the contact information of the news and information website.

Effective July 1, 2024.



GENERAL GOVERNMENT

P.C. 840 (HB2174/SB1945) prohibits a local government from adopting or enforcing a resolution, ordinance, policy or regulation that regulates, prohibits, or restricts the sale of food by an establishment excluded from the definition of a “food service establishment” under TCA 68-14-703(11)(E), including the location and hours of operation of the sale of food. The act amends the definition of “food service establishments” to not include any establishment whose primary business is other than food service, that may, incidentally, make infrequent casual sales of coffee or prepackaged foods, or both, for consumption on the premises or on the road and sidewalk in front of the establishment while an organized temporary event is being conducted less than one-quarter mile (1/4 mi.) from the establishment.

Effective July 1, 2023.



GENERAL GOVERNMENT

P.C. 860 (HB2368/SB2315) establishes the “Residential Infrastructure Development Act of 2024.” This act authorizes the governing body of a host municipality to create, by resolution, one or more infrastructure development districts located in whole or in part within the boundaries of such municipality.

To initiate the creation of this type of district there must be a petition filed in the office of the clerk or other officer responsible for keeping records for the governing body of the municipality required to approve the district that is signed by the developer and the owners of each parcel of property to be included in the district. The petition must include the following: (1) name of the proposed district, (2) the host municipality, (3) description of the boundaries of the district with sufficient certainty to enable owners to know if their property lies within the district, (4) each parcel in the district identified with the parcel number and the address of the owner as shown on the county records, (5) a site development plan for the district, (6) name of the developer, (7) description of the required infrastructure, (8) estimate of the infrastructure costs and the estimated total cost of the development, (9) the proposed rate of special assessment to be imposed, (10) a statement the petition meets the legal requirements, and (11) a request the district be established pursuant to the act.

GENERAL GOVERNMENT

The act requires that upon filing of the petition that the governing body of the host municipality to order a public hearing to determine if the district will be established. If the district requires more than one municipality to approve the district they may hold a joint public hearing. The hearing must be held not less than 30 days and not more than 45 days following the filing of the petition. Notice of the hearing must be posted where a member of the community may become aware of the notice as well as on a website maintained by the municipality.

The act provides that a host municipality has the authority and power to borrow money and issue bonds, notes, or other obligations for the purpose of paying infrastructure costs identified in the establishment resolution, reimbursing the developer for the prior payment of infrastructure costs, or refunding or refinancing such bonds, notes, or obligations, under and pursuant to all the procedures and requirements set forth in the Local Government Public Obligations Act of 1986.

The host municipality is authorized to levy special assessments against all properties located within that portion of the district located within the municipality. The assessment must be set out in the establishment resolution of the district. The proceeds of the assessment must be applied to the cost of all infrastructure costs and expenses of making public improvements in the district. Any excess in proceeds must be used to defeasance or prepay any bonds, notes or other obligations issued by the district. Any remaining proceeds may be retained by the municipality.

Effective May 1 , 2024



GENERAL GOVERNMENT

P.C. 877 (HB2117/SB2743) requires that as a part of a local government’s audit the executive of the political subdivision must present a written attestation to the comptroller certifying that the political subdivision has not sought or received a grant in intentional pursuit of certain policies. Those policies are “Agenda 21” adopted by the United Nations, the 2030 Agenda for Sustainable Development, the United Nations proposal to reach net zero emissions by 2030, or another international law or ancillary plan of action that contravenes the constitution of the United States or the constitution of this state.

The act states that an individual who believes the political subdivision of the state has violated the act may bring a private cause of action in a court of competent jurisdiction. The remedies that may be awarded to a prevailing plaintiff include court costs and fees, attorney’s fees, actual damages, and punitive damages.

Effective July 1, 2024.



GENERAL GOVERNMENT

P.C. 702 (HB2532/SB2428) allows a county that has a written mutual aid agreement with each municipality within the county related to the provision of fire services to fund up to 50% of the cost to provide fire services to unincorporated portions of the county using county general funds.

Effective April 11, 2024.

GENERAL GOVERNMENT

P.C. 1009 (HB1259/SB0795) enacts anti-squatter laws. Property owners or their authorized agents may request from the sheriff of the county in which the property is located to immediately remove any person unlawfully occupying a residential dwelling if certain conditions are met. Those conditions include but are not limited to: the real property was not open to the public at the time of entry, the owner has directed the person to leave, the person is not a current or former tenant pursuant to a rental agreement, the person is not an immediate family member of the owner, and there is no pending litigation related to the property between the person and the owner. The requesting owner is required to submit a certified Compliant to Remove Person Unlawfully Occupying Residential Property to the sheriff. The sheriff must verify that the requesting party is the owner of record, then without delay serve notice to immediately vacate the property. Neither the sheriff nor the owner are liable to an unlawful occupant for the damage or loss of person property resulting from actions taken under this act.

Effective July 1, 2024.



GENERAL GOVERNMENT

P.C. 1017 (HB1731/SB1692) establishes the Modernization of Towing, Immobilization and Oversight Normalization ACT. Under this act, booting is generally prohibited, but a local government may pass an ordinance to allow booting if it meets the requirements of the act. If a local government opts into the act then the local government may permit a licensed parking lot, or licensed parking lot attendant on the parking lot's behalf, to tow or boot vehicles in the licensed parking lot. An ordinance passed opting into this act must contain certain provisions, including but not limited to the following:

- (1) Require the annual licensure of the commercial parking lot owner as a licensed parking lot and the issuance of a license number to the licensed parking lot;
- (2) Specify in the annual licensure whether the licensure permits the licensed parking lot to boot, tow, or both boot and tow;
- (3) Require the annual licensure of any employee authorized by the licensed parking lot to boot or tow from the lot as a licensed parking attendant and issue a license number and photo identification from the local government to the licensed parking attendant;
- (4) Prohibit any person from booting or towing a motor vehicle on a licensed parking lot except by a licensed parking attendant licensed by the local government;
- (5) Require a licensed parking lot to maintain a phone number that is monitored by a natural person 24 hours a day, 7 days a week;
- (6) Requires specific signage at a licensed parking lot regarding the towing or boot policies; and
- (7) Prohibits a licensed parking lot from charging a vehicle immobilization fee of greater than \$75 or charging a fee to anyone who was improperly booted.

GENERAL GOVERNMENT

This act does not prohibit a local government from passing an ordinance with requirements that are stricter than the minimum requirements listed in the act. This act also does not prohibit local governments from booting a vehicle located on private property provided that a notice is placed on the driver's side window that states an immobilization device has been placed on the car, the name of the local government who booted the vehicle, the date it was booted, and the contact number to remove the boot.

The act also requires commercial parking lots to meet certain notice requirements to use license plate readers to enforce parking requirements. A commercial parking lot may also not charge a fee for non-payment unless they meet certain signage requirements and the amount of cost of parking goes unpaid for more than 72 hours.

Violations of the provisions of the act constitute a violation of the Tennessee Consumer Protections Act of 1977. Violations constitute an unfair or deceptive act and are subject to the penalties and remedies provided for the Consumer Protections Act in addition to any penalties established under this act. A person injured by a violation of the provisions related to booting and towing is entitled to a private right of action for injunctive relief and to recover actual damages, compensatory damages, punitive damages and reasonable attorney's fees.

The act also details what a police department that takes into custody an abandoned, immobile or unattended motor vehicle must do to provide notice to the owner and all lienholders. The act also allows a police department to send a pre-seizure notice by to the owner by an overnight delivery carrier to the last known address of the owner. If the pre-seizure notice is sent, then the police force does not have to comply with the notice requirements after taking the vehicle.

The act also sets out requirements for persons engaged in the business of towing vehicles. This includes requirements governing towing, storage and fees, and a prohibition on referral payments.

The department of Revenue is also required to create an electronic database by July 1, 2025, that allows a police department to input abandoned vehicle information for public notice to be made through the portal.

Effective July 1, 2024.



GENERAL GOVERNMENT

P.C. 1034 (HB2120/SB1984) removes recreational facilities, recreational purposes, or parks from the definition of “public use” as it relates to eminent domain. Local governments will no longer be able to use condemnation to acquire land for the above purposes.

Effective May 28,2024.



TAXES

P.C. 913 (HB2312/SB2172) changes the laws related to the collection of delinquent property taxes. The act allows municipal tax collectors or taxing entities to accept partial payment of delinquent property taxes. Before an entity can begin to accept partial payments, it must file a plan with the comptroller of the treasury. The act details what the plan must contain. The act requires that the partial payments be applied to delinquent taxes, statutory fees and court costs on a pro-rata basis detailed in the act. The comptroller must develop guidelines for the implementation of plans for the acceptance of partial payments.

For the creation of guidance, the act is effective May 3, 2024. The rest becomes effective January 1, 2026.

TAXES

P.C. 917 (HB2641/SB2520) creates a municipal option to reduce sales tax on food. Any city or town located in a county that has not adopted the maximum sales tax rate and who has adopted the difference may levy a tax on retail sale of food and food ingredients at a rate lower than the city tax levied for other privileges, good, and services. The city or town may also exempt food and food ingredients from their share of the sales tax. This change in tax rate must be done through ordinance and is not subject to approval of the voters.

Effective May 3, 2024.

TAXES

P.C. 1016 (HB2240/SB1676) requires municipalities levying a hotel-motel tax under general law to submit a report detailing the amount of revenue collected and how those revenues were spend on tourism or tourism development. If the Comptroller finds that a municipality has spend funds derived from a hotel-motel tax for purposes not related to the promotion of tourism or tourism development, the municipality shall appropriate an equal amount of general funds to be spent on those purposes.

Effective May 28, 2024.



OPEN MEETINGS/RECORDS

P.C. 710 (HB2934/SB2741) Local legislative bodies must make agendas available 48 hours in advance of their regular meetings. This requirement previously applied to all meetings. The act also adds state governing bodies to this requirement. The act does not make any change to the ability to discuss things that are not on the agenda as long as it is not done to circumvent the spirit of the requirement.

Effective April 11, 2024.



OPEN MEETINGS/RECORDS

P.C. 1030 (HB2176/SB1963) allows the payment of attorney's fees for violations of the open meetings laws. Courts are authorized to award reasonable court costs and attorney's fees to a petitioner for successfully proving that a governing body knowingly and willfully violated the public meetings laws. A court may consider guidance provided by the open records counsel as proof of willfulness.

Effective May 28, 2024.



UTILITIES

P.C. 628 (HB2286/SB2260) makes changes to the Underground Utility Damage Prevention Act. The act changes the types of notice that are acceptable for intent to excavate or demolish from email notice to electronic notice. An excavator can also submit a notice of emergency excavation that provides for a response time longer than 2 hours but less than 72 hours. The act also removes the notice exemption for any person responsible for restoration of services or ameliorate an imminent danger to life, health or property. The act also make changes to the penalties under the act.

Effective July 1, 2024.



UTILITIES

P.C.662 (HB2300/SB2497) Utilities do not have to repair more than 200% of surface area disturbed. This states that a city shall not require the repair of pavement or sidewalk in excess of 200% of the surface area disturbed during the inspection, installation, or connection to such pipes or natural gas mains or conductors.

Effective April 17, 2024.

UTILITIES

P.C. 814 (HB2541/SB2424) authorizes municipalities to enter into energy sitting agreements. Municipalities may enter into an agreement with a developer of energy infrastructure improvements for one or more energy projects in the municipality if it is in the best interest of the municipality. This agreement may include reductions in setbacks, vegetative buffers, or other visual screening requirements that would otherwise be imposed. The agreement may also authorize the sitting of the project in areas zoned for agricultural purposes. A vested property right is established upon the approval of the sitting agreement. During vesting period of the property right the development standards that are in effect on the date of approval of the agreement, including any modifications remain in effect. The length of the vesting period depends on if a final development plan is required by the agreement with the maximum being 10 years.

Effective June 1, 2024.

CRIMINAL LAW/ LAW ENFORCEMENT

P.C. 602 (HB1977/SB1864) allows all POST certified law enforcement officers to detain person based on a reasonable belief that the person's motor vehicle does not comply with state window tinting laws. Previously, only full-time, salaried police officers had this power.

Effective March 27, 2024.



CRIMINAL LAW/ LAW ENFORCEMENT

P.C. 797 (HB2590/SB1887) makes bullying and cyber-bullying an offense subject to the same penalties as harassment. Bullying is defined as an act committed by a student that substantially interferes with another student's educational benefits, opportunities, or performance; and: (1) if the act takes place on school grounds, at any school activity, on school provided equipment or transportation, or at a school bus stop and has the effect of physically harming the student or their property, or knowingly placing the student in reasonable fear of physical harm or damage to their property; or (2) if it takes place off school property or outside a school activity, but is directed specifically at another student and has the effect of creating a substantial disruption to the educational environment. Cyber-bullying is defined as bullying undertaken through the use of electronic devices. The act also requires that any law enforcement officer who has knowledge that a minor is being bullied/cyber-bullied to make an official report and provide notice to the minor's legal custodian. A violation can be punishable by a Class A misdemeanor and up to a Class E felony. It is considered a delinquent act if committed by a minor.

Effective July 1, 2024.



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CRIMINAL LAW/ LAW ENFORCEMENT

P.C. 805 (HB2611/SB1802) creates the District Attorney General Second Opinion Act. The act allows in cases involving human trafficking, organized crime, or an offense classified as a Class A or Class B felony, in which a district attorney declines to prosecute, a local law enforcement agency may report and submit evidence of the offense to the district attorney general for another district, in which jurisdiction and venue over the offense are proper, for consideration and action.

Effective April 29,2024



CRIMINAL LAW/ LAW ENFORCEMENT

P.C. 892 (HB2386/SB2599) makes changes to the laws governing search warrants. The act authorizes law enforcement to execute a search warrant for medical records or a test to determine the alcohol or drug content, or both of a person's blood anywhere in the state. The act makes other changes related to the collection, admission and use of evidence related to blood alcohol and drugs.

The act also states that all magistrates have statewide jurisdiction to issue search warrants in any district, county or jurisdiction, if at least one element of the alleged crime on which the search warrant is based is committed within the jurisdiction of the magistrate. A magistrate is defined as the judges of the supreme, appellate, chancery, circuit, general sessions and juvenile courts throughout the state, judicial commissioners and county mayors in those officers' respective counties, and the presiding officer of any municipal or city court within the limit of their respective corporations.

Effective May 1, 2024.



CRIMINAL LAW/ LAW ENFORCEMENT

P.C. 1000 (HB2814/SB2710) increases the penalty for drag racing from a Class A misdemeanor to a Class E felony.

Effective July 1, 2024.

CRIMINAL LAW/ LAW ENFORCEMENT

P.C. 1062 (HB2035/SB2763) preempts the field of extreme risk protection orders. This act preempts any extreme risk protection orders to the exclusion of all county, town, city, municipality, or metropolitan government ordinances, resolutions, enactments, or regulations. Local governments are also prohibited from accepting grants or other sources of funding for the purpose of enacting an extreme risk protection order. Under this act, an extreme risk protection order is defined as an order with the primary purpose of reducing the risk of firearm-related death or injury by doing one or more of the following: (1) prohibiting a named individual from having, controlling, owning, possessing or receiving a firearm, or (2) removing a firearm from or requiring the surrender of a firearm by a named individual. This definition does not apply to an order of protection issued under the state's domestic relations laws.

Effective May 28, 2024.



QUESTIONS?

LINKS

Public Acts Presentation:

<https://youtu.be/HaOp1bilZHw>

Public Acts Summary:

