STATE OF TENNESSEE

PUBLIC CHAPTER NO. 363

SENATE BILL NO. 1548

By Burchett, Johnson

Substituted for: House Bill No. 1512

By Tindell, Niceley, McDaniel, Faulkner, Todd, Ferguson, Fraley

AN ACT to amend Tennessee Code Annotated, Title 62, Chapter 21, Part 1, relative to termite service agreements.

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

SECTION 1. Tennessee Code Annotated, Section 62-21-102, is amended by adding the following as new, appropriately designated subdivisions:

( ) "Prevention" means the prevention of conditions conducive to termite harborage and/or activity by advice of a licensed operator.

( ) "Termite warranty without initial chemical treatment" means any agreement entered into between a chartered commercial pest control operator and any other person or entity for the purpose of termite prevention or control for any structure or building, regardless of any initial chemical application for prevention or control to the property.

SECTION 2. Tennessee Code Annotated, Section 62-21-114, is amended by deleting subsection (b) in its entirety and by adding the following language as a new subsection (b):

(b)(1) No person or business entity may enter into an agreement to provide services for termite prevention, control or a termite warranty without initial treatment unless properly chartered as a commercial pest control operator pursuant to § 62-21-103.

(2)(A) Notwithstanding any provision of this chapter or any other law to the contrary, a chartered commercial pest control operator may enter into an agreement to provide ongoing services for a termite warranty without initial treatment for any structure or building regardless of any initial chemical application for prevention or control of termites of any such structure or building.

(B) Any agreement for a termite warranty without initial treatment shall clearly state in one-half inch (½") high letters on the front of the agreement if a damage repair guarantee is not offered. A violation of this subdivision (b)(2)(B) constitutes a

violation of the Tennessee Consumer Protection Act, compiled in Title 47, Chapter 18, Part 1.

(3) Prior to entering into a termite warranty without initial treatment agreement with any person or entity under subsection (b), the chartered commercial pest control operator must conduct an initial inspection and issue an initial report that includes:

(A) A graph or diagram of the property where any visible damage or infestation, if any, is located;

(B) A written description of the type of damage, if any; and

(C) The date of the initial inspection report.

(4) The commissioner shall, subject to the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5, promulgate all necessary rules and regulations, consistent with this chapter. Rules promulgated to implement this act shall regulate the commercial pest control industry and provide for the protection of the consumer.

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

PASSED: May 21, 2009

RON RAMSEY
SPEAKER OF THE SENATE

KENT WILLIAMS, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 5th day of June 2009

PHIL BREDESEN, GOVERNOR