



State of Tennessee
PUBLIC CHAPTER NO. 1063

SENATE BILL NO. 1493

By Marrero

Substituted for: House Bill No. 1916

By Mike Turner, Stewart

AN ACT to amend Tennessee Code Annotated, Title 57, relative to alcoholic beverages.

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

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

57-1-213.

(a) Notwithstanding any other law to the contrary, the Alcoholic Beverage Commission may assess the actual and reasonable costs of any hearing held in accordance with the contested case provisions of the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5, Part 3, and in which sanctions of any kind are imposed on any person or entity required to be licensed, permitted, registered or otherwise authorized by the commission. These costs may include, but are not limited to, those incurred and 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.

(b) The commissioner shall promulgate rules and regulations establishing a schedule of costs that may be assessed pursuant to this section. All such rules and regulations shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5.

(c)(1) All costs assessed pursuant to this section shall become final thirty (30) days after the date a final order of assessment is served.

(2) If the individual or entity disciplined fails to pay an assessment when it becomes final, the commission may apply to the appropriate court for a judgment and seek execution of the judgment.

(3) Jurisdiction for recovery of the costs shall be in the chancery court of Davidson County.

SECTION 2. Tennessee Code Annotated, Section 57-3-704, is amended by deleting subdivisions (1) and (2) in their entirety and by substituting instead the following language:

(1) Other than for a crime described in subdivision (2), the applicant has not been convicted of a felony within the previous four (4) years;

(2)(A) The applicant has not been convicted of any crime relating to alcoholic beverages and beer, other than related to the sale of such beverages as provided in subdivision (B), Schedules 1 and 2 controlled substances or any sex-related crime or embezzlement within the previous eight (8) years; or

(B)(i) Except as provided in subdivision (ii), the applicant has not been convicted of any crime relating to the sale of alcoholic beverages or beer occurring within eight (8) years prior to the date of the application.

(ii) If an applicant is charged with any crime described under subdivision (2)(B) as a first offense and the applicant is placed on judicial diversion, the applicant may be issued a server permit upon successful completion of the judicial diversion.

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

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PASSED: May 1, 2012



RON RAMSEY
SPEAKER OF THE SENATE



BETH HARWELL, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 21st day of May 2012



BILL HASLAM, GOVERNOR