State of Tennessee

PUBLIC CHAPTER NO. 308

SENATE BILL NO. 521

By Bowling, Tracy

Substituted for: House Bill No. 325

By Madam Speaker Harwell, Joe Carr

AN ACT to amend Tennessee Code Annotated, Title 4; Title 54; Title 55 and Section 58-1-601, relative to transportation.

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

SECTION 1. Tennessee Code Annotated, Section 54-1-133, is amended by deleting the language "The department" and by substituting instead the language "The department, subject to appropriation by the general assembly,".

SECTION 2. Tennessee Code Annotated, Section 54-5-1003, is amended by deleting the section in its entirety.

SECTION 3. Tennessee Code Annotated, Section 54-21-110, is amended by deleting the section in its entirety and by substituting instead the following:

54-21-110. No person shall affix any outdoor advertising on any sign erected under the authority of the department, or on any right-of-way of any state highway.

SECTION 4. Tennessee Code Annotated, Section 54-1-401, is amended by deleting the language "to be known as "Don't Trash Tennessee"".

SECTION 5. Tennessee Code Annotated, Section 54-1-402, is amended by deleting the language ""Don't Trash Tennessee"" and by substituting instead the language "litter prevention and control".

SECTION 6. Tennessee Code Annotated, Section 54-1-205, is amended by deleting the language "the state of Tennessee" and by substituting instead the language "this state when such employee is directly interested as defined in § 12-4-101 in such material or product".

SECTION 7. Tennessee Code Annotated, Section 54-3-113(e), is amended by deleting the subsection in its entirety and by substituting instead the following:

(e) The department shall not develop any tollway project or toll facility project that is not within the pilot program created in this section until after the general assembly has expressly authorized the department to proceed with additional tollway projects and toll facility projects.

SECTION 8. Tennessee Code Annotated, Section 54-5-207, is amended in the first sentence by deleting the word "retarded" and by substituting instead the word "delayed".

SECTION 9. Tennessee Code Annotated, Section 54-7-206, is amended by deleting the section in its entirety and by substituting instead the following:

54-7-206.

(a) Any theft by a chief administrative officer, either directly or indirectly, of county highway or road money shall be punished under § 39-14-105.

(b) If any chief administrative officer charged with the collection, safekeeping, transfer, or disbursement of money or property belonging to the county highway department uses or diverts any part of the money or property by loan, investment, or otherwise, without authority of law, or converts any part of the money or property to the chief administrative officer's own use in any way whatsoever, the chief

administrative officer commits embezzlement, and for every act, upon conviction, shall be punished as in the case of larceny, and in addition shall be required to pay to the court an amount equal to the amount embezzled. The amount shall be forwarded by the clerk to the county highway department.

SECTION 10. Tennessee Code Annotated, Section 54-11-206, is amended by deleting the section in its entirety.

SECTION 11. Tennessee Code Annotated, Section 54-11-309, is amended by deleting the section in its entirety and by substituting instead the following:

54-11-309.

(a) Except as otherwise provided in subsection (b), no person shall charge as ferriage on any stream on any highway included in the state highway system or maintained in whole or part by the department of transportation more than the rate fixed as follows:

Automobile and passengers	$2.00
Person, each, on foot	.50
Truck or bus (one (1) ton capacity and under) and driver	2.00
Truck or bus (one (1) ton capacity and over) and driver	4.00
Automobile trailer	1.50
Truck trailer or bus trailer	3.00
Motorcycle and driver	2.00

(b) Upon application submitted to the department requesting a waiver of the maximum rate fixed within subsection (a), the commissioner may fix a maximum rate in excess of that fixed within subsection (a). Any maximum rate fixed by the commissioner pursuant to this subsection (b) shall be promulgated as a rule in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5. In promulgating any such rule, the commissioner shall give due consideration to:

(1) The public's need for adequate and efficient ferriage service at a reasonable and prudent cost; and

(2) The ferry operator's need of revenues sufficient to enable the operator, using honest, economical, and efficient management, to provide the ferriage services and to earn a reasonable profit.

SECTION 12. Tennessee Code Annotated, Section 54-13-101, is amended by deleting the language "toll bridges, causeways across bottoms, fish traps, milldams, ferries, public roads," and by substituting instead the language "public roads".

SECTION 13. Tennessee Code Annotated, Section 54-13-104, is amended by deleting such section in its entirety.

SECTION 14. Tennessee Code Annotated, Title 54, Chapter 13, is amended by deleting Part 2 in its entirety.

SECTION 15. Tennessee Code Annotated, Title 54, Chapter 13, is amended by deleting Part 3 in its entirety.

SECTION 16. Tennessee Code Annotated, Section 54-16-112(h), is amended by deleting the subsection in its entirety and by redesignating the remaining subsections accordingly.

SECTION 17. Tennessee Code Annotated, Section 58-1-601(b), is amended by deleting the subsection in its entirety.

SECTION 18.

(1) The Code Commission is directed to delete § 4-7-119 as obsolete.

(2) At each time when the applicable volume of Tennessee Code Annotated is replaced, the Code Commission is requested to delete the language "[Obsolete.]" with reference to sections in parts 2 and 3 of title 55, chapter 4, which have been deemed obsolete by the commission, to delete from the subdivisions of § 55-4-202 the names of license plates deemed obsolete, to delete the language "[Obsolete]" appearing immediately after such names, and to redesignate, alphabetically or numerically, the subdivisions.

SECTION 19. Tennessee Code Annotated, Section 4-3-2010(c), is amended by deleting the subsection in its entirety and by redesignating the remaining subsection (d) accordingly.

SECTION 20. Tennessee Code Annotated, Section 4-3-2305(c)(4), is amended by deleting the first sentence in its entirety and by substituting instead the following:

> The commissioner shall report in writing the progress of this program to any member of the general assembly upon request.

SECTION 21. Tennessee Code Annotated, Section 4-3-2308, is amended by deleting the section in its entirety.

SECTION 22. Tennessee Code Annotated, Title 4, Chapter 47, is amended by deleting the chapter in its entirety.

SECTION 23. Tennessee Code Annotated, Section 54-1-125, is amended by deleting the section in its entirety.

SECTION 24. Tennessee Code Annotated, Title 54, Chapter 2, Part 2, is amended by deleting the part in its entirety.

SECTION 25. Tennessee Code Annotated, Section 54-3-113(c), is amended by deleting the second sentence in its entirety.

SECTION 26. Tennessee Code Annotated, Section 54-5-133, is amended by deleting the section in its entirety and by substituting instead the following:

> 54-5-133. The commissioner shall adequately eradicate or control, or both, by chemical or other means, noxious weeds growing on state highway rights-of-way whenever areas adjacent to the rights-of-way are determined by the commissioner of agriculture, in accordance with § 43-1-106, to be row crop areas or grassland areas.

SECTION 27. Tennessee Code Annotated, Section 54-5-1105, is amended by deleting subsection (b) in its entirety.

SECTION 28. Tennessee Code Annotated, Section 54-5-1109, is amended by deleting the section in its entirety.

SECTION 29. Tennessee Code Annotated, Section 54-11-308(e), is amended by deleting the subsection in its entirety.

SECTION 30. Tennessee Code Annotated, Section 54-16-112, is amended by deleting subsections (i) and (j) in their entirety.

SECTION 31. Tennessee Code Annotated, Section 54-17-105(c), is amended by deleting the first two sentences in their entirety and by substituting instead the following:

> The commissioner of transportation shall, in accordance with the rules, regulations, policies and procedures of the state publications committee, prepare a comprehensive statewide scenic highway plan. In the preparation of this plan, the commissioner may consult as necessary with the department of environment and conservation, the department of agriculture, the department of economic and community development, the respective development districts across the state, and the Tennessee historical commission.

SECTION 32. Tennessee Code Annotated, Section 54-17-106, is amended by deleting the section in its entirety.

SECTION 33. Tennessee Code Annotated, Section 54-17-107(d), is amended by deleting the subsection in its entirety.

SECTION 34. Tennessee Code Annotated, Title 54, Chapter 8, is amended by deleting the chapter in its entirety.

SECTION 35. Tennessee Code Annotated, Section 54-10-103(a), is amended by deleting the language "at a January session".

SECTION 36. Tennessee Code Annotated, Section 54-10-103(b), is amended by deleting the language "the previous year" and by substituting instead the language "previously".

SECTION 37. Tennessee Code Annotated, Title 54, Chapter 10, Part 1, is amended by deleting Sections 54-10-108, 54-10-109 and 54-10-110 in their entirety.

SECTION 38. Tennessee Code Annotated, Section 55-12-102, is amended by deleting subdivision (12) in its entirety and by substituting instead the following:

(12) "Proof of financial responsibility" or "proof of financial security" means:

(A)(i) If proof is required after December 31, 1989, but prior to January 1, 2009, such proof means:

(*a*) A written proof of liability insurance coverage provided by a single limit policy with a limit of not less than sixty thousand dollars ($60,000) applicable to one (1) accident;

(*b*) A split-limit policy with a limit of not less than twenty-five thousand dollars ($25,000) for bodily injury to or death of one (1) person, not less than fifty thousand dollars ($50,000) for bodily injury to or death of two (2) or more persons in any one (1) accident, and not less than ten thousand dollars ($10,000) for damage to property in any one (1) accident;

(*c*) A deposit of cash with the commissioner in the amount of sixty thousand dollars ($60,000); or

(*d*) The execution and filing of a bond with the commissioner in the amount of sixty thousand dollars ($60,000).

(ii) An insured holding a policy that complies with the insurance requirements of the financial responsibility law on December 31, 1989, will not be deemed to be in violation of the law if the policy meets the limits specified in subdivisions (12)(A)(i)(*a*)-(*d*) as of the first renewal after that date;

(B)(i) If proof is required after December 31, 2008, proof means:

(*a*) A written proof of liability insurance coverage provided by a single limit policy with a limit of not less than sixty thousand dollars ($60,000) applicable to one (1) accident;

(*b*) A split-limit policy with a limit of not less than twenty-five thousand dollars ($25,000) for bodily injury to or death of one (1) person, not less than fifty thousand dollars ($50,000) for bodily injury to or death of two (2) or more persons in any one (1) accident, and not less than fifteen thousand dollars ($15,000) for damage to property in any one (1) accident;

(*c*) A deposit of cash with the commissioner in the amount of sixty thousand dollars ($60,000); or

(*d*) The execution and filing of a bond with the commissioner in the amount of sixty thousand dollars ($60,000).

(ii) An insured holding a policy that complies with the insurance requirements of the financial responsibility law on December 31, 2008, will not be deemed to be in violation of the law if the policy meets the limits specified in subdivision (12)(B)(i)(*a*)-(*d*) as of the first renewal after December 31, 2008;

SECTION 39. Tennessee Code Annotated, Section 55-9-408, is amended by deleting the section in its entirety and by substituting instead the following:

55-9-408. Headlights shall be deemed to comply with the provisions of § 55-9-406, prohibiting glaring and dazzling lights, if the headlights are of a type customarily employed by manufacturers of automobiles and in addition are equipped with some anti-glare device; provided, that the anti-glare device, or any combination thereof, when properly adjusted, shall prevent any of the bright portions of the headlight beams from rising above a horizontal plane passing through the lamp centers parallel to a level road upon which the loaded vehicle stands and in no case higher than forty-two inches (42"), seventy-five feet (75') ahead of the vehicle.

SECTION 40. Tennessee Code Annotated, Section 55-9-409(a), is amended by deleting the subsection in its entirety and by substituting instead the following:

(a) Any member of the highway patrol having reasonable ground to believe that any headlamp or auxiliary driving or fog lamp or any device upon a vehicle emits a glaring light as defined in §§ 55-9-406 and 55-9-408, or otherwise fails to comply with the requirements of this part, may require the driver of the vehicle to stop and submit the lamp to an inspection or test. The officer making the inspection shall require the driver of the vehicle to remove the illegal lamp within twenty-four (24) hours, and may arrest the driver and give the driver a notice to appear, and may further require the driver or the owner of the vehicle to produce in court satisfactory evidence of the removal of the illegal lamp.

SECTION 41. Tennessee Code Annotated, Section 55-9-409(b), is amended by deleting the language "of a type that has been approved by the department".

SECTION 42. Tennessee Code Annotated, Section 55-9-411, is amended by deleting the section in its entirety.

SECTION 43. Tennessee Code Annotated, Section 55-9-412, is amended by deleting the section in its entirety.

SECTION 44. Tennessee Code Annotated, Section 55-10-203(a)(2), is amended by deleting the language "involuntary manslaughter" and by substituting instead the language "criminally negligent homicide".

SECTION 45. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 46. This act shall take effect July 1, 2013, the public welfare requiring it.

SENATE BILL NO. 521

PASSED: April 15, 2013

RON RAMSEY
SPEAKER OF THE SENATE

BETH HARWELL, *SPEAKER*
HOUSE OF REPRESENTATIVES

APPROVED this 29th **day of** April **2013**

BILL HASLAM, *GOVERNOR*