



State of Tennessee

PUBLIC CHAPTER NO. 381

SENATE BILL NO. 79

By Norris, Southerland

Substituted for: House Bill No. 69

By McCormick, Kevin Brooks, Ragan

AN ACT to amend Tennessee Code Annotated, Title 62, Chapter 32, Part 1; Title 62, Chapter 32, Part 2 and Title 68, Chapter 135, Part 1, relative to civil penalties.

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

SECTION 1. Tennessee Code Annotated, Section 62-32-111, is amended by deleting the section in its entirety and substituting instead the following language:

The state fire marshal may refuse to issue, renew, suspend, or revoke a certificate of registration or license under this part, if the state fire marshal finds that the applicant, registrant, or licensee has violated this part or any rule lawfully promulgated under this part, including, but not limited to:

- (1) Obtaining or attempting to obtain a certificate of registration or license by fraudulent misrepresentation; or
- (2) Willfully or consistently failing to comply with any applicable code or standard relating to the sale, installation, or service of fire protection sprinkler systems.

SECTION 2. Tennessee Code Annotated, Section 62-32-117, is amended by designating the existing language as subsection (a) and by adding the following language as a new subsection:

(b) In addition to the penalty set forth in subsection (a):

- (1) The state fire marshal shall, upon receipt of the first violation, send a written notice of violation which shall include the possible actions that may be taken in response to any second or subsequent violation.
- (2) The state fire marshal may issue the following civil penalties for second or subsequent violations of this part or the rules lawfully promulgated under this part:
 - (A) For a second violation, a civil penalty not to exceed one hundred dollars (\$100);
 - (B) For a third violation, a civil penalty not to exceed five hundred dollars (\$500); and
 - (C) For a fourth or subsequent violation, a civil penalty not to exceed one thousand dollars (\$1,000).

SECTION 3. Tennessee Code Annotated, Section 62-32-208, is amended by deleting the section in its entirety and substituting instead the following language:

The commissioner may refuse to issue, renew, suspend, or revoke a certificate of registration, license, or permit, if the commissioner finds that the applicant, registrant, licensee, or permit holder has violated this part or any rule lawfully promulgated under this part.

SECTION 4. Tennessee Code Annotated, Section 62-32-215, is amended by designating the existing language as subsection (a) and by adding the following language as a new subsection:

(b) In addition to the penalty set forth in subsection (a):

(1) The commissioner shall, upon receipt of the first violation, send a written notice of violation which shall include the possible actions that may be taken in response to any second or subsequent violation.

(2) The commissioner may issue the following civil penalties for second or subsequent violations of this part or the rules lawfully promulgated under this part:

(A) For a second violation, a civil penalty not to exceed one hundred dollars (\$100);

(B) For a third violation, a civil penalty not to exceed five hundred dollars (\$500); and

(C) For a fourth or subsequent violation, a civil penalty not to exceed one thousand dollars (\$1,000).

SECTION 5. Tennessee Code Annotated, Section 68-135-106, is amended by deleting the section in its entirety and substituting instead the following language:

(a) The state fire marshal may refuse to issue, renew, suspend, or revoke a certificate of registration, license, or permit, if the state fire marshal finds that the applicant, registrant, licensee, or permit holder has violated this part or any rule relating to liquefied petroleum gas promulgated by the state fire marshal under this part or any other law.

(b) The Uniform Administrative Procedures Act, compiled in title 4, chapter 5, governs all matters and procedures respecting the hearing and judicial review of any contested case arising under this part.

SECTION 6. Tennessee Code Annotated, Section 68-135-110, is amended by designating the existing language as subsection (a) and by adding the following language as new subsections:

(b) In addition to the penalty set forth in subsection (a):

(1) The state fire marshal shall, upon receipt of the first violation, send a written notice of violation which shall include the possible actions that may be taken in response to any second or subsequent violation.

(2) The state fire marshal may issue the following civil penalties for second or subsequent violations of this part or the rules lawfully promulgated under this part:

(A) For a second violation, a civil penalty not to exceed one hundred dollars (\$100);

(B) For a third violation, a civil penalty not to exceed five hundred dollars (\$500); and

(C) For a fourth or subsequent violation, a civil penalty not to exceed one thousand dollars (\$1,000).

SECTION 7. This act shall take effect upon becoming a law, the public welfare requiring it, and shall apply to violations occurring on or after the effective date of this act.

SENATE BILL NO. 79

PASSED: April 21, 2015



RON RAMSEY
SPEAKER OF THE SENATE



BETH HARWELL, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 8th day of MAY 2015



BILL HASLAM, GOVERNOR