



State of Tennessee

PUBLIC CHAPTER NO. 1071

HOUSE BILL NO. 978

By Representative Matthew Hill

Substituted for: Senate Bill No. 822

By Senator Bailey

AN ACT to amend Tennessee Code Annotated, Title 5; Title 6; Title 43, Chapter 28, Part 3 and Title 68, Chapter 120, relative to native species lumber.

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

SECTION 1. Tennessee Code Annotated, Title 43, Chapter 28, Part 3, is amended by adding the following as a new, appropriately designated section:

(a) This section shall be known and may be cited as the "Tennessee Native Species Lumber Act."

(b) As used in this section:

(1) "Agricultural building" means any structure used primarily for agricultural purposes or for forest product production;

(2) "Commercial sawmill" means any type of sawmill that produces lumber for sale;

(3) "End user" means any person who purchases native lumber from a commercial sawmill for the purpose of residential construction;

(4) "Grader" means the owner of a commercial sawmill, or the owner's designated employee, who has visually inspected each piece of lumber; and

(5) "Native timber" means any hardwood or softwood species growing within the borders of this state.

(c)

(1) The operator of any commercial sawmill that is certified to grade lumber pursuant to subsection (d) may, when requested by the end user of the native lumber, certify in writing to the purchaser that the quality and safe working stresses of the lumber are equal to or better than No. 2 grade, in accordance with the conditions set forth in the American Softwood Standard PS 20-70 of the United States department of commerce, as amended; provided, that the minimum grade of lumber used in load-bearing wall members shall be stud grade.

(2) The certification provided pursuant to subdivision (c)(1) shall include:

(A) The name of the wood species;

(B) The quantity of wood certified;

(C) The location where the wood is to be used;

(D) Whether or not the wood is seasoned;

(E) The name of the commercial sawmill where the wood was cut;

(F) The name of the grader; and

(G) The date on which the wood was cut at the commercial sawmill and graded.

(3)

(A) Upon the request of the local building official, the end user shall provide written certification of the quality and safe working stresses of the native lumber provided by the commercial sawmill operator pursuant to subdivision (c)(1), as part of the building permit application.

(B) The certification provided pursuant to subdivision (c)(3)(A) shall be accepted by code officials in lieu of any grade stamp requirements.

(d)

(1) The University of Tennessee shall, through its agriculture extension service, offer a course in grading lumber to owners of commercial sawmills and the owners' designated employees. Any person who successfully completes the lumber grading course will be issued a certificate that entitles the certificate holder to grade lumber pursuant to this section. The course shall be offered biannually in each of the three (3) grand divisions of this state.

(2) The department of agriculture shall promulgate rules to implement and administer the certification program created by subdivision (b)(1), including, but not limited to, establishing a course fee in an amount sufficient to defray the cost of implementing and administering the certification program.

(e) Any person who uses the native timber harvested from and used entirely on the person's own property shall, if required, certify that the lumber meets the requirements of any building codes.

(f) No certification of native lumber shall be required in the construction of an agricultural building.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

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PASSED: April 20, 2016



BETH HARWELL, SPEAKER
HOUSE OF REPRESENTATIVES



RON RAMSEY
SPEAKER OF THE SENATE

APPROVED this 20th day of May 2016



BILL HASLAM, GOVERNOR