



State of Tennessee

PUBLIC CHAPTER NO. 745

SENATE BILL NO. 2461

By Roberts, Yager

Substituted for: House Bill No. 1799

By Faison

AN ACT to amend Tennessee Code Annotated, Title 20; Title 62 and Title 63, relative to occupational licensing.

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

SECTION 1. Tennessee Code Annotated, Section 62-1-111(a)(8), is amended by deleting the subdivision and substituting the following:

(8) Conviction of a felony or of any crime an element of which is dishonesty or fraud under the laws of the United States, of this state, or of any other state or country if the acts involved would have constituted a crime under the laws of this state. However, an action taken under this subdivision (a)(8) shall be subject to the applicable provisions of the Fresh Start Act that are compiled in title 62, chapter 76, part 1;

SECTION 2. Tennessee Code Annotated, Section 62-2-308(a)(1)(G), is amended by deleting the subdivision and substituting the following:

(G) By a court of competent jurisdiction of any felony. However, an action taken under this subdivision (a)(1)(G) shall be subject to the applicable provisions of the Fresh Start Act that are compiled in title 62, chapter 76, part 1.

SECTION 3. Tennessee Code Annotated, Section 62-3-121, is amended by designating the existing language as subsection (a) and adding the following as a new subsection:

An action taken under this section shall be subject to the applicable provisions of the Fresh Start Act that are compiled in title 62, chapter 76, part 1.

SECTION 4. Tennessee Code Annotated, Section 62-4-127(b)(7), is amended by deleting the subdivision and substituting the following:

(A) Conviction of a felony, if the felony conviction occurred within three (3) years prior to the board's decision to suspend, revoke, or refuse to issue or renew the license. However, an action taken under this subdivision (b)(7)(A) shall be subject to the applicable provisions of the Fresh Start Act that are compiled in title 62, chapter 76, part 1; or

(B) Conviction of any misdemeanor involving moral turpitude, if the misdemeanor conviction occurred within one (1) year prior to the board's decision to suspend, revoke, or refuse to issue or renew the license. However, an action taken under this subdivision (b)(7)(B) shall be subject to the applicable provisions of the Fresh Start Act that are compiled in title 62, chapter 76, part 1;

SECTION 5. Tennessee Code Annotated, Section 62-5-317(a)(2), is amended by deleting the subdivision and substituting the following:

(2) The applicant for or holder of the license has been convicted of a felony or crime involving moral turpitude. However, an action taken under this subdivision (a)(2) shall be subject to the applicable provisions of the Fresh Start Act that are compiled in title 62, chapter 76, part 1;

SECTION 6. Tennessee Code Annotated, Section 62-6-306, is amended by designating the existing language as subsection (a) and adding the following as a new subsection:

An action taken under this section shall be subject to the applicable provisions of the Fresh Start Act that are compiled in title 62, chapter 76, part 1.

SECTION 7. Tennessee Code Annotated, Section 62-6-308(a)(8), is amended by deleting the subdivision and substituting the following:

(8) Committing a felony offense that bears directly on the person's fitness to practice competently, as determined by the commissioner. However, an action taken under this subdivision (a)(8) shall be subject to the applicable provisions of the Fresh Start Act that are compiled in title 62, chapter 76, part 1;

SECTION 8. Tennessee Code Annotated, Section 62-9-110, is amended by adding the following as a new subsection:

An action taken under this section shall be subject to the applicable provisions of the Fresh Start Act that are compiled in title 62, chapter 76, part 1.

SECTION 9. Tennessee Code Annotated, Section 62-11-109(c)(4), is amended by deleting the subdivision and substituting the following:

(4) Been convicted of any crime that may be grounds for denial of licensing as a locksmith or licensure as a registered employee. However, an action taken under this subdivision (c)(4) shall be subject to the applicable provisions of the Fresh Start Act that are compiled in title 62, chapter 76, part 1;

SECTION 10. Tennessee Code Annotated, Section 62-18-116(a)(1)(E), is amended by deleting the subdivision and substituting the following:

(E) Any conviction of a felony for the commission of an offense that bears directly on the person's fitness to practice competently. However, an action taken under this subdivision (a)(1)(E) shall be subject to the applicable provisions of the Fresh Start Act that are compiled in title 62, chapter 76, part 1; or

SECTION 11. Tennessee Code Annotated, Section 62-18-217(a)(1)(B), is amended by deleting the subdivision and substituting the following:

(B) A felony for the commission of an offense that bears directly on the licensee's fitness to practice competently, as determined by the commissioner. However, an action taken under this subdivision (a)(1)(B) shall be subject to the applicable provisions of the Fresh Start Act that are compiled in title 62, chapter 76, part 1; or

SECTION 12. Tennessee Code Annotated, Section 62-19-112(b)(6), is amended by deleting the subdivision and substituting the following:

(6) Being convicted in a court of competent jurisdiction of this or any other state, or of the United States, of a criminal offense involving moral turpitude or a felony. However, an action taken under this subdivision (b)(6) shall be subject to the applicable provisions of the Fresh Start Act that are compiled in title 62, chapter 76, part 1;

SECTION 13. Tennessee Code Annotated, Section 62-25-107(b)(3), is amended by deleting the subdivision and substituting the following:

(3) Conviction of or a plea of nolo contendere to a felony or misdemeanor, if the commission finds that the conviction or plea renders the applicant or licensee insufficiently trustworthy to deal with the public. However, an action taken under this subdivision (b)(3) shall be subject to the applicable provisions of the Fresh Start Act that are compiled in title 62, chapter 76, part 1;

SECTION 14. Tennessee Code Annotated, Section 62-26-217(a)(4), is amended by deleting the subdivision and substituting the following:

(4) Been convicted by a court of competent jurisdiction of a felony or a misdemeanor. However, an action taken under this subdivision (a)(4) shall be subject to the applicable provisions of the Fresh Start Act that are compiled in title 62, chapter 76, part 1; or

SECTION 15. Tennessee Code Annotated, Section 62-27-108, is amended by adding the following as a new subsection:

An action taken under this section shall be subject to the applicable provisions of the Fresh Start Act that are compiled in title 62, chapter 76, part 1.

SECTION 16. Tennessee Code Annotated, Section 62-27-117(5), is amended by deleting the subdivision and substituting the following:

(5) If the holder of any license has been adjudged guilty of the commission of any felony or has been adjudged guilty of the commission of any misdemeanor involving moral turpitude. However, an action taken under this subdivision (5) shall be subject to the applicable provisions of the Fresh Start Act that are compiled in title 62, chapter 76, part 1;

SECTION 17. Tennessee Code Annotated, Section 62-32-319(b)(4), is amended by deleting the subdivision and substituting the following:

(4) Been convicted of any crime indicating lack of good moral character. However, an action taken under this subdivision (b)(4) shall be subject to the applicable provisions of the Fresh Start Act that are compiled in title 62, chapter 76, part 1;

SECTION 18. Tennessee Code Annotated, Section 62-35-130(a)(4), is amended by deleting the subdivision and substituting the following:

(4) Been convicted by a court of competent jurisdiction of any felony or of a misdemeanor. However, an action taken under this subdivision (a)(4) shall be subject to the applicable provisions of the Fresh Start Act that are compiled in title 62, chapter 76, part 1;

SECTION 19. Tennessee Code Annotated, Section 62-36-119(a)(1)(B), is amended by deleting the subdivision and substituting the following:

(B) Any felony or any crime involving moral turpitude. However, an action taken under this subdivision (a)(1)(B) shall be subject to the applicable provisions of the Fresh Start Act that are compiled in title 62, chapter 76, part 1; or

SECTION 20. Tennessee Code Annotated, Section 62-39-326(3), is amended by deleting the subdivision and substituting the following:

(3) Conviction, including conviction based upon a plea of guilty or nolo contendere, of a crime that is substantially related to the qualifications, functions, and duties of a person developing appraisals and communicating appraisals to others or conviction of any felony. However, an action taken under this subdivision (3) shall be subject to the applicable provisions of the Fresh Start Act that are compiled in title 62, chapter 76, part 1;

SECTION 21. Tennessee Code Annotated, Section 62-43-106(b)(7)(D), is amended by deleting the subdivision and substituting the following:

(D) Been convicted of or entered a plea of nolo contendere to any felony. However, an action taken under this subdivision (b)(7)(D) shall be subject to the applicable provisions of the Fresh Start Act that are compiled in title 62, chapter 76, part 1; or

SECTION 22. Tennessee Code Annotated, Section 63-3-119, is amended by adding the following as a new subsection:

An action taken under this section shall be subject to the applicable provisions of the Fresh Start Act that are compiled in title 63, chapter 1, part 1.

SECTION 23. Tennessee Code Annotated, Section 63-3-204, is amended by adding the following as a new subsection:

An action taken under this section shall be subject to the applicable provisions of the Fresh Start Act that are compiled in title 63, chapter 1, part 1.

SECTION 24. Tennessee Code Annotated, Section 63-4-114, is amended by designating the existing language as subsection (a) and by adding the following as a new subsection:

An action taken under this section shall be subject to the applicable provisions of the Fresh Start Act that are compiled in title 63, chapter 1, part 1.

SECTION 25. Tennessee Code Annotated, Section 63-5-124(a)(6), is amended by deleting the subdivision and substituting the following:

(6) Conviction of a felony, conviction of any offense under state or federal drug laws, or conviction of any offense involving moral turpitude. However, an action taken under this subdivision (a)(6) shall be subject to the applicable provisions of the Fresh Start Act that are compiled in title 63, chapter 1, part 1;

SECTION 26. Tennessee Code Annotated, Section 63-8-120, is amended by adding the following as a new subsection:

An action taken under this section shall be subject to the applicable provisions of the Fresh Start Act that are compiled in title 63, chapter 1, part 1.

SECTION 27. Tennessee Code Annotated, Section 63-11-215, is amended by adding the following as a new subsection:

An action taken under this section shall be subject to the applicable provisions of the Fresh Start Act that are compiled in title 63, chapter 1, part 1.

SECTION 28. Tennessee Code Annotated, Section 63-11-310, is amended by adding the following as a new subsection:

An action taken under this section shall be subject to the applicable provisions of the Fresh Start Act that are compiled in title 63, chapter 1, part 1.

SECTION 29. Tennessee Code Annotated, Section 63-12-124, is amended by adding the following as a new subsection:

An action taken under this section shall be subject to the applicable provisions of the Fresh Start Act that are compiled in title 63, chapter 1, part 1.

SECTION 30. Tennessee Code Annotated, Section 63-13-209, is amended by adding the following as a new subsection:

An action taken under this section shall be subject to the applicable provisions of the Fresh Start Act that are compiled in title 63, chapter 1, part 1.

SECTION 31. Tennessee Code Annotated, Section 63-13-312, is amended by designating the existing language as subsection (a) and by adding the following as a new subsection:

An action taken under this section shall be subject to the applicable provisions of the Fresh Start Act that are compiled in title 63, chapter 1, part 1.

SECTION 32. Tennessee Code Annotated, Section 63-14-104, is amended by designating the existing language as subsection (a) and by adding the following as a new subsection:

An action taken under this section shall be subject to the applicable provisions of the Fresh Start Act that are compiled in title 63, chapter 1, part 1.

SECTION 33. Tennessee Code Annotated, Section 63-16-108, is amended by adding the following as a new subsection:

An action taken under this section shall be subject to the applicable provisions of the Fresh Start Act that are compiled in title 63, chapter 1, part 1.

SECTION 34. Tennessee Code Annotated, Section 63-17-117(c), is amended by deleting the subsection and substituting the following:

(c) A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge of a felony or of any offense involving moral turpitude is deemed to be a conviction within the meaning of this chapter. However, an action taken under this subsection (c) shall be subject to the applicable provisions of the Fresh Start Act that are compiled in title 63, chapter 1, part 1.

SECTION 35. Tennessee Code Annotated, Section 63-18-108, is amended by designating the existing language as subsection (a) and by adding the following as a new subsection:

An action taken under this section shall be subject to the applicable provisions of the Fresh Start Act that are compiled in title 63, chapter 1, part 1.

SECTION 36. Tennessee Code Annotated, Section 63-22-110, is amended by adding the following as a new subsection:

An action taken under this section shall be subject to the applicable provisions of the Fresh Start Act that are compiled in title 63, chapter 1, part 1.

SECTION 37. Tennessee Code Annotated, Section 63-23-108, is amended by adding the following as a new subsection:

An action taken under this section shall be subject to the applicable provisions of the Fresh Start Act that are compiled in title 63, chapter 1, part 1.

SECTION 38. Tennessee Code Annotated, Section 63-24-107, is amended by adding the following as a new subsection:

An action taken under this section shall be subject to the applicable provisions of the Fresh Start Act that are compiled in title 63, chapter 1, part 1.

SECTION 39. Tennessee Code Annotated, Section 63-25-110, is amended by adding the following as a new subsection:

An action taken under this section shall be subject to the applicable provisions of the Fresh Start Act that are compiled in title 63, chapter 1, part 1.

SECTION 40. Tennessee Code Annotated, Section 63-26-123, is amended by designating the existing language as subsection (a) and by adding the following as a new subsection:

An action taken under this section shall be subject to the applicable provisions of the Fresh Start Act that are compiled in title 63, chapter 1, part 1.

SECTION 41. Tennessee Code Annotated, Section 63-27-112, is amended by adding the following as a new subsection:

An action taken under this section shall be subject to the applicable provisions of the Fresh Start Act that are compiled in title 63, chapter 1, part 1.

SECTION 42. Tennessee Code Annotated, Section 63-28-117, is amended by designating the existing language as subsection (a) and by adding the following as a new subsection:

An action taken under this section shall be subject to the applicable provisions of the Fresh Start Act that are compiled in title 63, chapter 1, part 1.

SECTION 43. Tennessee Code Annotated, Section 63-30-103(c)(4), is amended by deleting the subdivision and substituting the following:

(4) A statement certifying that the applicant has not been convicted of a felony under the laws of this state or any other state for the commission of an offense that bears directly on the applicant's fitness to practice competently, as determined by the division. However, such determination shall be subject to the applicable provisions of the Fresh Start Act that are compiled in title 63, chapter 1, part 1; and

SECTION 44. Tennessee Code Annotated, Section 63-30-111, is amended by adding the following as a new subsection:

An action taken under this section shall be subject to the applicable provisions of the Fresh Start Act that are compiled in title 63, chapter 1, part 1.

SECTION 45. Tennessee Code Annotated, Section 63-31-109, is amended by designating the existing language as subsection (a) and by adding the following as a new subsection:

An action taken under this section shall be subject to the applicable provisions of the Fresh Start Act that are compiled in title 63, chapter 1, part 1.

SECTION 46. This act shall take effect July 1, 2018, the public welfare requiring it.

SENATE BILL NO. 2461

PASSED: April 2, 2018

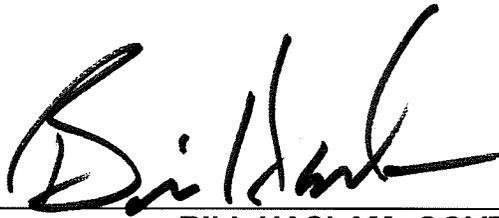


RANDY McNALLY
SPEAKER OF THE SENATE



BETH HARWELL, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 18th day of April 2018



BILL HASLAM, GOVERNOR