



# State of Tennessee

## PUBLIC CHAPTER NO. 1049

### HOUSE BILL NO. 2134

By Representatives Carter, Madam Speaker Harwell, Casada, Jernigan, Moody, Rogers, Farmer, Whitson, Mark White, Holsclaw, Towns, Hazlewood, Powell, Eldridge, Weaver

Substituted for: Senate Bill No. 2268

By Senator Yager

AN ACT to amend Tennessee Code Annotated, Title 36, relative to domestic relations.

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

SECTION 1. Tennessee Code Annotated, Section 36-5-101(f)(1), is amended by deleting the third and fourth sentences of the subdivision and substituting instead the following:

If the full amount of child support is not paid by the date when the ordered support is due, the unpaid amount that is in arrears, shall become a judgment for the unpaid amounts, and shall accrue interest pursuant to subdivision (f)(1)(B).

SECTION 2. Tennessee Code Annotated, Section 36-5-101(f)(1), is amended by redesignating the subdivision as subdivision (f)(1)(A) and adding the following subdivision (f)(1)(B):

(B)

(i) Interest on unpaid child support that is in arrears shall accrue from the date of the arrearage at the rate of twelve percent (12%) per year; provided, that interest shall no longer accrue on or after April 17, 2017, unless the court makes a written finding that interest shall continue to accrue. In making such finding, the court shall set the rate at which interest shall accrue after consideration of any factors the court deems relevant; provided, that the interest rate shall be no more than four percent (4%) per year.

(ii) On or after July 1, 2018, interest on arrearages in non-Title IV-D cases shall accrue at the rate of six percent (6%) per year; provided, however, that the court, in its discretion, may reduce the rate of interest to a lower interest rate, including no interest, as deemed appropriate under the circumstances. In making its determination, the court may consider any factors the court deems relevant.

(iii) On or after July 1, 2018, interest shall not accrue on arrearages in Title IV-D cases unless the court makes a written finding that interest shall continue to accrue. In making such finding, the court shall set the rate at which interest shall accrue after consideration of any factors the court deems relevant; provided, that the interest rate shall be no more than six percent (6%) per year.

SECTION 3. Tennessee Code Annotated, Section 36-3-105(a), is amended by deleting the subsection and substituting instead the following:

(a) It is unlawful for any county clerk or deputy clerk in this state to issue a marriage license to any person where:

(1) Either of the contracting parties is under seventeen (17) years of age;

or

(2) One (1) of the contracting parties is at least seventeen (17) years of age but less than eighteen (18) years of age and the other contracting party is at least four (4) years older than the minor contracting party.

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SECTION 4. Tennessee Code Annotated, Section 36-3-106, is amended by adding the following as new subsections:

( ) The parents, guardian, next of kin, other person having custody of the applicant, or duly authorized representative of a public or private agency having legal custody of the applicant shall join in the application either by personal appearance before the county clerk or deputy county clerk, or by submitting a sworn and notarized affidavit.

( ) The consent of the applicant's parents, guardian, next of kin, other person having custody of the applicant, or duly authorized representative of a public or private agency having legal custody of the applicant is not required if the applicant is emancipated at the time of the application.

( ) Marriage shall remove the disabilities of minority. A minor emancipated by marriage shall be considered to have all the rights and responsibilities of an adult, except for specific constitutional or statutory age requirements, including voting, the use of alcoholic beverages, and other health and safety regulations relevant to the minor because of the minor's age.

( ) A minor shall be advised of the rights and responsibilities of parties to a marriage and of emancipated minors. The minor shall be provided with a fact sheet on these rights and responsibilities to be developed by the administrative office of the courts. The fact sheet shall include referral information for legal aid agencies in this state and national hotlines for domestic violence and sexual assault.

SECTION 5. Tennessee Code Annotated, Section 36-3-107, is amended by deleting the section in its entirety.

SECTION 6. Tennessee Code Annotated, Section 36-3-111, is amended by deleting the language "36-3-107" and substituting instead the language "36-3-106".

SECTION 7. Tennessee Code Annotated, Section 36-3-306, is amended by deleting the language "36-3-107" and substituting instead the language "36-3-106".

SECTION 8. Tennessee Code Annotated, Title 36, Chapter 3, is amended by adding the following new part:

**36-3-201.**

(a) Marriage, at any age, that is entered into without valid, freely-given consent from both parties is contrary to the public policy of this state and shall be void and unenforceable in this state.

(b) A person who is forced, whether by violence, threats, or coercion, to marry another shall have a cause of action against any party who forced the person to marry. A claim under this section shall not be based on parental or familial guidance motivated by the person's best interest, which is expressed in a reasonable manner.

(c) Damages for a claim under this section shall include:

- (1) Liquidated damages of two hundred fifty thousand dollars (\$250,000);
- (2) Reasonable attorneys' fees; and
- (3) Court costs.

(d) Upon a finding of forced marriage, the court shall order the marriage in question void.

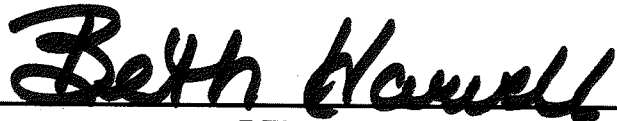
(e) Notwithstanding § 28-3-104, an action under this section must be commenced within ten (10) years after the cause of action accrues by solemnization of marriage.

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SECTION 9. Section 1 and Section 2 of this act shall take effect July 1, 2018, the public welfare requiring it. All other sections of this act shall take effect upon becoming a law, the public welfare requiring it, and shall apply only to licenses issued for applications submitted on or after such date.

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PASSED: April 25, 2018

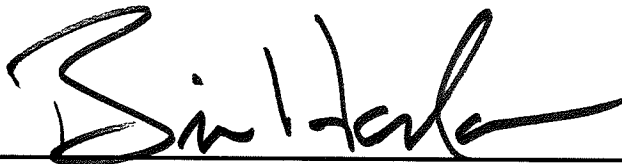


BETH HARWELL, SPEAKER  
HOUSE OF REPRESENTATIVES



RANDY MCNALLY  
SPEAKER OF THE SENATE

APPROVED this 21<sup>st</sup> day of May 2018



BILL HASLAM, GOVERNOR