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Clerk _____
Comm. Amdt. _____

Amendment No. _____

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Signature of Sponsor

AMEND Senate Bill No. 804 **House Bill No. 948***

by deleting all language after the enacting clause and substituting the following:

SECTION 1. Tennessee Code Annotated, Section 4-3-1303(2), is amended by deleting subdivision (2), and is further amended by deleting the language "four (4)" and substituting the language "three (3)".

SECTION 2. Tennessee Code Annotated, Section 47-18-103, is amended by deleting subdivision (5), adding the following as a new subdivision, and redesignating the remaining subdivisions accordingly:

"Attorney general" means the attorney general and reporter, or the attorney general and reporter's designee;

SECTION 3. Tennessee Code Annotated, Section 47-18-104(b)(25), is amended by deleting the word "division" and substituting the language "attorney general".

SECTION 4. Tennessee Code Annotated, Section 47-18-104(b)(27), is amended by deleting the language "and the director of the division".

SECTION 5. Tennessee Code Annotated, Section 47-18-106, is amended by deleting the word "division's" in subsection (b) and substituting the language "attorney general's", deleting the word "division" wherever it appears and substituting the language "attorney general", and deleting subsection (a) and substituting the following:

(a) Whenever the attorney general has reason to believe that a person is engaging in, has engaged in, or, based upon information received from another law enforcement agency, is about to engage in any unlawful act or practice under this part, or has reason to believe it to be in the public interest to conduct an investigation to

ascertain whether a person is engaging in, has engaged in, or is about to engage in such act or practice, the attorney general may:

(1) Require the person to file a statement or report in writing, under oath or otherwise, as to all the facts and circumstances concerning the alleged violation and to furnish and make available for examination all documentary material and information relevant to the subject matter of the investigation;

(2) Examine under oath any person connected to the alleged violation; and

(3) Examine any merchandise or any sample of merchandise deemed relevant to the subject matter of the investigation.

SECTION 6. Tennessee Code Annotated, Section 47-18-107, is amended by deleting the language "and reporter, at the request of the division," from subsection (a) and deleting the word "division" from subsection (d) and substituting the language "attorney general".

SECTION 7. Tennessee Code Annotated, Section 47-18-108, is amended by deleting the language "and reporter, at the request of the division," from subdivision (a)(1), deleting the word "division" wherever it appears and substituting the language "attorney general", and deleting the word "it" from subdivision (a)(2) and substituting the language "the attorney general".

SECTION 8. Tennessee Code Annotated, Section 47-18-108, is amended by adding a new subdivision (a)(3) and redesignating the remaining subdivisions accordingly:

(3) As part of any action brought pursuant to subdivision (a)(1), the attorney general shall certify that the division of consumer affairs complied with § 47-18-5002(2) unless the attorney general determines that the purposes of this part will be substantially impaired by delaying legal proceedings.

SECTION 9. Tennessee Code Annotated Section, 47-18-108, is amended by deleting subdivision (b)(3) and substituting the following:

(3) The court may also order payment to the state of a civil penalty of not more than one thousand dollars ($1,000) for each violation. In determining the amount of a civil penalty, the court may consider the defendant's participation in the complaint resolution process described in § 47-18-5002(2), and the defendant's restitution efforts prior to the initiation of an action pursuant to subdivision (a)(1), in addition to any other factors.

SECTION 10. Tennessee Code Annotated Section, 47-18-108, is amended by adding a new subdivision (b)(5):

(5) In the course of any action brought pursuant to subdivision (a)(1), the court may order the parties to engage in pre-trial mediation. If a party requests the court to order the parties to mediation, then the requesting party bears the costs associated with the mediation, unless both parties agree to bear the costs.

SECTION 11. Tennessee Code Annotated, Section 47-18-109, is amended by deleting the language "the director of the division and attorney general and reporter" in subdivision (f)(2) and substituting the language "the attorney general", and is further amended by deleting the word "division" wherever it appears and substituting the language "attorney general".

SECTION 12. Tennessee Code Annotated, Section 47-18-111(a)(2), is amended by deleting the word "division" and substituting the language "attorney general".

SECTION 13. Tennessee Code Annotated, Section 47-18-114, is amended by deleting the language "and reporter, at the request of the division,".

SECTION 14. Tennessee Code Annotated, Section 47-18-116, is amended by deleting the word "division" and substituting the language "attorney general".

SECTION 15. Tennessee Code Annotated, Section 47-18-118, is amended by deleting the word "division" wherever it appears and substituting the language "attorney general".

SECTION 16. Tennessee Code Annotated, Section 47-18-314(c), is amended by deleting the language "the division of consumer affairs within the department of commerce and insurance" and substituting the language "the attorney general".

SECTION 17. Tennessee Code Annotated Section, 47-18-317, is amended by adding the following as a new subsection:

(c) As part of any action brought pursuant to this section, the attorney general shall certify that the division of consumer affairs complied with § 47-18-5002(2) unless the attorney general determines that the purposes of this part will be substantially impaired by delaying legal proceedings.

SECTION 18. Tennessee Code Annotated, Section 47-18-318, is amended by deleting the language "the division of consumer affairs of the department of commerce and insurance" from subsection (d) and subdivision (e)(2) and substituting the language "the attorney general".

SECTION 19. Tennessee Code Annotated, Section 47-18-402, is amended by deleting subdivision (4), adding the following as a new subdivision, and redesignating the remaining subdivisions accordingly:

"Attorney general" means the attorney general and reporter, or the attorney general and reporter's designee;

SECTION 20. Tennessee Code Annotated, Section 47-18-404, is amended by deleting the word "division" wherever it appears in subdivision (b)(1) and substituting the language "attorney general" and deleting the language "and reporter" wherever it appears in subdivisions (b)(1) and (b)(4).

SECTION 21. Tennessee Code Annotated, Section 47-18-407(c), is amended by deleting the subsection and substituting the following:

(c) If the attorney general has reason to believe that any person has violated this part, then the attorney general may institute a proceeding under this chapter.

SECTION 22. Tennessee Code Annotated, Section 47-18-501, is amended by deleting subdivision (5), adding the following as a new subdivision, and redesignating the remaining subdivisions accordingly:

"Attorney general" means the attorney general and reporter, or the attorney general and reporter's designee;

SECTION 23. Tennessee Code Annotated, Section 47-18-506(3), is amended by deleting the language "director of the division" and substituting the language "attorney general".

SECTION 24. Tennessee Code Annotated, Section 47-18-603, is amended by deleting subdivision (5), adding the following as a new subdivision, and redesignating the remaining subdivisions accordingly:

"Attorney general" means the attorney general and reporter, or the attorney general and reporter's designee;

SECTION 25. Tennessee Code Annotated, Section 47-18-609(a)(5), is amended by deleting the word "division" and substituting the language "attorney general".

SECTION 26. Tennessee Code Annotated, Section 47-18-613(b), is amended by deleting the language "and reporter or by the division" wherever it appears.

SECTION 27. Tennessee Code Annotated, Section 47-18-1526(a), is amended by deleting subdivisions (1) and (2) and substituting the following:

(1) "Attorney general" means the attorney general and reporter, or the attorney general and reporter's designee;

(2) "Consumer" means an actual or prospective purchaser, lessee, or recipient of consumer goods or services;

SECTION 28. Tennessee Code Annotated, Section 47-18-1526(d), is amended by deleting the word "division" wherever it appears and substituting the language "attorney general".

SECTION 29. Tennessee Code Annotated, Section 47-18-1702, is amended by deleting subdivisions (2) and (3), adding the following as a new subdivision, and redesignating the remaining subdivisions accordingly:

"Attorney general" means the attorney general and reporter, or the attorney general and reporter's designee;

SECTION 30. Tennessee Code Annotated, Section 47-18-1706, is amended by deleting the word "division" wherever it appears and substituting the language "attorney general".

SECTION 31. Tennessee Code Annotated, Section 47-18-1707, is amended by deleting the word "director" wherever it appears and substituting the language "attorney general".

SECTION 32. Tennessee Code Annotated, Section 47-18-1802, is amended by deleting subdivision (1) and substituting the following:

(1) "Attorney general" means the attorney general and reporter, or the attorney general and reporter's designee;

SECTION 33. Tennessee Code Annotated, Section 47-18-1803, is amended by deleting the section and substituting the following:

The attorney general shall administer this part.

SECTION 34. Tennessee Code Annotated, Section 47-18-1805, is amended by deleting the word "director" and substituting the language "attorney general".

SECTION 35. Tennessee Code Annotated, Section 47-18-1806, is amended by deleting the word "director" and substituting the language "attorney general".

SECTION 36. Tennessee Code Annotated, Section 47-18-1807, is amended by deleting the word "director" wherever it appears in subsections (d) and (e) and substituting the language "attorney general".

SECTION 37. Tennessee Code Annotated, Section 47-18-2102(5), is amended by deleting the subdivision and redesignating the remaining subdivisions accordingly.

SECTION 38. Tennessee Code Annotated, Section 47-18-2104, is amended by deleting the language "division of consumer affairs" wherever it appears in subsection (a) and substituting the language "attorney general", deleting the language "director of the division" in subsection (b) and substituting the language "attorney general", and deleting the word "division" in subsections (c) and (f) and substituting the language "attorney general".

SECTION 39. Tennessee Code Annotated, Section 47-18-2105(a), is amended by deleting the first sentence and substituting the following:

Whenever the attorney general has reason to believe that a person has engaged in, is engaging in, or based upon information received from another law enforcement agency,

is about to engage in any unlawful act or practice under this part and that proceedings would be in the public interest, the attorney general may bring an action in the name of the state against the person to restrain by temporary restraining order, temporary injunction, or permanent injunction the use of such act or practice.

SECTION 40. Tennessee Code Annotated, Section 47-18-2105(a), is amended by redesignating the subsection as subdivision (a)(1) and adding the following as a new subdivision (a)(2):

(2) As part of any action brought pursuant to subdivision (a)(1), the attorney general shall certify that the division of consumer affairs complied with § 47-18-5002(2) unless the attorney general determines that the purposes of this part will be substantially impaired by delaying legal proceedings.

SECTION 41. Tennessee Code Annotated, Section 47-18-2105, is amended by deleting the word "division" wherever it appears in subsections (f) and (i) and substituting the language "attorney general", and is further amended by deleting the language "and reporter" wherever it appears in subsections (h) and (i).

SECTION 42. Tennessee Code Annotated, Section 47-18-2106(c), is amended by deleting the subsection and substituting the following:

(c) If the attorney general has reason to believe that a person has violated this part, then the attorney general may institute a proceeding under this chapter.

SECTION 43. Tennessee Code Annotated, Section 47-18-2109, is amended by deleting the language "and the Tennessee department of commerce and insurance, division of consumer affairs" and substituting the language "and the attorney general and reporter".

SECTION 44. Tennessee Code Annotated, Section 47-18-2111(m), is amended by deleting the subsection.

SECTION 45. Tennessee Code Annotated, Section 47-18-2404(a)(1)(B), is amended by deleting the subdivision.

SECTION 46. Tennessee Code Annotated, Section 47-18-5001, is amended by deleting the section and substituting the following:

(a) There is created a division of consumer affairs in the office of the attorney general and reporter.

(b) The division of consumer affairs is headed by a director of consumer affairs who is appointed by, and serves at the pleasure of, the attorney general and reporter.

SECTION 47. Tennessee Code Annotated, Section 47-18-5002, is amended by deleting the following language:

The division of consumer affairs has the power to employ such personnel as may be approved by the commissioners of commerce and insurance and finance and administration, and shall:

and substituting the following:

The attorney general and reporter has the power to employ such personnel as may be necessary and appropriate to accomplish the purposes of this chapter, and the attorney general and reporter, or the attorney general's designee, shall:

SECTION 48. Tennessee Code Annotated, Section 47-18-5002, is amended by deleting subdivisions (1)-(5), adding the following as new subdivisions (1) and (2), and redesignating the remaining subdivisions accordingly:

(1) Serve as the central coordinating agency for receiving complaints by Tennessee consumers or about Tennessee businesses regarding unfair or deceptive acts or practices;

(2) Provide copies to, or otherwise notify, the persons identified in the complaints as engaging in unfair or deceptive practices and allowing them an opportunity to respond, within a reasonable time, to the division with, if appropriate, a proposal to resolve the complaint. Upon receiving a response, the division may share the response with the complainant and may facilitate additional communication between the person

identified in the complaint and the complainant in an effort to encourage a mutually agreeable resolution;

SECTION 49. Tennessee Code Annotated, Section 47-18-5003, is amended by deleting the section and substituting the following:

The director shall develop and implement a plan to receive and disseminate on the attorney general and reporter's website reports of scams, schemes, swindles, and other frauds that target adults, as defined in § 71-6-102.

SECTION 50. Tennessee Code Annotated, Section 47-18-5202, is amended by deleting subdivision (2) and substituting the following:

(2) "Attorney general" means the attorney general and reporter, or the attorney general and reporter's designee;

SECTION 51. Tennessee Code Annotated, Section 47-18-5205(c), is amended by deleting the subsection and substituting the following:

(c) If the attorney general has reason to believe that a person has violated this part, then the attorney general may institute a proceeding under this chapter.

SECTION 52. Tennessee Code Annotated, Section 47-18-5304(b), is amended by deleting the language "division of consumer affairs in the department of commerce and insurance" and substituting the language "attorney general".

SECTION 53. Tennessee Code Annotated, Section 47-23-106(c), is amended by deleting the language "the division of consumer affairs, department of commerce and insurance" and substituting the language "the attorney general and reporter".

SECTION 54. Tennessee Code Annotated, Section 63-26-119(b), is amended by deleting the language "and report such promotions to the division of consumer affairs of the department of commerce and insurance".

SECTION 55. The division of consumer affairs in the department of commerce and insurance shall coordinate with the attorney general and reporter to transfer all documents,

information, systems, and other material deemed relevant to the operation of the division of consumer affairs of the office of the attorney general and reporter.

SECTION 56. This act shall take effect September 30, 2019, the public welfare requiring it.

Amendment No. 2

Signature of Sponsor

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Date _____
Time _____
Clerk _____
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AMEND Senate Bill No. 634* **House Bill No. 1163**

by deleting the amendatory language of subsection (a) in SECTION 1 and substituting instead the following:

(a) For purposes of this section:

(1) "Travel promoter" means a person who maintains one (1) or more business entities or business locations in this state and who sells, provides, furnishes, contracts for, or arranges travel services on behalf of another person for a fee, commission, or other valuable consideration. "Travel promoter" does not include a transportation carrier if the carrier provides, furnishes, contracts for, or arranges only transportation services that are directly provided by the transportation carrier as the substantial portion of the transportation carrier's business; and

(2) "Travel services":

(A) Means arranging or booking vacation or travel packages, travel reservations, or travel accommodations; and

(B) Does not include property or estate management services.