

HOUSE BILL 770
By Jackson

AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 5, Part 3, relative to judicial review proceedings and related civil procedures.

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

SECTION 1. Tennessee Code Annotated, Section 4-5-322 (a) (1), is amended by deleting the first sentence of the subdivision and by substituting instead the following:

(a)(1) A person who is a party of record in a contested case or is aggrieved by a final decision in a contested case is entitled to judicial review under this chapter, which shall be the only available method of judicial review.

SECTION 2. Tennessee Code Annotated, Section 4-5-322 (b) (1), is amended by adding the following between the first and second sentences of the subdivision:

Proceedings for review are instituted by filing a petition for review in the chancery court of Davidson County, unless another court is specified by statute. Such petition shall name the agency making the final decision as the defendant, but other parties of record or third parties need not be made parties. The petition for review shall serve as complete process; a summons need not be filed, issued or served. Such petition shall be filed within sixty (60) days after the entry of the agency's final order.

SECTION 3. Tennessee Code Annotated, Section 4-5-322 (b) (2), is amended by deleting the last sentence of the subdivision and by substituting instead the following:

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Copies of the petition shall be served upon the agency and the attorney general and reporter in accordance with the provisions of Rule 3 and 4 of the Tennessee Rules of Civil Procedure, except that no summons need be filed, issued or served. Copies of the petition shall be served upon all parties of record in the contested case in accordance with the provisions of Rule 5 of the Tennessee Rules of Civil Procedure within ten (10) days after the petition is filed. Any person who was a party of record in the agency proceeding may become a party of record in the court proceeding by filing a written notice of appearance within thirty (30) days after the petition is filed. The notice of appearance shall briefly describe the position the intervenor intends to take and shall be served on the agency and on all parties of record in the agency proceeding.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.