

HOUSE BILL 1650  
By Williams (Wil)

AN ACT to amend Tennessee Code Annotated, Title 55, Chapter 16 and Title 66, Chapter 28, relative to the removal of certain vehicles from rented or leased residential real property.

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

SECTION 1. Tennessee Code Annotated, Title 66, Chapter 28, Part 5, is amended by adding the following as new, appropriately designated sections:

Section 66-28-5\_\_.

(a) A landlord may have an unauthorized vehicle towed or otherwise removed from real property leased or rented by such landlord for residential purposes, upon giving seven (7) days written notice by posting the same upon the subject vehicle.

(b) A landlord may have a tenant's, occupant's, tenant's guest's, or trespasser's vehicle immediately towed or otherwise removed from such real property, without notice, if and when such person fails to comply with the landlord's permit parking policy as defined in the landlord's rules and regulations, posted signage and/or the landlord's lease agreement.

(c) A landlord may have a tenant's, occupant's, tenant's guest's, or trespasser's vehicle immediately towed or otherwise removed from such real property, without notice, for such person's failure to comply with the landlord's posted signage relative to traffic and parking restrictions, including, but not

limited to, traffic lanes, fire lanes, fire hydrants, handicapped areas, and/or the blocking of trash receptacles.

(d) The owner or lessee of a vehicle that has been removed pursuant to this section may make application to take possession of such vehicle and remove such vehicle from the place to which it has been removed or stored by paying the costs of removing such vehicle, plus the accrued towing and storage charges.

Section 66-28-5\_\_.

A landlord may have the following vehicles towed or otherwise removed from real property leased or rented by such landlord for residential purposes, upon giving a seven (7) day written notice by posting the same upon the subject vehicle:

- (1) a vehicle with one (1) or more flat or missing tires;
- (2) a vehicle unable to operate under its own power;
- (3) a vehicle with a missing or broken windshield or more than one (1) broken or missing window;
- (4) a vehicle with one (1) or more missing fenders or bumpers; or
- (5) a motor vehicle that has not been in compliance with all applicable local or state laws relative to titling, licensing, operation, and registration for more than thirty (30) days.

Section 66-28-5\_\_.

Any nuisance vehicle located on or about the premises of real property that has been leased or rented for residential purposes may be towed or otherwise removed from such premises by the landlord upon giving twenty-four (24) hours written notice by posting the same upon the subject vehicle.

SECTION 2. Tennessee Code Annotated, Section 66-28-104, is amended by adding the following as new, appropriately designated subdivisions:

( ) "Nuisance vehicle" means any vehicle that is incapable of operating under its own power and is detrimental to the health, welfare or safety of persons in the community;

( ) "Unauthorized vehicle" means a vehicle that is not registered to a tenant, an occupant or a tenant's known guest, and has remained for more than seven (7) consecutive days on real property leased or rented by a landlord for residential purposes;

( ) "Vehicle" means any device for carrying passengers, livestock, goods or equipment that moves on wheels and/or runners;

SECTION 3. Tennessee Code Annotated, Section 55-16-101, is amended by adding the following as a new, appropriately designated subsection:

( ) Nothing in this chapter shall apply to unclaimed, abandoned or illegally parked vehicles located on or about the premises of real property that has been leased or rented for residential purposes.

SECTION 4. Tennessee Code Annotated, Section 55-16-110, is amended by deleting such section in its entirety.

SECTION 5. This act shall take effect July 1, 1999, the public welfare requiring it.