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Amendment No. 1 to HB2915

**Ridgeway
Signature of Sponsor**

AMEND Senate Bill No. 2963

House Bill No. 2915*

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

SECTION 1. Tennessee Code Annotated, Section 54-5-136, is amended by deleting subsection (a) in its entirety and by substituting instead the following:

(a)

(1) The department is authorized to remove, store, sell and dispose of personal property encroachments on the rights-of-way of highways under its jurisdiction at the expense of the owner.

(A) If the encroachment presents an immediate danger to the traveling public, the department may remove the encroachment without prior notice to the owner. If the owner's name and address can be ascertained by reasonable inquiry after removal, the department shall give the owner notice, by certified mail, within ten (10) calendar days of removal.

(B) If the encroachment does not present an immediate danger to the traveling public and the owner's name and address can be ascertained by reasonable inquiry, the department shall give the owner ten (10) calendar days notice, by certified mail, of its intent to remove the encroachment at the owner's expense. Such ten (10) day period shall run from the fourth day after the mailing of the notice. Upon expiration of such period, the department may remove the encroachment.

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(2) The owner of personal property encroaching on the right-of-way of a highway under the jurisdiction of the department shall be liable for any damages caused to the department or to third parties by such encroaching property.

(3) The department does not have a duty to find or remove personal property encroachments on the rights-of-way under its jurisdiction.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.