

Consumer Affairs Subcommittee

Amendment No. 1 to HB2485

**West
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Date _____
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Comm. Amdt. _____

AMEND Senate Bill No. 2281*

House Bill No. 2485

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

SECTION 1. Tennessee Code Annotated, Section 47-18-702, is amended by adding the following appropriately designated subdivision:

(6) "Traveling sales crew worker" means an individual who is employed as a salesperson or in related support work, travels with a group of sales persons, including a supervisor; and is required to be absent overnight from his or her permanent place of residence. "Traveling sales crew worker" does not include any individual who meets the requirements above if such individual is traveling to a trade show or convention or any immediate family member of a traveling sales crew employer.

SECTION 2. Tennessee Code Annotated, Title 47, Chapter 18, Part 7, is amended by adding Sections 2-5 as appropriately designated sections.

Section 2.

(a) Prior to conducting business in a county, all traveling sales crew workers shall obtain a traveling sales crew worker permit from the county clerk of such county.

(b) The person or business entity desiring to engage in sales involving traveling sales crew workers shall furnish proof of the identity and permanent address of all sellers to the satisfaction of the county clerk, and shall provide detailed descriptions of any motor vehicle or vehicles that will be used in conducting business in the county. Proof of identity shall include the driver license number of any person who will be

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using a motor vehicle for such sales. The description shall include the state of registration of such motor vehicle(s) and the license plate number(s) assigned thereto.

(c) The seller or business entity shall also furnish to the county clerk, a report from the Tennessee bureau of investigation containing the information specified in Section 3 of this act.

(d) Such seller or business entity shall also specify the dates, place or places, and times during which business shall be conducted in the county.

(e) The county clerk shall charge a fifty dollar (\$50.00) fee for issuing a traveling sales crew worker permit, which shall be valid for the dates, place or places, and time specified. The seller shall have a copy of the permit available for presentation during the time the seller is conducting sales in such county.

SECTION 3. Prior to obtaining a permit from the county clerk, each seller or business entity shall furnish to the Tennessee bureau of investigation an application to conduct sales involving traveling sales crew workers within the state of Tennessee. The bureau shall design the applications and shall determine the information required, including, but not limited to:

- (a) The social security number of the applicant;
- (b) The complete name of the applicant;

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(c) Disclosure of information relative to convictions for violations of the law which are classified as felonies or misdemeanors; and

(d) Notification to the applicant that falsification of required information may subject the person to criminal prosecution as provided in Section 5 of this act.

If the bureau finds that an applicant has been charged with or convicted of first degree murder, second degree murder, rape, aggravated rape, aggravated robbery, especially aggravated robbery, kidnapping, aggravated kidnapping, especially aggravated kidnapping, aggravated assault, or felony reckless endangerment, the bureau shall notify the appropriate clerk's office and the applicant will be ineligible for a permit.

SECTION 4. The seller or business entity shall bear the costs for the traveling sales crew worker application.

SECTION 5. Violations of any of the provisions of this act shall be deemed to be an unfair or deceptive practice as provided in Tennessee Code Annotated, Section 47-18-104, and shall be punishable as a Class B misdemeanor pursuant to Tennessee Code Annotated, Section 47-18-104. A person or business entity operating in violation of this act may incur an additional fine of up to \$1000.

SECTION 6. Tennessee Code Annotated, Section 47-18-104, is amended by deleting the language "and" at the end of subdivision (32) and by deleting the period "." at the end of subdivision (33) and substituting instead the language "; and".

SECTION 7. Tennessee Code Annotated, Section 47-18-104, is further amended by adding the following as an appropriately designated subdivision:

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() Conducting sales involving traveling sales crew workers without a traveling sales crew worker permit, without completing a traveling sales crew worker application or falsifying information on a traveling sales crew worker application.

SECTION 8. This act shall take effect upon becoming a law, the public welfare requiring it.