

CHAPTER NO. 291

HOUSE BILL NO. 1562

By Representative Briley

Substituted for: Senate Bill No. 1725

By Senator Haynes

AN ACT to amend Tennessee Code Annotated, Title 66, Chapter 29, Part 1, relative to disposal of certain unclaimed or abandoned property.

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

SECTION 1. Tennessee Code Annotated, Section 66-29-115, is amended by adding the following new subsection:

(e)

(1) IF tangible personal property is found within or on the premises of an establishment; AND

IF the operator of such establishment, or the operator's agent, has not contracted for the storage of such property; AND

IF the operator or agent retains such property for a period of one hundred eighty (180) calendar days, or more, following the discovery of such property; AND

IF, after the expiration of such period, the operator or agent accurately describes and reports such abandoned property to the treasurer; AND

IF the treasurer does not request to receive custody of such property within forty-five (45) calendar days following receipt of such report; THEN

Notwithstanding any provision of this chapter or any other law to the contrary, the operator or agent may donate the abandoned, tangible personal property to a nonrelated entity qualifying as a charitable entity under Section 501(c)(3) of the Internal Revenue Code, or, alternatively, may sell the property and donate the proceeds to a nonrelated entity qualifying as a charitable entity under Section 501(c)(3) of the Internal Revenue Code. The owner of the property shall have no right of recovery or right of action against the operator of the establishment, or the operator's agent, after the expiration of the aforementioned forty-five (45) day period.

(2) The provisions of this subsection shall not be construed to prevent or restrict the ability of parties, including landlords and tenants, to contractually establish alternative procedures for disposal of abandoned, tangible personal property.

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

PASSED: May 14, 2001


JIMMY RAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 22nd day of May 2001


DON SUNDQUIST, GOVERNOR