

CHAPTER NO. 308

SENATE BILL NO. 965

By Ford

Substituted for: House Bill No. 1885

By Towns

AN ACT To amend Tennessee Code Annotated, Title 55, relative to motor and other vehicles.

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

SECTION 1. Tennessee Code Annotated, Section 55-8-162, is amended by deleting subsection (b) in its entirety and by substituting instead the following:

(b)(1) Notwithstanding any provision of law to the contrary, no person shall leave unsecured and unattended any truck, tractor-trailer or tractor-semitrailer combination, with a rated capacity of more than one (1) ton, containing "medical waste," as defined in rules promulgated under §§ 68-211-101 - 68-211-122, or "hazardous waste," as defined in § 68-212-104(8), in any residential area, or within one thousand (1,000) feet of any church, school or park.

(2)(A) Except as provided in subdivision (2)(B), a violation of subdivision (1) is a Class A misdemeanor punishable only by a fine of five thousand dollars (\$5,000). The fine imposed by this subdivision shall be upon the owner of the truck, tractor-trailer or tractor-semitrailer combination. Each day of continued violation constitutes a separate violation.

(B) In addition to any fine imposed upon the owner pursuant to subdivision (2)(A), the driver's driver license shall be suspended for six (6) months.

(C) Suspension of the driver's commercial driver license pursuant to subdivision (2)(B) shall not alter the driver's eligibility to maintain a Class D driver license.

(3) Nothing in this chapter shall alter the liability imposed by any other provision of law for unlawful disposal of medical waste.

(4) The provisions of this section shall only apply to persons operating any truck, tractor-trailer or tractor-semitrailer combination and transporting materials found to be hazardous under the Hazardous Materials Transportation Act, which requires the motor vehicle to be placarded.

SECTION 2. Tennessee Code Annotated, Section 55-8-162, is further amended by adding the following as new, appropriately designated subsections:

(c) The provisions of subsection (b) shall not apply to any utility.

(d) As used in subsection (c), the word "utility" means any person, municipality, county, metropolitan government, electric cooperative, telephone cooperative, board, commission, district or any entity created or authorized by public act, private act, or general law to provide electricity, natural gas, water, waste water services, telephone services, or any combination thereof, for sale to consumers in any particular service area.

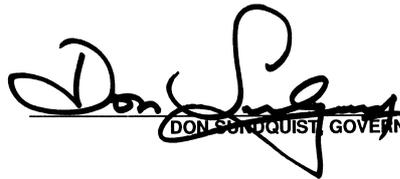
SECTION 3. This act shall take effect July 1, 2001, the public welfare requiring it.

PASSED: May 23, 2001


JOHN S. WILDER
SPEAKER OF THE SENATE


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 30th day of May 2001


DON SUNDQUIST, GOVERNOR