

HOUSE BILL 3038

By Dennis

AN ACT to amend Tennessee Code Annotated, Title 29,
relative to premises liability.

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

SECTION 1. Tennessee Code Annotated, Title 29, Chapter 34, Part 2, is amended by adding the following new section thereto:

§ 29-34-208.

(a)

(1) An owner, lessee, or occupant of land does not owe a duty of care to a trespasser on such land and is not liable for any injury to a trespasser on such land including injury caused by the owner, lessee, or occupant's negligent conduct.

(2) Notwithstanding the provisions of subdivision (a)(1), the owner, lessee, or occupant of the land shall be liable for injuries to a trespasser on such land caused by the willful or wanton misconduct of the owner, lessee, or occupant.

(b) This section does not affect liability for injury that may result from the common law doctrine of attractive nuisance.

(c) As used in this section, "trespasser" means a person who enters on the property of another without permission and without an invitation, express or implied.

SECTION 2. This act shall take effect July 1, 2010, the public welfare requiring it and shall apply to any cause of action accrued on or after the effective date of this act.