

HOUSE BILL 1358

By Dennis

AN ACT to amend Tennessee Code Annotated, Title 20,
relative to summary judgment.

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

SECTION 1. Tennessee Code Annotated, Title 20, is amended by adding the following
as a new chapter 16.

20-16-101.

In all motions for summary judgment in any civil action in Tennessee, the
moving party shall prevail on its motion for summary judgment if it:

(1) Submits affirmative evidence that negates an essential
element of the nonmoving party's claim; or

(2) Demonstrates to the court that the nonmoving party's
evidence is insufficient to establish an essential element of the
nonmoving party's claim.

SECTION 2. This act shall take effect July 1, 2011, the public welfare requiring it, and
shall apply to actions filed on or after that date.