

SENATE BILL 2140

By Kelsey

AN ACT to amend Tennessee Code Annotated, Title 1, Chapter 3, Part 1, relative to the construction of certain statutes.

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

SECTION 1. Tennessee Code Annotated, Title 1, Chapter 3, Part 1, is amended by adding the following as a new section:

Section 1-3-119.

(a) In order for legislation enacted by the general assembly to create or confer a private right of action or impose an affirmative duty of care, the legislation must contain express language creating or conferring the right, or imposing the duty.

(b) In the absence of the express language required by subsection (a), no court of this state, licensing board or administrative agency shall construe or interpret a statute to impliedly create or confer a private right of action or impose an affirmative duty of care.

(c) Nothing in this section shall be construed in any way to impair the ability of a court to:

(1) Create or confer a private right of action or impose an affirmative duty in the absence of a controlling statute if such action or duty is based on the common law; or

(2) Impute negligence or unlawful conduct to a party based upon the party's violation of a statute.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it and shall apply to any action that has not yet been commenced prior to its effective date or is commenced on or after its effective date.