

SENATE BILL 3181

By Bell

AN ACT to amend Tennessee Code Annotated, Title 4,
Chapter 5, relative to the Uniform Administrative
Procedures Act.

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

SECTION 1. Tennessee Code Annotated, Section 4-5-306(b), is amended by deleting the first sentence in its entirety and by substituting instead the following:

Upon not less than thirty (30) days' notice to all parties, the administrative judge or hearing officer may convene a hearing or convert a pre-hearing conference to a hearing, to be conducted by the administrative judge or hearing officer sitting alone, to consider argument or evidence, or both, on any question of law.

SECTION 2. Tennessee Code Annotated, Section 4-5-307, is amended by deleting subsection (a) in its entirety and by substituting instead the following:

(a) In a contested case, all parties shall be afforded an opportunity for hearing after not less than thirty (30) days' notice.

SECTION 3. Tennessee Code Annotated, Title 4, Chapter 5, Part 3, is amended by adding the following language as a new, appropriately designated section:

4-5-3___. No order of continuance on a matter that has been heard on the merits may be appealed prior to the issuance of an order permitting the appeal by the administrative judge or hearing officer who first issued the order of continuance.

SECTION 4. Tennessee Code Annotated, Section 4-5-325, is amended by adding the following language as a new, appropriately designated subsection:

() In addition to the remedies provided in this section, a person may petition for reasonable attorney's fees and costs, which may be awarded by the administrative judge or hearing officer to the party upon proper and timely petition. The award of attorney's

fees or costs shall not be reviewed or overturned by an agency, and may only be appealed to the chancery court of Davidson County.

SECTION 5. This act shall take effect upon becoming a law, the public welfare requiring it.