

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL MEMORANDUM**

**HB 1409 – SB 1732**

February 19, 2014

**SUMMARY OF ORIGINAL BILL:** Requires, after removal of a defendant through the execution of a writ or forcible entry and detainer, a defendant's personal property be placed in an appropriate area for a period up to 48 hours without disturbance by a plaintiff or local government; after such period the defendant's personal property may be discarded by the plaintiff.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

IMPACT TO COMMERCE OF ORIGINAL BILL:

NOT SIGNIFICANT

**SUMMARY OF AMENDMENT (012881):** Deletes all language after the enacting clause and rewrites the bill. The only substantive change from the original bill language removes liability from any local government as well as the plaintiff for any damage occurring to the personal property of the defendant without clear and convincing evidence that the damages resulted from a malicious act or malicious omission of the plaintiff.

**FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:**

**Unchanged from the original fiscal note.**

Assumptions for the bill as amended:

- According to the Department of Commerce & Insurance, this bill as amended will not fiscally impact the department.
- According to the Tennessee Housing Development Agency, this bill as amended will not fiscally impact the agency.
- Based on information provided by the County Technical Assistance Service and the Municipal Technical Advisory Service, this bill as amended will not fiscally impact local governments.

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**IMPACT TO COMMERCE WITH PROPOSED AMENDMENT:**

**Unchanged from the original impact to commerce statement.**

Assumption for the bill as amended:

- The provisions of the bill as amended will only impact the amount of time before a plaintiff may dispose of a defendant’s personal property. It is estimated any impact incurred by residential rental property owners or other businesses throughout the state will not be significant.

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.



Lucian D. Geise, Executive Director

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