

Senate Commerce and Labor Committee 1

Amendment No. 1 to SB1942

Johnson
Signature of Sponsor

AMEND Senate Bill No. 1942*

House Bill No. 2345

by deleting the language after the caption and substituting instead:

WHEREAS, counties have a vested interest in their economic growth and in attracting restaurants and retail stores that provide a service or product to the public; and

WHEREAS, counties benefit from the products and services provided to the public through the payment of taxes and hiring local residents, which support the counties, municipalities, and local schools; and

WHEREAS, traditional brick and mortar restaurants and retail stores suffer from the influx of transitory vendors because the vendors can forego traditional brick and mortar businesses and provide a product or service to the public in a truck, trailer, or similar vehicle-mounted unit that is mobile or capable of being moved by a licensed motor vehicle; and

WHEREAS, transitory vendors may not be subject to local regulations and do not support the counties or local government where the products and services are provided by purchasing property, paying local taxes, and hiring local residents which support the counties and local schools; and

WHEREAS, the regulation of transitory vendors is necessary for the county legislative body in order to protect the health, safety, and welfare of the public, as well as to promote the public interest by regulating the mobile vendor industry; now, therefore,

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

SECTION 1.

Amendment No. 1 to SB1942

Johnson
Signature of Sponsor

AMEND Senate Bill No. 1942*

House Bill No. 2345

(a) As used in this section, "transitory vendor" means any person who brings into temporary premises and exhibits to the public stocks of products or services for the purpose of selling or offering to sell the products or services to the public.

(b)

(1) The Tennessee Advisory Committee on Intergovernmental Relations (TACIR) is directed to perform a study of the overall effects on counties when transitory vendors, who provide a product or service to the public in a truck, trailer, or similar vehicle-mounted unit that is mobile or capable of being moved by a licensed motor vehicle to the public, enter a county without regulation from the county legislative body. TACIR shall recommend solutions that will assist such county legislative bodies in regulating transitory vendors. It is the legislative intent that this study be conducted from TACIR's existing resources.

(c) The study shall include:

(1) The economic benefits of the transitory vendor industry, specifically, whether the industry benefits or harms counties or municipalities;

(2) Examining current tax laws and recommending possible modifications to the laws that will protect counties and municipalities that do not receive local taxes from the transitory vendors when the transitory vendors provide products or services;

(3) Surveying the impact of the vendors on the existing brick and mortar restaurant, retail, and service industry;

(4) Determining the feasibility of allowing local governments to issue temporary permits to the transitory vendors to ensure compliance with local laws and regulations;

(5) How the local government can act to ensure that the products and services are lawfully provided to the public;

(6) The ability of the county legislative body to regulate the transitory vendor industry under the County Powers Act to allow local governments to issue permits and charge fees to the transitory vendors; and

(7) The amount of taxes the local counties and schools do not receive because of the transitory vendors' ability to freely move from county to county.

(d) All appropriate state agencies and departments shall provide assistance to TACIR upon the request of its executive director. TACIR shall seek input from representatives of the mobile vendor industry, existing brick and mortar businesses, the local government, counties, and municipalities in conducting such study.

(e) TACIR shall submit a report disclosing the findings of the study and recommendations, including any proposed legislation or interim reports, to the state and local government committee of the senate, the commerce and labor committee of the senate, the state government committee of the house of representatives, and the local government committee of the house of representatives no later than February 1, 2017.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring

it.