

**Senate State and Local Government Committee 1**

**Amendment No. 1 to SB0702**

**Yager  
Signature of Sponsor**

**AMEND Senate Bill No. 702**

**House Bill No. 1288\***

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 57-3-217, is amended by adding the following language as a new subsection (h):

(1) Each common carrier that contracts with a direct shipper under this section for delivery of wine into this state shall prepare and file monthly with the department of revenue a report of known direct wine shipments containing the name of the common carrier making the report, the period of time covered by the report, the name and business address of the direct shipper of the wine, the name and address of each individual who signed upon receipt of the wine, the weight of the package delivered to each individual, a unique tracking number, and the date of delivery. Reports received by the department of revenue must be made available to the public as a public record.

(2) Upon the request of the commissioner of revenue, any records supporting the report must be made available to the department of revenue within a reasonable time after the commissioner makes a written request for such records. Any records containing information relating to such reports must be retained and preserved for a period of two (2) years, unless destruction of the records prior to the end of such retention period is authorized in writing by the department of revenue. Such records must be open and available for inspection by the department of revenue upon written request. Reports must also be made available to any law enforcement agency or regulatory body of any local government in this state in which the common carrier making the report resides or does business.

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(3) Any common carrier that willfully fails to make reports in accordance with this section or that violates any rules of the department of revenue for the administration and enforcement of this section is subject to a notification of violation. If a common carrier continually fails to make reports, the common carrier may be fined in an amount not to exceed five hundred dollars (\$500) for each delivery not reported to the department of revenue. Unpaid fines assessed under this subdivision (h)(3) must be collected in accordance with title 67, chapter 1.

(4) This subsection (h) does not apply to common carriers regulated under 49 U.S.C. §§ 10101 et seq. rail trailer-on-flatcar/container-on-flatcar (TOFC/COFC) service, as defined in 49 CFR § 1090.1, or highway TOFC/COFC service provided by a rail carrier, either itself or jointly with a motor carrier, as part of continuous intermodal freight transportation, including, without limitation, rail carriers and any other TOFC/COFC transportation as defined under federal law.

SECTION 2. This act shall take effect July 1, 2017, the public welfare requiring it.