

HOUSE BILL 948

By Lamberth

AN ACT to amend Tennessee Code Annotated, Title 4;
Title 47, Chapter 18; Title 47, Chapter 23 and Title
63, relative to consumer protection.

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

SECTION 1. Tennessee Code Annotated, Section 47-18-103, is amended by deleting subdivision (5), adding the following as a new subdivision, and redesignating the existing subdivisions accordingly:

"Attorney general" means the attorney general and reporter, or the attorney general's designee;

SECTION 2. Tennessee Code Annotated, Section 47-18-104(b)(27), is amended by deleting the language "and the director of the division".

SECTION 3. Tennessee Code Annotated, Section 47-18-106, is amended by deleting the word "division" wherever it appears and substituting the language "attorney general", deleting the word "division's" in subsection (b) and substituting the language "attorney general's", and deleting subsection (a) and substituting the following:

(a) Whenever the attorney general has reason to believe that a person is engaging in, has engaged in, or, based upon information received from another law enforcement agency, is about to engage in any act or practice declared to be unlawful by this part, or has reason to believe it to be in the public interest to conduct an investigation to ascertain whether any person is engaging in, has engaged in, or is about to engage in such act or practice, the attorney general may:

(1) Require any person to file a statement or report in writing, under oath or otherwise, as to all the facts and circumstances concerning the alleged

violation and to furnish and make available for examination whatever documentary material and information are relevant to the subject matter of the investigations;

(2) Examine under oath any person in connection with the alleged violation; and

(3) Examine any merchandise or any sample of merchandise deemed relevant to the subject matter of the investigation.

SECTION 4. Tennessee Code Annotated, Section 47-18-107, is amended by deleting the language "and reporter, at the request of the division," from subsection (a), and deleting the word "division" from subsection (d) and substituting the language "attorney general".

SECTION 5. Tennessee Code Annotated, Section 47-18-108, is amended by deleting the word "division" wherever it appears and substituting the language "attorney general", deleting the language "and reporter, at the request of the division," from subsection (a), and deleting the word "it" from subsection (a)(2) and substituting the language "the attorney general".

SECTION 6. Tennessee Code Annotated, Section 47-18-109, is amended by deleting the word "division" wherever it appears and substituting the language "attorney general", and deleting the language "and attorney general and reporter," from subdivision (f)(2) and substituting the language "attorney general".

SECTION 7. Tennessee Code Annotated, Section 47-18-111(a)(2), is amended by deleting the word "division" and substituting the language "attorney general".

SECTION 8. Tennessee Code Annotated, Section 47-18-114, is amended by deleting the language "and reporter, at the request of the division,".

SECTION 9. Tennessee Code Annotated, Section 47-18-116, is amended by deleting the word "division" and substituting the language "attorney general".

SECTION 10. Tennessee Code Annotated, Section 47-18-118, is amended by deleting the word "division" wherever it appears and substituting the language "attorney general".

SECTION 11. Tennessee Code Annotated, Section 47-18-314(c), is amended by deleting the language "the division of consumer affairs within".

SECTION 12. Tennessee Code Annotated, Section 47-18-318, is amended by deleting the language "the division of consumer affairs of" from subsection (d) and subdivision (e)(2).

SECTION 13. Tennessee Code Annotated, Section 47-18-402, is amended by deleting subdivision (4), adding the following as a new subdivision, and redesignating the existing subdivisions accordingly:

"Attorney general" means the attorney general and reporter, or the attorney general's designee;

SECTION 14. Tennessee Code Annotated, Section 47-18-404, is amended by deleting the word "division" wherever it appears in subdivision (b)(1) and substituting the language "attorney general", and deleting the language "and reporter" wherever it appears in subdivisions (b)(1) and (b)(4).

SECTION 15. Tennessee Code Annotated, Section 47-18-407(c), is amended by deleting the subsection and substituting the following:

(c) If the attorney general has reason to believe that any person has violated this part, the attorney general may institute a proceeding under this chapter.

SECTION 16. Tennessee Code Annotated, Section 47-18-501, is amended by deleting subdivision (5), adding the following as a new subdivision, and redesignating the existing subdivisions accordingly:

"Attorney general" means the attorney general and reporter, or the attorney general's designee;

SECTION 17. Tennessee Code Annotated, Section 47-18-506(3), is amended by deleting the language "director of the division" and substituting the language "attorney general".

SECTION 18. Tennessee Code Annotated, Section 47-18-603, is amended by deleting subdivision (5), adding the following as a new subdivision, and redesignating the existing subdivisions accordingly:

"Attorney general" means the attorney general and reporter, or the attorney general's designee;

SECTION 19. Tennessee Code Annotated, Section 47-18-609(a)(5), is amended by deleting the word "division" and substituting the language "attorney general".

SECTION 20. Tennessee Code Annotated, Section 47-18-613(b), is amended by deleting the language "and reporter or by the division" wherever it appears.

SECTION 21. Tennessee Code Annotated, Section 47-18-1526(a), is amended by deleting subdivisions (1) and (2) and substituting the following:

(1) "Attorney general" means the attorney general and reporter, or the attorney general's designee;

(2) "Consumer" means an actual or prospective purchaser, lessee or recipient of consumer goods or services;

SECTION 22. Tennessee Code Annotated, Section 47-18-1526(d), is amended by deleting the word "division" wherever it appears and substituting the language "attorney general".

SECTION 23. Tennessee Code Annotated, Section 47-18-1702, is amended by deleting subdivisions (2) and (3), adding the following as a new subdivision, and redesignating the existing subdivisions accordingly:

"Attorney general" means the attorney general and reporter, or the attorney general's designee;

SECTION 24. Tennessee Code Annotated, Section 47-18-1706, is amended by deleting the word "division" wherever it appears and substituting the language "attorney general".

SECTION 25. Tennessee Code Annotated, Section 47-18-1707, is amended by deleting the word "director" wherever it appears and substituting the language "attorney general".

SECTION 26. Tennessee Code Annotated, Section 47-18-1802, is amended by deleting subdivision (1), adding the following as a new subdivision, and redesignating the existing subdivisions accordingly:

"Attorney general" means the attorney general and reporter, or the attorney general's designee;

SECTION 27. Tennessee Code Annotated, Section 47-18-1803, is amended by deleting the section and substituting the following:

The attorney general shall administer this part.

SECTION 28. Tennessee Code Annotated, Section 47-18-1805, is amended by deleting the word "director" and substituting the language "attorney general".

SECTION 29. Tennessee Code Annotated, Section 47-18-1806, is amended by deleting the word "director" and substituting the language "attorney general".

SECTION 30. Tennessee Code Annotated, Section 47-18-2102(5), is amended by deleting subdivision (5) and redesignating the existing subsections accordingly.

SECTION 31. Tennessee Code Annotated, Section 47-18-2104, is amended by deleting the language "division of consumer affairs" wherever it appears in subsection (a) and substituting the language "attorney general", deleting the language "director of the division" in subsection (b) and substituting the language "attorney general", and deleting the word "division" in subsections (c) and (f) and substituting the language "attorney general".

SECTION 32. Tennessee Code Annotated, Section 47-18-2105(a), is amended by deleting the first sentence in the subsection and substituting the following:

Whenever the attorney general has reason to believe that any person has engaged in, is engaging in, or based upon information received from another law

enforcement agency, is about to engage in any act or practice declared unlawful by this part and that proceedings would be in the public interest, the attorney general may bring an action in the name of the state against such person to restrain by temporary restraining order, temporary injunction, or permanent injunction the use of such act or practice.

SECTION 33. Tennessee Code Annotated, Section 47-18-2105, is amended by deleting the word "division" wherever it appears in subsections (f) and (i) and substituting the language "attorney general".

SECTION 34. Tennessee Code Annotated, Section 47-18-2106(c), is amended by deleting the subsection and substituting the following:

(c) If the attorney general has reason to believe that any person has violated any provision of this part, the attorney general may institute a proceeding under this chapter.

SECTION 35. Tennessee Code Annotated, Section 47-18-5001, is amended by deleting the section and substituting the following:

(a) There is hereby created in the office of the attorney general and reporter a division of consumer affairs.

(b) This division shall be headed by a director of consumer affairs who shall be appointed by, and serve at the pleasure of, the attorney general and reporter.

SECTION 36. Tennessee Code Annotated, Section 47-18-5002, is amended by deleting the following language:

The division of consumer affairs has the power to employ such personnel as may be approved by the commissioners of commerce and insurance and finance and administration, and shall:

and substituting the following:

The attorney general and reporter has the power to employ such personnel as may be necessary and appropriate to accomplish the purposes of this chapter, and the attorney general and reporter, or the attorney general's designee, shall:

SECTION 37. Tennessee Code Annotated, Section 47-18-5002, is further amended by deleting subdivisions (1)-(4) and redesignating the remaining subdivisions accordingly.

SECTION 38. Tennessee Code Annotated, Section 47-18-5003, is amended by deleting the section and substituting the following:

The director shall develop and implement a plan to receive and disseminate on the attorney general and reporter's website reports of scams, schemes, swindles, and other frauds that target adults, as the term is defined in § 71-6-102.

SECTION 39. Tennessee Code Annotated, Section 47-18-5202, is amended by deleting subdivision (2) and adding the following as a new, appropriately designated subdivision:

"Attorney general" means the attorney general and reporter, or the attorney general's designee;

SECTION 40. Tennessee Code Annotated, Section 47-18-5205(c), is amended by deleting the subsection and substituting the following:

(c) If the attorney general has reason to believe that any person has violated any provision of this part, the attorney general may institute a proceeding under this chapter.

SECTION 41. Tennessee Code Annotated, Section 47-18-5304(b), is amended by deleting the language "division of consumer affairs in the department of commerce and insurance" and substituting the language "attorney general".

SECTION 42. This act shall take effect on September 30, 2019, the public welfare requiring it.