House Transportation Subcommittee Am. #1

Amendment No._____

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Date _____
Time _____
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Comm. Amdt. _____

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Signature of Sponsor

AMEND Senate Bill No. 1783 **House Bill No. 1697***

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

SECTION 1. Tennessee Code Annotated, Section 55-4-113(a)(7)(B), is amended by deleting the subdivision and substituting instead the following:

(B) When a vehicle on which the tax has not been paid is found in operation, the owner or operator shall be required to register the vehicle and, in addition to the statutory registration taxes, shall be subject to a tax assessed at the rate of ten cents (10¢) per pound on each pound of weight for which no Tennessee tax has been previously paid;

SECTION 2. Tennessee Code Annotated, Section 55-4-113(a)(7)(C), is amended by deleting the subdivision and substituting instead the following:

(C) When a vehicle registered in some class adequate for its lawful operational weight is found in operation at a weight exceeding the limit of the license, for which the tax has been paid, the operator shall be assessed an additional tax at the rate of ten cents (10¢) per pound on each pound of weight for which no Tennessee tax has been previously paid;

SECTION 3. Tennessee Code Annotated, Section 55-4-113(a)(7)(E), is amended by deleting the subdivision and substituting instead the following:

(E) When the operator of any freight motor vehicle shall fail to load it or have it loaded in a manner and at weights conforming to the axle weight limitations set forth in this subdivision (a)(7), there shall be imposed a tax assessed on the basis of ten cents (10¢) per pound on each pound of weight that exceeds the limit on an axle or group of axles. Except, with respect to vehicles being used to transport the products identified

under § 55-7-203(b)(6), liability for the tax imposed by this subdivision (a)(7)(E) shall only begin to run commencing with the first pound that exceeds the total weight allowable for the number and type of its axles. On an overweight poundage of the axle weight limit imposed for the classification in which a freight motor vehicle is registered, the tax per pound of the overage shall be ten cents (10¢) per pound;

SECTION 4. Tennessee Code Annotated, Section 55-4-113(a)(7)(F), is amended by deleting the subdivision and substituting instead the following:

(F) When any freight motor vehicle is found in operation with a gross weight in excess of the road and bridge weights posted by the commissioner of transportation pursuant to § 55-7-205, or weight that exceeds the maximum allowable under an overweight permit issued by the commissioner, the operator of a vehicle shall be assessed a tax at the rate of ten cents (10¢) per pound for each pound of excess weight;

SECTION 5. Tennessee Code Annotated, Section 55-4-113(a)(7)(J)(i), is amended by deleting the language "five cents (5¢)" and substituting instead the language "ten cents (10¢)".

SECTION 6. Tennessee Code Annotated, Section 55-4-113(a)(7)(L), is amended by deleting the language "classification." and substituting instead the language "classification and payment of a two hundred dollar ($200) administrative fee, and no citation shall be issued for a violation of subdivision (a)(7)(C), (a)(7)(E), (a)(7)(F), or (a)(7)(J)."

SECTION 7. This act shall take effect January 1, 2019, the public welfare requiring it.

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AMEND Senate Bill No. 1759 **House Bill No. 1716***

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

SECTION 1. Tennessee Code Annotated, Title 55, Chapter 8, Part 2, is amended by adding the following as a new section:

(a) It is an offense for the operator or a passenger of a motor vehicle to smoke cigarettes, pipes, or cigars in a motor vehicle when a child who is required to be restrained in a rear-facing child safety seat, a forward-facing child safety seat, a booster seat, or a motor vehicle's safety belt pursuant to § 55-9-602 is also present in the vehicle, regardless of whether windows of the motor vehicle are down.

(b) A violation of this section is a Class C misdemeanor, subject only to imposition of a fine not to exceed fifty dollars ($50.00) and court costs not to exceed ten dollars ($10.00), including, but not limited to, any statutory fees of officers. No state or local litigation taxes shall be applicable to a case prosecuted under this section.

(c) Probable cause for a violation of this section shall be based solely upon a law enforcement officer's clear and unobstructed view of a person smoking as prohibited by this section. Violation of this section shall be considered a primary offense, and any law enforcement officer may stop a motor vehicle solely because of a violation of this section; however, a law enforcement officer shall not search or inspect a motor vehicle, its contents, the driver, or a passenger solely because of a violation of this section.

(d) A traffic citation that is based solely upon a violation of this section shall be considered a nonmoving traffic violation and no points shall be added to a driver record for the violation.

(e) The department of transportation is directed to utilize the department's permanent electronic overhead informational displays located throughout this state to provide periodic messages to the motoring public as to the provisions of this section.

SECTION 2. This act shall take effect July 1, 2018, the public welfare requiring it.

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AMEND Senate Bill No. 1882 **House Bill No. 1858***

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

SECTION 1. Notwithstanding any other provision of law to the contrary, the department of transportation is directed to erect suitable signs or affix suitable markers acknowledging each branch of the United States armed forces on the segment of State Route 62 in Knox County from the Solway Bridge eastward to such route's intersection with State Route 162 (Pellissippi Parkway), which is currently designated pursuant to Chapter 641 of the Public Acts of 2012 as the "Veterans Memorial Mile". One (1) sign or marker shall include the language "In Honor of United States Army Veterans"; one (1) sign or marker shall include the language "In Honor of United States Marine Corps Veterans"; one (1) sign or marker shall include the language "In Honor of United States Navy Veterans"; one (1) sign or marker shall include the language "In Honor of United States Air Force Veterans"; and one (1) sign or marker shall include the language "In Honor of United States Coast Guard Veterans". Representatives from each branch of the United States military may work with the department of transportation to donate money, trees, shrubs, flowers, or other installations for beautification or decorative purposes along the corridor. No such tree, shrub, flower, or other installation shall obstruct the vision of persons traveling upon or across the segment or median described in this section.

SECTION 2. The erection of such signs or markers shall be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices and within the state supplemental guidelines, as applicable.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

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AMEND Senate Bill No. 2089 **House Bill No. 2156***

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

SECTION 1. Tennessee Code Annotated, Section 54-17-114(a)(1)(A), is amended by deleting the subdivision in its entirety and substituting instead the following:

(a) That portion of Kingston Pike bearing the designation of State Highway 1 and United States Highway 11-70 in Knox County from its intersection with Concord Street and Neyland Drive in the City of Knoxville westward to the intersection of Kingston Pike with Lyons View Drive; provided, however, that the height restrictions as to property use contained in this part shall not apply in the City of Knoxville to any property fronting on Kingston Pike on the north side, from 4315 Kingston Pike to the west (Tax Parcel ID 107LA019), that is zoned commercial under the City of Knoxville zoning ordinance;

SECTION 2. Tennessee Code Annotated, Section 54-17-114(a)(1)(B), is amended by deleting the subdivision in its entirety and substituting instead the following:

(B) On or after the effective date of this act, that portion of Lyons View Drive from its intersection with Kingston Pike, westward to its intersection with Northshore Drive in Knox County; provided, however, that the height restrictions on buildings imposed by, and any other restrictions as to property use contained in, this part shall not apply in the City of Knoxville to any property fronting on Kingston Pike on the north side that is zoned commercial under the City of Knoxville zoning ordinance;

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it, and shall apply to any building permit issued on or after such date and to any construction pursuant to that permit beginning on or after such date.

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AMEND Senate Bill No. 2283* **House Bill No. 2477**

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

SECTION 1. Tennessee Code Annotated, Title 54, Chapter 1, Part 2, is amended by adding the following as a new section:

(a) A person who knowingly installs a guardrail or rail cap in a materially improper manner, resulting in the serious bodily injury or death of an operator or passenger of a motor vehicle, commits a Class A misdemeanor.

(b) The commissioner of transportation, after notice and hearing, has the authority to assess and collect a civil penalty of ten thousand dollars ($10,000) from a person who has contracted with the department to install a guardrail or rail cap and who knowingly installs the guardrail or rail cap in a materially improper manner, resulting in the serious bodily injury or death of an operator or passenger of a motor vehicle. The civil penalty may be assessed for each guardrail or rail cap installed in the same manner as the guardrail or rail cap that caused the serious bodily injury or death.

SECTION 2. This act shall take effect July 1, 2018, the public welfare requiring it.