

SENATE BILL 78

By Norris

AN ACT to amend Tennessee Code Annotated, Title 62,
Chapter 6, relative to contractors.

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

SECTION 1. Tennessee Code Annotated, Section 62-6-120(e)(1)(A), is amended by deleting the subdivision and substituting instead the following language:

(A) The director of the board, acting on behalf of the board, is authorized to issue citations against persons:

(i) Acting in the capacity of or engaging in the business of a contractor without a license in violation of § 62-6-103;

(ii) Exceeding the monetary limitation on the person's contractor's license; or

(iii) Acting in the capacity of or engaging in the business of a contractor in a classification in which the person is not licensed by the board, notwithstanding the person's licensure to perform such services in another classification.

SECTION 2. Tennessee Code Annotated, Section 62-6-120(e)(8), is amended by deleting the subdivision and substituting instead the following language:

(8) After all administrative appeals have been exhausted, the director may apply to the appropriate court for a judgment in an amount of the civil penalty, plus applicable court costs, and for an order to cease activities in violation of § 62-6-103. A certified copy of the final order of the board, hearing officer, or administrative judge or a certified copy of the unappealed citation shall constitute a sufficient showing to warrant the issuance of the judgment and order.

SECTION 3. Tennessee Code Annotated, Section 62-6-509(b), is amended by deleting the subsection and substituting instead the following language:

(b) In addition to or in lieu of any lawful action taken under subsection (a), the board may assess a civil penalty of not more than one thousand dollars (\$1,000) for each violation of this part. In determining whether to impose a civil penalty, the board shall consider the seriousness of the violation, the deleterious effect of the violation, any good faith on the part of the violator, and the violator's history of previous violations.

SECTION 4. Tennessee Code Annotated, Section 62-6-517(a), is amended by deleting the language "two hundred fifty dollars (\$250)" and substituting instead the language "one thousand dollars (\$1,000)".

SECTION 5. Tennessee Code Annotated, Section 62-6-517(f), is amended by deleting the subsection and substituting instead the following language:

(f) Any person served with a citation pursuant to this section may appeal to the executive director by written notice postmarked within fifteen (15) working days after service of the citation with respect to violations alleged, scope of the order, or amount of civil penalty assessed. If a person cited timely notifies the executive director that the person intends to contest the citation, the executive director shall afford an opportunity for a contested case hearing pursuant to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5. After all administrative appeals have been exhausted, the executive director may apply to the appropriate court for a judgment in an amount of the civil penalty, plus applicable court costs, and for an order to cease activities in violation of this part. A certified copy of the final order of the board, hearing officer, or administrative judge or a certified copy of the unappealed citation shall constitute a sufficient showing to warrant the issuance of the judgment and order. The executive director may waive part of the civil penalty if the person against whom the civil penalty is assessed satisfactorily completes all the requirements for, and is issued, a license as a home improvement contractor.

SECTION 6. This act shall take effect upon becoming a law, and shall apply to all civil penalties that are assessed on or after that date, the public welfare requiring it.