

SENATE BILL 860

By Dickerson

AN ACT to amend Tennessee Code Annotated, Title 48,
Chapter 101, Part 5, relative to collection
receptacles.

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

SECTION 1. Tennessee Code Annotated, Section 48-101-513(m)(2), is amended by deleting the word "donated" and substituting instead the word "recycled", and by deleting the language "DONATIONS MADE HERE WILL BE SOLD" and substituting instead the language "RECYCLING DONE HERE WILL BE SOLD".

SECTION 2. Tennessee Code Annotated, Section 48-101-513(m)(3), is amended by deleting subdivision (C), and by adding the following language to the end of subdivision (B):

Section 47-18-106 applies to any person who places or maintains a recycling receptacle pursuant to subdivision (m)(2).

SECTION 3. Tennessee Code Annotated, Section 48-101-513(m)(4), is amended by deleting the language "or as large as the largest letter on the box, whichever is greater,".

SECTION 4. Tennessee Code Annotated, Section 48-101-513(m)(5), is amended by deleting the subdivision and substituting instead the following:

(A) Prior to placing any collection receptacle that is subject to this subsection (m), the person placing the collection receptacle must obtain written permission to place and operate the collection receptacle from the owner, the owner's authorized agent, or all leaseholders of the property where the collection receptacle is to be located. Copies of the written permission must be maintained by the person placing the collection receptacle and provided to the owner or any leaseholder of the property at any time upon request. If the written permission to place and operate the collection receptacle is

obtained from the property owner, the person placing the collection receptacle must notify all leaseholders, tenants, or other occupants of the property owner's consent to the placement of the collection receptacle on the property.

(B) The written permission required by subdivision (m)(5)(A) must include the signature of the person placing the collection receptacle or that person's authorized agent, and of the owner, or the owner's authorized agent, or all leaseholders of the property.

SECTION 5. Tennessee Code Annotated, Section 48-101-513(m)(6), is amended by adding the language "after notification" after the language "twenty-four (24) hours".

SECTION 6. Tennessee Code Annotated, Section 48-101-513(m)(7), is amended by deleting the subdivision and substituting instead the following:

(A) The person placing the collection receptacle shall remove the collection receptacle as well as any contents left in and around the collection receptacle within seven (7) days of receiving a written request of removal from the owner of the property or the owner's authorized agent.

(B) If the person placing the collection receptacle fails to remove the collection receptacle following the expiration of the seven-day period, the owner of the property has the right, without providing any additional notice to the person who placed the collection receptacle on the property, to take possession of, remove, and dispose of the collection receptacle and the contents of the collection receptacle without incurring any civil or criminal liability for those actions. Any charges incurred in the removal and disposal of the collection receptacle by the owner or leaseholder of the property must be invoiced to, and paid by, the person who placed the collection receptacle on the property.

(C) Notwithstanding subdivisions (m)(7)(A) and (B), the owner or the owner's authorized agent may request immediate removal of a collection receptacle if the person who placed the collection receptacle on the property never received written permission pursuant to subdivision (m)(5). The owner of the property has the right, without

providing any additional notice to the person who placed the collection receptacle on the property, to take possession of, remove, and dispose of the collection receptacle and the contents of the collection receptacle without incurring any civil or criminal liability for those actions. Any charges incurred in the removal and disposal of the collection receptacle by the owner or leaseholder of the property must be invoiced to, and paid by, the person who placed the collection receptacle on the property.

SECTION 7. Tennessee Code Annotated, Section 48-101-513(m)(8), is amended by deleting subdivision (A) and substituting instead the following:

(A) Any violation of subdivisions (m)(1)-(4) not mitigated within seven (7) days after notification, constitutes a solicitation of contributions by unfair, false, misleading, or deceptive means or manner, and may be investigated under § 48-101-514 or § 48-18-106.

SECTION 8. Tennessee Code Annotated, Section 48-101-513(m)(8), is further amended by adding the following language as a new subdivision (B) and redesignating the existing subdivision (B) and remaining subdivisions accordingly:

(B) Any violation of subdivision (m)(5), (m)(7)(B), or (m)(7)(C) constitutes trespassing pursuant to § 39-14-405.

SECTION 9. Tennessee Code Annotated, Section 48-101-513(m)(9), is amended by deleting the language "thirty-day" and substituting instead the language "seven-day", and by deleting the language "(m)(7)(B), or for any violation of subdivision (m)(6)," and substituting instead the language "(m)(7)(B) or (m)(7)(C)".

SECTION 10. This act shall take effect July 1, 2017, the public welfare requiring it, and shall apply to violations occurring on or after that date.