

CHAPTER NO. 637

SENATE BILL NO. 3029

By Ketron, Burks

Substituted for: House Bill No. 2811

By DuBois, Gresham, Harry Brooks, Dunn, Sharp, Black, Lynn, Stanley, Phillip Johnson, Eldridge, Rowland, Bunch, Matheny, Baird, Pleasant, Hensley, Todd, Brenda Turner, Cochran

AN ACT to amend Tennessee Code Annotated, Title 23, Chapter 3 and Title 47, Chapter 18, relative to estate planning and consumer protection.

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

SECTION 1. Tennessee Code Annotated, Section 47-18-104, is amended by adding the following new item to subsection (b):

() (A) Using any advertisement for a workshop, seminar, conference, or other meeting that contains a reference to a living trust or a revocable living trust, or that otherwise offers advice or counsel on estate taxation unless such advertisement also includes the information required in this subsection.

(B) An advertisement as provided in this subsection shall, at a minimum, include the following:

(i) The maximum exclusion for federal estate tax purposes and the maximum exemption for state inheritance tax purposes for the year in which the advertisement appears;

(ii) Includes a statement that certain property, including real property, insurance proceeds, deposit accounts, stocks and retirement fund, may be taxable or not taxable, depending on how legal title is held and/or beneficiary designation is made;

(iii) Includes a statement that certain property may be transferred through several different means including, but not limited to, joint ownership of property with rights of survivorship, joint deposit accounts, beneficiary designations or elections permitted under retirement plans, insurance policies, trusts, or wills; and

(iv) A statement that before creating any transfer through a living trust, revocable living trust, or otherwise, the individual should seek advice from an attorney, accountant or other tax professional to determine the true tax impact and ensure that assets are properly transferred into any trust.

(C) The disclosure required in this subsection shall be printed in not less than 10-point type.

(D) The provisions of this subsection shall not apply to an advertisement by any attorney, law firm, bank, savings institution, trust company, or registered securities broker/dealer which is directed to clients or customers of such person with whom such person has had a client or customer relationship within the prior two (2) years. The provisions of this subsection shall also not apply to any continuing education seminars or conferences conducted for the benefit of bankers, attorneys, accountants, or other professional financial advisors.

SECTION 2. This act shall take effect July 1, 2004, the public welfare requiring it.

PASSED: April 26, 2004


JOHN S. WILDER
SPEAKER OF THE SENATE


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 10th day of May 2004


PHIL BREDEESEN, GOVERNOR