

CHAPTER NO. 347

SENATE BILL NO. 2064

By Norris

Substituted for: House Bill No. 2086

By Newton, Coleman, Bunch, Shepard, Matheny, Sargent, McDaniel, Harrison, Montgomery, Russell Johnson, Overbey, DuBois

AN ACT to amend Tennessee Code Annotated, Title 8; Title 39; Title 55; Title 66 and Title 68, relative to hazards to property.

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

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 212, Part 5, is amended by adding the following new sections:

Section 68-212-507. (a) Whenever any real property, or any structure or room in any structure on any real property is quarantined by a local law enforcement agency pursuant to § 68-212-503, due to the manufacture of methamphetamine, the local law enforcement agency quarantining the property shall file for recording a notice of methamphetamine lab quarantine in the office of county register in the county in which the real property or any portion thereof lies. In lieu of acknowledgment, the signature of the local law enforcement agent shall be accepted. The register shall record such notice in the record series containing the title deeds and shall index the notice with the owner or owners of the real property as the grantor and with the agency giving the notice as the grantee. No fee shall be collected for this filing.

(b) A notice in a form substantially as follows is sufficient to comply with subsection (a):

Notice of Methamphetamine Lab Quarantine

Notice is hereby given that an illegal laboratory for the manufacture of methamphetamine was seized at the location described below on _____(date)_____. This real property has been quarantined by ___(name of local law enforcement agency) pursuant to Tennessee Code Annotated, § 68-212-503. The property is to remain quarantined until a certified industrial hygienist or other person or entity named on the commissioner's list pursuant to § 68-212-502 certifies that the property is safe for human use.

Name of Property Owner or Owners: _____

Property Address: _____

Apartment or Unit Number (if applicable): _____

Description of Property Sufficient to Identify : _____

Name of Person and Agency Giving Notice: _____

Signature of Person Giving Notice	Title/Position	Date
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§ 68-212-508. (a) Whenever a certified industrial hygienist or other person or entity named on the commissioner’s list pursuant to § 68-212-502 determines that the property, quarantined pursuant to § 68-212-503, is safe for human use based upon the standards prescribed pursuant to this part, such person or entity shall issue a Certificate of Fitness.

(b) The owner or any person having any right, title or interest in the real property, including any lien holders, may file for recording the Certificate of Fitness in the office of county register in the county in which the real property or any portion thereof lies. The certificate shall be acknowledged or proved as provided in § 66-22-101 et. seq. The register shall record such certificate with the record series containing the title deeds and shall index the certificate with the owner or owners of the real property as the grantee, and the local law enforcement agency that issued the quarantine as grantor. The fee for such filing shall be in accordance with § 8-21-1001.

(c) A form substantially as follows is sufficient to comply with subsection (a) above:

Certificate of Fitness

Notice is hereby given that the real property, quarantined by (name of local law enforcement agency) pursuant to Tennessee Code Annotated, § 68-212-503 at the location described below has been tested by a certified industrial hygienist or other person or entity named on the commissioner’s list compiled pursuant to Tennessee Code Annotated, § 68-212-502 and has been remediated by a person or entity authorized by the commissioner pursuant to Tennessee Code Annotated, § 68-212-502 to perform clean-up of property used to manufacture methamphetamine. I, the undersigned, hereby certify that the real property at the location is safe for human use pursuant to Tennessee Code Annotated, § 68-212-505 and in accordance with the Department of Environment and Conservation’s Standards for Testing and Cleaning Clandestine Drug Manufacturing Sites and Cleanup Response and Documentation Guidelines for Properties Quarantined due to Clandestine Drug Laboratory Activities, as currently are in effect.

Name of Property Owner or Owners: _____

Property Address: _____

Apartment or Unit Number (if applicable): _____

Description of Property Sufficient to Identify: _____

Name of Certified Industrial Hygienist or Other Authorized Person and Company

Signature of Certified Industrial Hygienist	Date
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or Other Authorized Person

Notary Acknowledgement or Two Subscribing Witnesses as provided in Tennessee Code Annotated § 66-22-101 et. seq.

SECTION 2. This act shall take effect July 1, 2005, the public welfare requiring it.

PASSED: May 19, 2005


JOHN S. WILDER
SPEAKER OF THE SENATE


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 7th day of June 2005


PHIL BREDESEN, GOVERNOR