

CHAPTER NO. 379

SENATE BILL NO. 465

By Williams

Substituted for: House Bill No. 1353

By Curtiss

AN ACT to amend Tennessee Code Annotated, Title 55, Chapter 17; Title 68, Chapter 102 and Title 68, Chapter 126, relative to recreational vehicles.

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

SECTION 1. Tennessee Code Annotated, Section 68-126-201, is amended by deleting the language "and Recreational Vehicles".

SECTION 2. Tennessee Code Annotated, Section 68-126-202, is amended by deleting in their entirety subsections (1), (7), (8), (11), and (12), and redesignating the remaining subsections accordingly.

SECTION 3. Tennessee Code Annotated, Section 68-126-202, is further amended by deleting from subdivision (3)(A)(ii) the phrase "recreational vehicles or"; and by deleting the existing language of subdivision (3)(B) and substituting instead the following:

(3) (B) "Retailer" does not include any person who sells or leases a manufactured home if such manufactured home was owned for such person's personal use prior to such sale or lease; any person or persons owning manufactured homes for the purpose of renting or leasing only; or any financial institution which is engaged in the sale, leasing, or distribution of new and used manufactured homes;

SECTION 4. Tennessee Code Annotated, Section 68-126-202(5), is amended by deleting the language "or recreational vehicles".

SECTION 5. Tennessee Code Annotated, Section 68-126-203, is amended by deleting the language "and recreational vehicles" wherever it appears.

SECTION 6. Tennessee Code Annotated, Section 68-126-204, is amended by deleting the language "and recreational vehicles" wherever it appears.

SECTION 7. Tennessee Code Annotated, Section 68-126-205, is amended by deleting the language "recreational vehicle" and "recreational vehicles" wherever it appears.

SECTION 8. Tennessee Code Annotated, Section 68-126-207, is amended by deleting subsections (a) and (b) in their entirety and by redesignating the remaining subsection accordingly.

SECTION 9. Tennessee Code Annotated, Section 68-126-208, is amended by deleting the language "or recreational vehicles" wherever it appears.

SECTION 10. Tennessee Code Annotated, Section 68-126-209, is amended by deleting the language "or recreational vehicles".

SECTION 11. Tennessee Code Annotated, Section 68-126-210, is amended by deleting the language "and recreational vehicles".

SECTION 12. Tennessee Code Annotated, Section 68-126-211(a), is amended by deleting the language "or recreational vehicles".

SECTION 13. Tennessee Code Annotated, Section 68-126-214, is amended by deleting the language "and recreational vehicles".

SECTION 14. Tennessee Code Annotated, Section 68-102-147, is amended by deleting from the last sentence of subsection (a) the language ", recreational vehicles as defined by the American National Standards Institute," and by adding the following as a new subsection thereto:

(j) The provisions in subsections (a) and (b) do not apply to new recreational vehicles, travel trailers, camping trailers, or motor homes manufactured in accordance with the Standard for Recreational Vehicles (ANSI 119.2/NFPA 1192 - 2002).

SECTION 15. Tennessee Code Annotated, Section 55-17-102, is amended by adding the following as new, appropriately designated subsections:

() "Camping trailer" means a vehicular portable unit mounted on wheels and constructed with collapsible partial side walls which fold for towing by another vehicle and unfold at the camp site to provide temporary living quarters for recreational, camping, or travel use;

() "Recreational vehicle" means a vehicular type unit primarily designed as temporary living quarters for recreation, camping, or travel use, which either has its own motive power or is drawn by another vehicle. The basic entities classified as "recreational vehicles" are: camping trailers, travel trailers, and motor homes;

() "Travel trailer" means a vehicular unit, mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use and of such size or weight as not to require special highway movement permits when drawn by a motorized vehicle, and with a living area of less than two hundred twenty square feet (220 sq. ft.), excluding built-in equipment (such as wardrobes, closets, cabinets, kitchen units or fixtures) and bath and toilet rooms;

SECTION 16. Tennessee Code Annotated, Section 55-17-114(b)(1), is amended by adding the following as a new, appropriately designated subdivision:

() Sold or offered for sale a recreational vehicle without such recreational vehicle being manufactured in accordance with Standard for Recreational Vehicles (ANSI 119.2/NFPA 1192 - 2002).

SECTION 17. Tennessee Code Annotated, Section 55-17-114(c), is amended by adding the following as a new, appropriately designated subdivision:

() Sold or offered for sale a recreational vehicle without such recreational vehicle being manufactured in accordance with the Standard for Recreational Vehicles (ANSI 119.2JNFPA 1192 - 2002).

SECTION 18. Tennessee Code Annotated, Section 55-17-102(13) is amended by deleting the subsection in its entirety and by substituting instead the following:

(13) "Manufacturer" means any person who manufactures or assembles new and unused motor vehicles or recreational vehicles or who maintains factory representatives;

SECTION 19. Tennessee Code Annotated, Section 55-17-102(15) is amended by deleting the subsection in its entirety and by substituting instead the following:

(15) "Motor vehicle dealer" means any person not excluded by subdivision (17) engaged in the business of selling, offering to sell, soliciting or advertising the sale of motor vehicles or recreational vehicles or possessing motor vehicles or recreational vehicles for the purpose of resale either on that person's own account or on behalf of another, either as that person's primary business or incidental thereto;

SECTION 20. Tennessee Code Annotated, Section 55-17-102(16), is amended by deleting the subsection in its entirety and by substituting instead the following:

(16) "Motor vehicle salesperson" means any person not excluded by subdivision (17) employed by a licensed motor vehicle dealer who is engaged in the business of effecting or attempting to effect the sale or purchase of motor vehicles or recreational vehicles owned by some other person to residents of the state of Tennessee, for which service some form of remuneration is expected, whether it be designated as a salary, fee, commission, rental or otherwise, and regardless of whether such remuneration is paid by the buyer, seller or a third party:

SECTION 21. Tennessee Code Annotated, Section 55-17-109(c), is amended by adding the words "or recreational vehicles" immediately following the words "motor vehicles".

SECTION 22. Tennessee Code Annotated, Section 55-17-110, is amended by deleting the existing language of subsections (c) and (d) and by substituting instead the following:

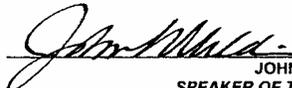
(c) No motor vehicle dealer shall hire any person for the purpose of selling motor vehicles or recreational vehicles or for acting in the capacity of a motor vehicle salesperson without first determining that the person is duly licensed as a motor vehicle salesperson.

(d) No motor vehicle salesperson shall sell or attempt to sell any motor vehicle or recreational vehicle for any motor vehicle dealer unless the motor vehicle salesperson is employed by the motor vehicle dealer having an interest in the sale of the motor vehicle or recreational vehicle.

SECTION 23. Notwithstanding the provisions of §§ 55-17-108, 55-17-112 and 55-17-119 to the contrary, all revenues resulting from fees realized as a result of the licensure requirements imposed pursuant to the provisions of this act, after deducting regulatory cost of such licensure, shall be allocated to the fund for the maintenance of the division of fire prevention.

SECTION 24. This act shall take effect on July 1, 2005, the public welfare requiring it.

PASSED: May 25, 2005



JOHN S. WILDER
SPEAKER OF THE SENATE



JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 9th day of June 2005



PHIL BREDESEN, GOVERNOR