



State of Tennessee
PUBLIC CHAPTER NO. 886

HOUSE BILL NO. 3237

By Representative Elam

Substituted for: Senate Bill No. 2948

By Senators Kelsey, Faulk

AN ACT to amend Tennessee Code Annotated, Title 8; Title 29; Title 30; Title 32; Title 33; Title 35 and Title 56, relative to probate matters.

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

SECTION 1. Tennessee Code Annotated, Section 8-21-401(c)(1), is amended by deleting the language "two hundred twenty-five dollars (\$225)" and by substituting instead the language "including giving notice of the opening of the estate to the department of revenue, two hundred thirty dollars (\$230)".

SECTION 2. Tennessee Code Annotated, Section 8-21-401(c)(2), is amended by deleting the language ", thirty-six dollars (\$36.00)" and by substituting instead the language "and giving notice of the opening of the estate to the department of revenue, forty-one dollars (\$41.00)".

SECTION 3. Tennessee Code Annotated, Section 29-14-101, is amended by deleting the language "joint stock company" and by substituting instead the language "joint stock company, trust".

SECTION 4. Tennessee Code Annotated, Section 30-2-306(b), is amended by deleting the language prescribing the form of the notice in its entirety and by substituting instead the following language:

NOTICE TO CREDITORS

Estate of _____ (name of deceased)

Notice is hereby given that on the _____ day of _____, 20____
letters testamentary (or of administration as the case may be) in respect of the estate of
_____ (name of deceased) who died _____,
20____ were issued to the undersigned by the _____ court of
_____ County, Tennessee. All persons, resident and nonresident,
having claims, matured or unmatured, against the estate are required to file the same
with the clerk of the above named court on or before the earlier of the dates prescribed
in (1) or (2) otherwise their claims will be forever barred:

(1)

(A) Four (4) months from the date of the first publication (or posting, as the case may be) of this notice if the creditor received an actual copy of this notice to creditors at least sixty (60) days before the date that is four (4) months from the date of the first publication (or posting); or

(B) Sixty (60) days from the date the creditor received an actual copy of the notice to creditors if the creditor received the copy of the notice less than sixty (60) days prior to the date that is four (4) months from the date of first publication (or posting) as described in (1)(A); or

(2) Twelve (12) months from the decedent's date of death.

This _____ day of _____, 20____

(Signed) _____
Personal Representative
Attorney for the Estate _____
Clerk _____

SECTION 5. Tennessee Code Annotated, Section 30-2-307(a)(1), is amended by deleting the subdivision in its entirety and by substituting instead the following:

(1) All claims against the estate arising from a debt of the decedent shall be barred unless filed within the period prescribed in the notice published or posted in accordance with § 30-2-306(b).

SECTION 6. Tennessee Code Annotated, Section 30-2-307(a)(2), is amended by deleting the language "After the expiration of the period prescribed in § 30-2-306(b), but before" and by substituting instead the language "Before".

SECTION 7. Tennessee Code Annotated, Section 30-2-319, is amended by deleting the section in its entirety and by substituting instead the following language:

30-2-319.

All uncontested claims and all contested claims that have been finally adjudged and allowed shall be paid by the personal representative as soon as practicable (not in any event to exceed ninety (90) days) after the expiration of the date on which the personal representative could file an exception to the claim pursuant to § 30-2-314(a), if, after having segregated sufficient assets to meet the contingent liabilities referred to in § 30-2-317, adequate assets are in the personal representative's hands for this purpose, payment being made according to the classification of the claims.

SECTION 8. Tennessee Code Annotated, Section 32-3-112, is amended by deleting the language "decedent's will or trust agreement provides" and by substituting instead the language "decedent's will or trust agreement or § 32-3-105 provides".

SECTION 9. Tennessee Code Annotated, Title 56, Chapter 7, Part 1, is amended by adding the following language as a new, appropriately designated section:

56-7-1__.

(a) In connection with a claim for death benefits payable under a life insurance policy or an annuity contract, the following persons are authorized to execute a medical records release authorization that may be required by the insurance company that issued the life insurance policy or annuity contract:

- (1) The personal representative of the decedent's estate, if any;
- (2) A beneficiary of the death benefits named in the policy or contract; or
- (3) A person who has filed an affidavit pursuant to § 30-4-103 in connection with the decedent's estate.

(b) Unless prohibited by federal law, a health care provider licensed under title 33, title 63 or title 68 shall honor a medical records release authorization executed in accordance with this section.

(c) Nothing in this section shall be construed as affecting the ability of a health care provider to charge for copies of medical records in accordance with applicable provisions of law.

SECTION 10. Tennessee Code Annotated, Section 35-15-203, is amended by deleting the language of the section in its entirety and by substituting instead the following language:

35-15-203.

Chancery courts and other courts of record having probate jurisdiction:

(1) To the exclusion of all other courts, have concurrent jurisdiction over proceedings in this state brought by a trustee or beneficiary concerning the administration of a trust; and

(2) Have concurrent jurisdiction with other courts of record in this state over other proceedings involving a trust.

SECTION 11. Tennessee Code Annotated, Section 35-15-302, is amended by deleting the language "general testamentary".

SECTION 12. The Tennessee Code Commission is authorized to publish revised comments to Tennessee Code Annotated, Section 35-15-302, if such comments are provided to the Commission as soon as is practicable after enactment, but no later than June 15, 2012.

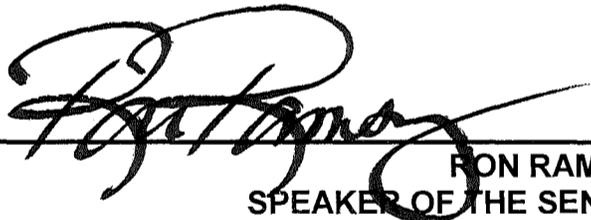
SECTION 13. Section 10 of this act shall take effect upon becoming a law, the public welfare requiring it, and shall apply to any proceeding occurring on or after July 1, 2004, because the section clarifies existing law as enacted by Chapter 537, § 16 of the Tennessee Public Acts of 2004. All other sections of this act shall take effect upon becoming a law, the public welfare requiring it.

HOUSE BILL NO. 3237

PASSED: APRIL 18, 2012



BETH HARWELL, SPEAKER
HOUSE OF REPRESENTATIVES



RON RAMSEY
SPEAKER OF THE SENATE

APPROVED this 9th day of May 2012



BILL HASLAM, GOVERNOR