



State of Tennessee
PUBLIC CHAPTER NO. 802

HOUSE BILL NO. 2281

By Representatives Dunn, Tindell, Armstrong, Hardaway, Parkinson, Fitzhugh, Brown, Eldridge, Ragan, Haynes, Halford, Shaw, McManus, Larry Miller, Johnnie Turner, Lollar, Curtis Johnson

Substituted for: Senate Bill No. 2486

By Senators Johnson, Burks, Harper

AN ACT to amend Tennessee Code Annotated, Section 39-14-154 and Section 47-18-104, relative to home improvement services contractors and providers.

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

SECTION 1. Tennessee Code Annotated, Section 39-14-154(b)(1), is amended by deleting the subdivision in its entirety and by substituting instead the following:

(1)

(A) Fail to refund amounts paid under a contract for home improvement services within ten (10) days of:

(i) The acceptance of a written request for a refund either hand delivered or mailed certified mail return receipt attached;

(ii) The refusal to accept the certified mail sent to the last known address of the home improvement services provider by the residential owner; or

(iii) The return of the certified mail to the residential owner indicating that the addressee is unknown at the address or a similar designation if the provider failed to provide to the residential owner or the United States Postal Service a correct current or forwarding address;

(B) A violation of subdivision (b)(1)(A) is an offense only if:

(i) No substantial portion of the contracted work has been performed at the time of the request;

(ii) More than ninety (90) days have elapsed since the starting date of the contract for home improvement services; and

(iii) A copy of the written request for a refund was sent by the residential owner to the consumer protection division of the office of the attorney general;

SECTION 2. Tennessee Code Annotated, Section 47-18-104(b)(48), is amended by deleting the subdivision in its entirety and by substituting instead the following:

(48) A home improvement services provider:

(A) Entering into a contract for home improvement services without providing to the residential owner in written form:

(1) That it is a criminal offense for the person entering into the contract for home improvement services with a residential owner to do any of the prohibited acts set out in § 39-14-154(b),

by writing out the text of each prohibited act, and providing the penalty and available relief for such; and

(2) The true and correct name, physical address and telephone number of the home improvement services provider; or

(B) Having complied with subdivision (b)(48)(A), failing to provide to the residential owner in written form a correct current or forwarding address if the person changes the physical address initially provided to the residential owner and any or all work to be performed under the contract has not been completed;

SECTION 3. This act shall take effect July 1, 2012, the public welfare requiring it.

HOUSE BILL NO. 2281

PASSED: APRIL 5, 2012



BETH HARWELL, SPEAKER
HOUSE OF REPRESENTATIVES



RON RAMSEY
SPEAKER OF THE SENATE

APPROVED this 23rd day of April 2012



BILL HASLAM, GOVERNOR