

HOUSE BILL 194

By Brooks H

AN ACT to amend Tennessee Code Annotated, Title 62,
relative to delivery of certain publications.

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

SECTION 1. Tennessee Code Annotated, Title 62, is amended by adding Sections 2 through 6 of this act as new chapter 17 thereto.

SECTION 2. As used in this act, unless the context otherwise requires:

(1) "Deliver" means to deliver, distribute, deposit, throw, cast or place, or cause or permit to be delivered, distributed, deposited, thrown, cast or placed, a publication, directly or indirectly by contractor, agent, employee or otherwise, but shall not include delivery by the United States Postal Service, delivery by handing or transmitting directly to the owner or occupant then present on the property, or delivery by placing within a receptacle or container expressly maintained by the owner or occupant of property for the receipt of newspaper deliveries;

(2) "Distributor" means an entity who engages in the business of circulating or delivering newspapers;

(3) "Publication" means any printed material issued monthly or more frequently, whether printed in broadsheet, tabloid or other sheet or booklet form, and shall include a newspaper of general circulation, any collection of advertising or solicitations appended together in booklet or magazine form, and any newspaper distributed without cost to or subscription by the recipient;

(4) "Publisher" means a person who engages in the business of printing and issuing for circulation, or causing to be printed and issued for circulation, a publication;
and

(5) "Unsolicited publication" means a publication to which no owner or occupant of the premises to which it is delivered currently subscribes or has requested or the owner or occupant of the premises has requested suspension or termination of delivery of such publication.

SECTION 3.

(a) Any publisher delivering or causing delivery of an unsolicited publication shall:

(1) Provide reasonable methods, including, but not limited to, telephone, e-mail and regular mail, to allow owners or occupants of premises to communicate to a publisher that they do not wish to receive the unsolicited publication issued by the publisher. Notice of all such methods of communication shall be regularly included in, on or with the unsolicited publications issued by the publisher;

(2) Implement a process or system whereby the addresses of all persons making requests for no delivery are communicated timely to applicable distributors responsible for distributing the unsolicited publication issued by the publisher;

(3) Timely communicate the addresses of all persons making requests for no delivery made pursuant to this section to all applicable distributors;

(4) Implement and communicate to the requesting person a means of tracking requests for no delivery to include the assignment of a tracking or confirmation number or some other reference system; and

(5) Implement and utilize a process or system to follow up timely with all applicable distributors to ensure compliance with requests for no delivery of a publication.

(b) Any distributor delivering unsolicited publications shall:

(1) Not distribute to any address where the owner or occupant has made a request for no delivery pursuant to subsection (a) of this section and such request has been communicated to the distributor by the publisher;

(2) In making deliveries, use their best efforts to place publications in proximity to the entrances of the units to which the distributor intends delivery; unsolicited publications should not be placed on streets, sidewalks, public rights-of-way, or other public property and shall not be distributed by placing them at intervals along a block, or by placing several near the entrance to a multi-unit building, other than in direct relation to the number of publications requested by the occupants of the block or building;

(3) Implement and utilize a system or procedure for tracking and executing a publisher's direction regarding requests for no delivery made pursuant to subsection (a) of this section; and

(4) Take reasonable corrective measures regarding delivery of an unsolicited publication after receiving notice of such delivery.

SECTION 4. An owner or occupant shall communicate with the publisher of an unsolicited publication to suspend or terminate delivery of such publication at least twenty-four (24) hours before such publication is scheduled to be delivered.

SECTION 5. If the publication can be located, the distributor thereof shall remove any publication delivered in violation of Section 3 of this act within twenty-four (24) hours following notice and demand by the owner or occupant of the premises.

SECTION 6. A violation of this act is a Class C misdemeanor punishable by a fine only. Each violation shall be deemed a separate offense.

SECTION 7. This act shall take effect July 1, 2011, the public welfare requiring it.