

HOUSE BILL 1678

By Harwell

AN ACT to amend Tennessee Code Annotated, Title 7,
Chapter 56, Part 1 and Title 29, Chapter 20, Part
1, relative to public transportation authorities.

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

SECTION 1. Tennessee Code Annotated, Section 29-20-107, is amended by adding the following as a new subsection thereto:

(h)

(1) Notwithstanding any provision of this chapter to the contrary, nongovernmental independent contractors or other persons or entities that contract with or enter into any agreements for the purpose of transportation or transit services; transportation or transit facility or infrastructure construction or maintenance; operation, maintenance, or usage of transit facilities or services or equipment; and construction, maintenance or usage of rights-of-way with any public transportation authority, as defined and created in title 64, chapter 8, shall be granted immunity under this chapter.

(2) The grant of immunity in this subsection (h) shall be provided only when such non-governmental independent contractors or other persons or entities are providing by contract or agreement such services, facilities, or functions. In performing or providing such services, facilities or functions the non-governmental independent contractors or other persons or entities are deemed to be the functional equivalent of a transportation authority. The independent contractor or other person or entity that is performing or providing these services, facilities, or functions in the stead of a public transportation

authority is fulfilling a public purpose authorized to be performed by a public transportation authority.

(3) A public transportation authority may enter into such contracts or agreements because it has been determined by a public transportation board to be more cost-effective to contract or enter into an agreement for such services, facilities, or functions. When a public transportation authority's independent contractor or other person or entity is deemed by the contract or agreement to be the functional equivalent of the public transportation authority, then a public transportation authority's contracting party or party to the agreement shall have limited tort exposure pursuant to this subsection (h) as long as the public transportation authority's contracting party or party to the agreement was performing within the scope of work and during the normal course of work of the contract or agreement when the accident occurred.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.