

SENATE BILL 234

By Oliver

AN ACT to amend Tennessee Code Annotated, Title 40, Chapter 33, Part 2; Title 47 and Title 66, relative to consumer protection.

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

SECTION 1. Tennessee Code Annotated, Title 47, Chapter 18, is amended by adding the following as a new part:

**47-18-5601.**

(a)

(1) A real estate developer, business entity, or individual working on behalf of a real estate developer or business entity shall not contact a property owner more than one (1) time in a calendar year in connection with an unsolicited request to buy the property owner's real property.

(2) The limitation described in subdivision (a)(1) applies to contact made through a telephone call, text message, email, mail, facsimile transmission, or another form of contact.

(b) When a real estate developer, business entity, or individual working on behalf of a real estate developer or business entity contacts a property owner in connection with an unsolicited request to buy the property owner's real property, prior to making the solicitation, the real estate developer, business entity, or individual shall provide to the property owner:

(1) The real estate developer or business entity's legal name;

(2) The address from which the real estate developer or business entity operates;

(3) A telephone number at which the real estate developer or business entity can be contacted; and

(4) An email address at which the real estate developer or business entity can be contacted.

**47-18-5602.**

(a) If a property owner believes a real estate developer or business entity has violated § 47-18-5601, then the property owner may submit a complaint to the consumer affairs division in the office of the attorney general and reporter. The consumer affairs division shall:

(1) Begin investigating a complaint submitted pursuant to this subsection

(a) within fifteen (15) business days from the date the complaint is submitted; and

(2) Send a written notice to the property owner that the consumer affairs division is investigating the complaint.

(b)

(1) With regard to alleged violations of this part, the attorney general and reporter has all of the investigative and enforcement authority that the attorney general and reporter has under part 1 of this title. The attorney general and reporter may institute a proceeding involving alleged violations of this part in Davidson County circuit or chancery court or another venue otherwise permitted by law.

(2) If a court finds that a real estate developer or business entity violated § 47-18-5601, then the court shall assess a fine of up to one thousand five hundred dollars (\$1,500) per violation. The court may also order reimbursement to this state for the reasonable costs and expenses of investigation and prosecution of actions under this part, including attorneys' fees.

(3) For purposes of determining how many violations a real estate developer or business entity has committed, each contact beyond the permitted number under § 47-18-5601 is a separate violation.

SECTION 2. This act takes effect July 1, 2023, the public welfare requiring it, and applies to prohibited conduct occurring on or after that date.