



State of Tennessee

PUBLIC CHAPTER NO. 234

HOUSE BILL NO. 1112

By Representatives Vaughan, Lamberth, Williams, Todd, Hazlewood

Substituted for: Senate Bill No. 1150

By Senators Johnson, Bowling, Rose

AN ACT to amend Tennessee Code Annotated, Title 12, Chapter 4 and Title 50, Chapter 3, relative to requirements placed on contractors under public contracts.

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

SECTION 1. Tennessee Code Annotated, Title 50, Chapter 3, Part 1, is amended by adding the following as a new section:

(a) A county, municipality, or other local government entity, or department, board, or agency thereof, including a school or board of education, shall not require a prime contractor or remote contractor, as part of an improvement of real property, or a bid, proposal, or agreement relating to an improvement of real property, to:

(1) Obtain, gather, or disclose personnel information or data of the prime or remote contractor's employees, except to the extent required under federal or state law;

(2) Provide personnel information or data of the prime contractor or remote contractor's employees to a person or entity, except to the extent required by federal or state law;

(3) Adhere to safety and health standards in excess of that required under federal occupational health and safety act (OSHA) and Tennessee occupational health and safety act (TOSHA) rules and regulations;

(4) Provide access to a worksite to anyone who would not otherwise have a legal right to access the worksite under federal or state law;

(5) Provide access to personnel information or data of anyone furnishing labor or materials on a worksite to a third party, including a non-employee designee, unless:

(A) Otherwise required by federal or state law; or

(B) The third party is a certified public accountant retained by the government entity to conduct an overall audit of the prime contract for the improvement;

(6) Require written contracts or agreements for the provision of labor or materials furnished in furtherance of the improvement, unless otherwise required by federal or state law;

(7) Be responsible for another party's compliance with a written agreement relating to the improvement, except as otherwise required by federal or state law; or

(8) Offer direct employment to a temporary laborer or an employee regardless of the temporary laborer's or temporary employee's length of service.

(b) Unless otherwise required by federal or state law, an ordinance, rule, or policy adopted by a government entity listed in subsection (a) that attempts to prevent or restrict a prime contractor or remote contractor from bidding on or accepting a contract

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for the improvement of real property based on the contractor's failure or refusal to perform an act described in subsection (a), or that attempts to provide a preference to a contractor that is willing to perform such act, is void as against the public policy of this state.

(c) A government entity listed in subsection (a) shall only restrict a prime contractor or remote contractor from bidding, proposing, or accepting a contract or furnishing labor or material for an improvement to real property based upon a final finding or order that the prime contractor or remote contractor committed a willful violation of federal or state law.

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it, and applies to contracts entered into, amended, or renewed on or after the effective date of this act.

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PASSED: April 8, 2021



CAMERON SEXTON, SPEAKER
HOUSE OF REPRESENTATIVES



RANDY MCNALLY
SPEAKER OF THE SENATE

APPROVED this 22nd day of April 2021



BILL LEE, GOVERNOR