

SENATE BILL 2699

By Southerland

AN ACT to amend Tennessee Code Annotated, Title 28,  
relative to limitations of actions.

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

SECTION 1. Tennessee Code Annotated, Section 28-1-106, is amended by adding the following as a new subsection (d) and redesignating the existing subsection (d) as subsection (e):

(d)

(1) Notwithstanding subsection (c), an individual with a court-ordered fiduciary responsibility toward a person who lacks capacity, or an individual who holds a valid power of attorney that enables that individual to bring suit on behalf of a person who lacks capacity, shall commence the action on behalf of that person within the applicable statute of limitations and shall not rely on any tolling of the statute of limitations, unless that individual can establish by clear and convincing evidence that the individual did not and could not reasonably have known of the accrued cause of action.

(2) Nothing in subsection (c):

(A) Affects the right of a person who regains capacity to bring suit under subsection (a); or

(B) Shields from liability a fiduciary, conservator, or other agent who commits a tort against an incapacitated person.

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