

SENATE BILL 3135

By Harper

AN ACT to amend Tennessee Code Annotated, Title 4; Section 4-3-1304; Title 5; Title 6; Title 7; Section 8-21-401; Title 29, Chapter 3 and Section 68-1-101, relative to court actions against certain businesses which have been issued a license, permit or certificate to operate by an agency of the state or political subdivision.

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

SECTION 1. Tennessee Code Annotated, Section 29-3-105, is amended by adding the following as new subsections:

(c) Upon the award of a temporary writ of injunction against a business holding a license or permit issued pursuant to § 57-3-204, § 57-4-201 or § 57-5-103, or pursuant to title 57, chapter 4, the party petitioning the court for such action, whether the attorney general and reporter, any district attorney general, or any city or county attorney, shall, within twenty-four (24) hours of the award of a temporary writ of injunction, notify in writing the alcoholic beverage commission, authorities of the local jurisdiction beer board or both, as appropriate, of the temporary writ of injunction.

(d) Upon such notification, the alcoholic beverage commission or the local jurisdiction beer board shall summarily suspend the license or permit issued to the business. Further, such summary suspension of the license or permit shall continue for forty-five (45) days after any agreement is reached allowing the business to begin operation. If a permanent injunction against the business is issued, then the license or permit shall be summarily revoked. Such summary suspension of the license shall not be subject to the provisions of § 57-1-201.

SECTION 2. Tennessee Code Annotated, Section 29-3-101, is amended by adding the following as a new, appropriately designated subsection:

( )

(1) When any property or premises holding a license, permit or certificate issued pursuant to § 57-3-204, § 57-4-201 or § 57-5-103, or pursuant to title 57, chapter 4, is determined by a court having jurisdiction to be a public nuisance, all such licenses, permits and certificates shall be suspended or revoked by the alcoholic beverage commission, or local board or authority issuing the license, permit or certificate, pending appeal, as of the date of the court order, and no such license, permit, or certificate shall be reissued for such property or premises for a period of sixty (60) days following the final action of the court. Enforcement of this subsection shall be the duty of all peace officers, taxing officials, licensing or permitting officials of this state and political subdivisions and other appropriate public agencies.

(2) Upon a determination by a court having jurisdiction that such property or premises is a public nuisance, it is the duty of the clerk of the court to notify the appropriate peace officers and taxing officials and appropriate public agencies including the alcoholic beverage commission and the local licensing agency or board, authority or officials who issued the license, permit or certificate, or both, concerning the action of the court. The clerk may charge a fee as provided in § 8-21-401 for such notification. The alcoholic beverage commission or local licensing agency or board so notified shall automatically suspend or revoke the license, permit or certificate in accordance with the notification received from the court for the period established pursuant to subdivision (1).

SECTION 3. This act shall take effect July 1, 2012, the public welfare requiring it.