



SENATE BILL 1587

By Johnson

AN ACT to amend Tennessee Code Annotated, Title 55, Chapter 50, relative to unlawful presence in the United States.

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

SECTION 1. Tennessee Code Annotated, Section 55-50-403, is amended by adding the following as a new subdivision:

(5) In which the employee is unlawfully present in the United States.

SECTION 2. Tennessee Code Annotated, Section 55-50-403, is amended by designating the existing language as subsection (a) and adding the following as new subsections:

(b)

(1) It is an offense for a person to knowingly allow a person who is unlawfully present in the United States to operate a commercial motor vehicle in this state.

(2) It is an offense for a person who is unlawfully present in the United States to operate a commercial motor vehicle in this state.

(3) A violation of this subsection (b) is a Class A misdemeanor.

(c) A law enforcement officer who arrests a person for a violation of subdivision (b)(2) shall notify the officer's law enforcement agency of the arrest, and the agency shall ensure that federal immigration authorities are notified, either through the agency's participation in the 287(g) program pursuant to the Immigration and Nationality Act (8 U.S.C. § 1357(g)) or by contacting the centralized immigration enforcement division of the department of safety, created in § 4-3-2014.

SECTION 3. Tennessee Code Annotated, Title 55, Chapter 50, Part 4, is amended by adding the following as a new section:

55-50-419. Strict liability for accidents committed by illegal aliens.

(a) An employer who knowingly allows a person unlawfully present in the United States to operate a commercial motor vehicle, and any official or employee of any state who issues a commercial driver license to a person knowing that the person is unlawfully present in the United States, shall be strictly, absolutely, jointly, and severally liable to any person who suffers personal injury or property damage caused by the unlawfully present person's operation of a commercial motor vehicle. A person so injured is entitled to recover:

(1) Compensatory damages;

(2) Notwithstanding § 29-39-104, punitive damages of not less than one million dollars (\$1,000,000); and

(3) Court costs and reasonable attorney's fees.

(b) Notwithstanding any other law, the law of Tennessee applies to any tort action arising out of an unlawfully present person's operation of a commercial motor vehicle in this state. Notwithstanding any other law, any contractual choice-of-law provision that requires or purports to require application of the laws of a different jurisdiction shall be void as against public policy, and shall not be enforceable in any court.

SECTION 4. Tennessee Code Annotated, Title 55, Chapter 50, Part 4, is amended by adding the following as a new section:

55-50-420. Civil penalties and qui tam enforcement.

(a) The attorney general and reporter shall have a cause of action to sue:

(1) An employer that knowingly allows, permits, or authorizes an employee to operate a commercial motor vehicle in the United States during any period in which the employee is unlawfully present in the United States; and

(2) Any state or an official or employee of any state who issues a commercial driver license to a person knowing that the person is unlawfully present in the United States, or who fails to take appropriate precautions to ensure that a commercial driver license is not issued to a person unlawfully present in the United States.

(b) In an action brought under subsection (a), the attorney general and reporter is entitled to recover:

(1) Declaratory and injunctive relief;

(2) Civil penalties of not less than one million dollars (\$1,000,000) from each employer who violates subdivision (a)(1); and

(3) Court costs and reasonable attorney's fees from any employer that violates subdivision (a)(1).

(c) A person may bring a civil action for a violation of this section on behalf of the person and for the state of Tennessee in the name of the state, and the person is entitled to recover the relief described in subsection (b). The person bringing the action shall be referred to as the qui tam plaintiff. Once filed, the action may be dismissed only with the written consent of the court, taking into account the best interests of the parties involved and the public purposes behind this section. A qui tam plaintiff may bring suit against any person who violates this section, regardless of whether that person has been charged or convicted of a crime.

(d) A complaint filed by a qui tam plaintiff under subsection (c) must be filed in circuit or chancery court in camera and may remain under seal for up to sixty (60) days. No service shall be made on the defendant until after the complaint is unsealed.

(e) On the same day as the complaint is filed pursuant to subsection (d), the qui tam plaintiff shall serve by registered or certified mail, return receipt requested, the attorney general and reporter with a copy of the complaint and a written disclosure of substantially all material evidence and information the person possesses.

(f) Within sixty (60) days after receiving a complaint, the attorney general and reporter may elect to intervene and proceed with the action.

(g) The attorney general and reporter may, for good cause shown, move the court for extensions of the time during which the complaint remains under seal pursuant to subsection (d). The motion may be supported by affidavits or other submissions in camera.

(h) Before the expiration of the sixty-day period or any extensions obtained under subsection (g), the attorney general and reporter shall do either of the following:

(1) Notify the court that it intends to proceed with the action, in which case the action shall be conducted by the attorney general and reporter and the seal shall be lifted; or

(2) Notify the court that it declines to proceed with the action, in which case the seal shall be lifted and the qui tam plaintiff shall have the right to conduct the action.

(i) The defendant shall not be required to respond to any complaint filed under this section until thirty (30) days after the complaint is unsealed and served upon the defendant.

(j) When a person brings a qui tam action under subsection (c), no other person may bring a qui tam action over the same alleged violation of this section after the complaint is unsealed while the original qui tam plaintiff's action is pending.

(k) If the attorney general and reporter proceeds with the action, the attorney general and reporter shall have the primary responsibility for prosecuting the action. The qui tam plaintiff has the right to continue as a full party to the action, and the attorney general and reporter may not dismiss or settle the action over the objections of the qui tam plaintiff.

(l) If the attorney general and reporter elects not to proceed, then the qui tam plaintiff has the same right to conduct the action as the attorney general and reporter would have had if it had chosen to proceed under subsection (k). If the attorney general and reporter so requests, and at its expense, the attorney general and reporter shall be served with copies of all pleadings filed in the action and supplied with copies of all deposition transcripts.

(m) If the attorney general and reporter proceeds with an action brought by a qui tam plaintiff, the qui tam plaintiff is entitled to receive at least twenty-five percent (25%) but not more than thirty-three percent (33%) of the proceeds of the action or settlement of the claim, depending upon the extent to which the qui tam plaintiff substantially contributed to the prosecution of the action and as determined by the attorney general and reporter. If the attorney general and reporter does not proceed with an action under subsection (k), then the qui tam plaintiff is entitled to receive an amount that the court decides is reasonable for collecting the civil penalty on behalf of the government. The amount must be at least thirty-five percent (35%) and not more than fifty percent (50%) of the proceeds of the action or settlement and is to be paid out of these proceeds.

(n) Notwithstanding any other law, the outcome of any criminal prosecution or other civil action brought under this section does not preclude a civil action brought under subsection (c), and any judgment for the defendant in a civil action brought under subsection (c) does not preclude a criminal prosecution or other civil action.

(o) Notwithstanding any other law, a civil action under this section is not subject to the Tennessee Public Participation Act, compiled in title 20, chapter 17.

(p) Notwithstanding title 20, chapter 4, or any other law, a civil action under this section may be brought in:

(1) The county in which all or a substantial part of the events or omissions giving rise to the claim occurred;

(2) The county of residence for any natural person defendant at the time the cause of action accrued;

(3) The county of the principal office in this state of any defendant that is not a natural person; or

(4) The county of residence for the qui tam plaintiff if the qui tam plaintiff is a natural person residing in this state.

(q) A civil action under this section that is brought in a venue described in subsection (p) shall not be transferred to a different venue without the written consent of all parties.

SECTION 5. The headings in this act are for reference purposes only and do not constitute a part of the law enacted by this act. However, the Tennessee Code Commission is requested to include the headings in any compilation or publication containing this act.

SECTION 6. This act takes effect July 1, 2026, the public welfare requiring it.

Amendment No. 2 to SB1587

Watson
Signature of Sponsor

AMEND Senate Bill No. 1587*

House Bill No. 1706

by deleting all language after the enacting clause and substituting instead:

SECTION 1. Tennessee Code Annotated, Section 55-50-403, is amended by adding the following as a new subdivision:

(5) In which the employee is unlawfully present in the United States.

SECTION 2. Tennessee Code Annotated, Section 55-50-403, is amended by designating the existing language as subsection (a) and adding the following as new subsections:

(b)

(1) It is an offense for a direct employer to knowingly employ and allow a person unlawfully present in the United States to operate a commercial motor vehicle in this state.

(2) It is an offense for a person who is unlawfully present in the United States to operate a commercial motor vehicle in this state if the operation of the vehicle requires the operator to be issued and possess a valid commercial driver license.

(3) A violation of this subsection (b) is a Class A misdemeanor.

(c) A law enforcement officer who arrests a person for a violation of subdivision (b)(2) shall notify the officer's law enforcement agency of the arrest, and the agency shall ensure that federal immigration authorities are notified, either through the agency's participation in the 287(g) program pursuant to the Immigration and Nationality Act (8

U.S.C. § 1357(g)) or by contacting the centralized immigration enforcement division of the department of safety, created in § 4-3-2014.

(d) Subsection (b) does not apply to a person or entity that does not employ the person operating the commercial motor vehicle and does not have the legal authority to verify employment authorization for that person.

(e) For purposes of this section:

(1) "Direct employer":

(A) Means the person or entity that hires, compensates, and exercises direct supervisory control over an individual operating a commercial motor vehicle; and

(B) Does not include customers, shippers, consignees, brokers, or entities that contract for transportation services, but do not directly employ the individual operating a commercial motor vehicle; and

(2) "Unlawfully present in the United States" means a person who is not in lawful immigration status, as defined in 8 CFR 245.1(d), and includes:

(A) A person who entered the United States without inspection and admission or parole; and

(B) A person whose lawful immigration status expired or was rescinded, revoked, or otherwise terminated.

SECTION 3. Tennessee Code Annotated, Title 55, Chapter 50, Part 4, is amended by adding the following as a new section:

55-50-419. Strict liability for accidents committed by illegal aliens.

(a) A direct employer who knowingly employs and permits a person unlawfully present in the United States to operate a commercial motor vehicle, and any official or employee of any state who recklessly issues a commercial driver license to a person unlawfully present in the United States, are strictly, jointly, and severally liable to any person who suffers personal injury or property damage caused by the unlawfully present

person's operation of a commercial motor vehicle. A person so injured is entitled to recover:

- (1) Compensatory damages in accordance with § 29-39-102, including, but not limited to, noneconomic damages, as defined in § 29-39-101;
- (2) Punitive damages, as provided in § 29-39-104, if appropriate; and
- (3) Court costs and reasonable attorney's fees.

(b) A direct employer is presumed to have not acted knowingly if the direct employer is in compliance with the employment and verification requirements of §§ 50-1-103(b) and (d) and 50-1-703.

(c) This section does not impose liability on a person or entity that does not employ the person operating the commercial motor vehicle and does not have the legal authority to verify employment authorization for that person.

(d) Notwithstanding any other law, the law of this state applies to any tort action arising out of an unlawfully present person's operation of a commercial motor vehicle in this state. Notwithstanding any other law, any contractual choice-of-law provision that requires or purports to require application of the laws of a different jurisdiction is void as against public policy, and is not enforceable in any court.

(e) This section creates potential claims against employers that may not exist prior to July 1, 2026. Accordingly, unless policy provisions of an employer's liability insurance policy expressly provide coverage for a claim created by this section, an employer's liability insurance policy must not be construed to cover an employer's liability arising under this section. This section does not alter or modify coverage afforded by an employer's liability policy for a claim that predates July 1, 2026.

(f) For purposes of this section:

- (1) "Direct employer":

(A) Means the person or entity that hires, compensates, and exercises direct supervisory control over a person operating a commercial motor vehicle; and

(B) Does not include customers, shippers, consignees, brokers, or entities that contract for transportation services, but do not directly employ the person operating a commercial motor vehicle; and

(2) "Unlawfully present in the United States" means a person who is not in lawful immigration status, as defined in 8 CFR 245.1(d), and includes:

(A) A person who entered the United States without inspection and admission or parole; and

(B) A person whose lawful immigration status expired or was rescinded, revoked, or otherwise terminated.

SECTION 4. The heading in this act is for reference purposes only and does not constitute a part of the law enacted by this act. However, the Tennessee Code Commission is requested to include the heading in any compilation or publication containing this act.

SECTION 5. This act takes effect July 1, 2026, the public welfare requiring it.