



SENATE BILL 1772

By Walley

AN ACT to amend Tennessee Code Annotated, Title 54 and Title 64, Chapter 9, relative to enforcement of traffic laws on designated private roadways within the megasite of West Tennessee.

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

SECTION 1. Tennessee Code Annotated, Title 64, Chapter 9, is amended by adding the following as a new section:

64-9-116. Enforcement of traffic laws on designated private megasite roadways by agreement.

(a) As used in this section, "designated private megasite roadway" means a privately owned street, road, or driveway located within the megasite that:

(1) Has not been dedicated to or accepted by a governmental entity as a public street or highway; and

(2) Is identified by metes and bounds, centerline description with width, or a map attached to and incorporated in an agreement executed under this section.

(b) Notwithstanding § 55-8-102 or another law to the contrary, the authority and a law enforcement agency of a county or municipality in which the megasite is located may enter into a written agreement authorizing sworn peace officers of the law enforcement agency to enforce title 55, chapters 8, 9, and 10, parts 1-5, on one (1) or more designated private megasite roadways identified in the agreement.

(c) An agreement under this section must be:

(1) Approved by the authority's board of directors; and

(2) Approved by resolution or ordinance, as applicable, of the governing body of the participating county or municipality.

(d) An agreement under this section must:

(1) Attach a legal description or map of each designated private megasite roadway subject to enforcement;

(2) Require the owner or operator of each roadway to install and maintain traffic-control devices and speed-limit signs that conform to the Manual on Uniform Traffic Control Devices (MUTCD) as adopted by the department of transportation;

(3) Require conspicuous notice at each vehicular entrance to the designated roadways that state and local traffic laws are enforced by the named law enforcement agency; and

(4) Specify the term of the agreement and provide termination rights for either party upon at least thirty (30) days' written notice.

(e) For the limited purpose of enforcing subsection (b):

(1) Each designated private megasite roadway subject to an agreement under this section is deemed a "highway," as defined in § 55-8-101;

(2) Traffic-control devices installed and maintained pursuant to subdivision (d)(2) are "official traffic-control devices" for purposes of title 55; and

(3) Sworn peace officers of the contracting law enforcement agency may patrol, enforce traffic laws, issue citations for violations thereof, and impose fines in accordance with state law or county or municipal ordinance, as appropriate, on a designated private megasite roadway to the same extent as on a public street.

(f)

(1) Entering into or exercising authority under an agreement does not dedicate a roadway to public use, create a public right of access, or otherwise affect title.

(2) A governmental entity does not, by virtue of an agreement, assume ownership, design, construction, or maintenance responsibility for a designated private megasite roadway.

(g) This section does not authorize private security personnel to exercise law-enforcement powers.

SECTION 2. 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 3. This act takes effect upon becoming a law, the public welfare requiring it.

Amendment No. 1 to SB1772

Gardenhire
Signature of Sponsor

AMEND Senate Bill No. 1772*

House Bill No. 1739

by adding the following new subsection to the end of SECTION 1:

(h) This section does not prohibit law enforcement agencies with concurrent jurisdiction from enforcing title 55, chapters 8, 9, and 10, parts 1-5 on a designated private megasite roadway.