



SENATE BILL 2466

By Bailey

AN ACT to amend Tennessee Code Annotated, Title 4; Title 5; Title 6; Title 7; Title 16; Title 17; Title 18; Title 20; Title 22; Title 24; Title 25; Title 26; Title 27; Title 28; Title 37; Title 38; Title 39; Title 40; Title 43; Title 54 and Title 55, relative to cargo theft.

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

SECTION 1. Tennessee Code Annotated, Section 39-14-146(a), is amended by adding the following as a new subdivision:

(9) Enters a cargo container and removes merchandise.

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

Amendment No. 1 to SB2466

Gardenhire
Signature of Sponsor

AMEND Senate Bill No. 2466

House Bill No. 2139*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 14, Part 1, is amended by adding the following new section:

(a) As used in this section:

(1) "Broker" means a person or entity arranging transportation of property for compensation, including federally licensed freight brokers;

(2) "Fraudulent freight theft" means the unlawful obtaining, control, diversion, or disposition of freight through deception, misrepresentation, impersonation, false pretenses, or identity fraud, and includes, but is not limited to:

- (A) Double brokering without authorization;
- (B) Impersonation of a motor carrier or broker;
- (C) Fraudulent pickup using falsified credentials; and
- (D) Diversion of freight after lawful pickup;

(3) "Freight" means cargo, including goods or commodities, transported or tendered for transport by:

- (A) A commercial motor vehicle; or
- (B) A railroad carrier or rail transportation system;

(4) "Motor carrier" means a person or entity authorized to transport property by commercial motor vehicle under state or federal law;

(5) "Railroad carrier" means a person or entity providing railroad transportation, consistent with the definition in 49 U.S.C. § 20102(3);

(6) "Reporting party" means a motor carrier, broker, shipper, or insurer with a lawful possessory, contractual, or financial interest in the freight; and

(7) "Shipper" means the person or entity tendering freight for transportation.

(b)

(1) Fraudulent freight theft is punishable as theft pursuant to § 39-14-105.

(2) Fraudulent freight theft may be a continuing offense when multiple acts are part of a common scheme.

(3) Fraudulent freight theft is a separate offense from breach of contract or civil disputes.

(c)

(1) A person may report fraudulent freight theft to a law enforcement agency in any of the following jurisdictions:

(A) The location where the freight was tendered or picked up;

(B) The location where the fraudulent freight theft was discovered;

(C) The location where the freight was last known to be under lawful control;

(D) The principal place of business of the reporting motor carrier or railroad carrier; or

(E) Any location where a material act of theft occurred, including electronic or communications-based acts.

(2) A law enforcement agency shall not refuse to accept a report solely on the basis that the physical theft did not occur within the geographic boundaries of the agency's jurisdiction.

(d)

(1) A reporting party may file a police report for fraudulent freight theft regardless of whether physical force or unlawful entry occurred.

(2) Proof of ownership of the freight is not required at the time of filing; provided, the reporting party demonstrates a legitimate contractual or financial interest.

(3) The law enforcement agency shall issue a case number upon receipt of a report that substantially complies with subsection (e).

(e) A fraudulent freight theft report must include, to the extent reasonably available:

(1) For each party involved:

(A) The legal name, address, and contact information;

(B) United States department of transportation and motor carrier numbers, if applicable; and

(C) Names and identifying information of known or suspected fraudulent actors;

(2) The following freight details:

(A) A description of the freight, including commodity, quantity, weight, and value;

(B) Bill of lading numbers;

(C) Pickup and delivery locations; and

(D) Date and time of tender, pickup, and last lawful possession;

(3) The following vehicle and carrier information:

(A) Tractor, trailer, container, or other transportation equipment information;

(B) License plate numbers and states of issuance;

(C) Vehicle identification numbers, if known;

(D) The driver's name, telephone number, and driver license information; and

(E) For railroad carriers, equivalent information may be provided in lieu of the motor vehicle information listed in subdivisions (e)(3)(A)-(D);

(4) Any fraud indicators, such as:

(A) A description of fraudulent representations or impersonation;

(B) Copies of rate confirmations, contracts, emails, text messages, or load board postings; or

(C) Evidence of altered or falsified documents; and

(5) Information on the financial impact of the freight theft, including:

(A) The declared or estimated value of the freight;

(B) Insurance coverage information; and

(C) Known or suspected resale or diversion locations.

(f) A reporting party must preserve relevant records, including electronic communications and transactional records, for no less than five (5) years from the date of the offense.

(g) A law enforcement agency may request additional documentation reasonably related to the investigation.

(h) Upon receiving a report of fraudulent freight theft, a law enforcement agency must:

(1) Accept and document reports meeting the requirements of this section;

(2) Assign a case number; and

(3) Enter the incident into any applicable state or federal crime databases.

(i) A law enforcement agency may coordinate with:

(1) State law enforcement;

(2) Federal agencies;

(3) Cargo theft task forces; and

(4) Railroad police or other authorized railroad law enforcement personnel.

(j) A fraudulent freight theft report filed with a law enforcement agency pursuant to this section must be recognized as an official theft report for insurance and civil recovery purposes.

(k) A person is not precluded from seeking any civil remedy because the person files a report alleging fraudulent freight theft.

SECTION 2. The department of safety is authorized to promulgate rules and forms to effectuate this act. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 3. This act takes effect July 1, 2026, the public welfare requiring it.