



SENATE BILL 2658

By Johnson

AN ACT to amend Tennessee Code Annotated, Title 4;
Title 29; Title 39 and Title 58, relative to workers
responding to emergency declarations.

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

SECTION 1. Tennessee Code Annotated, Section 58-2-126, is amended by adding the following as a new subsection:

(d) If a first responder from a local emergency management agency is killed in the line of duty, the chief executive officer of the local government that employed the first responder shall order all flags at public buildings in the jurisdiction to be flown at half-mast for at least one (1) day.

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

Amendment No. 1 to SB2658

Briggs
Signature of Sponsor

AMEND Senate Bill No. 2658*

House Bill No. 2402

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 58-2-101, is amended by inserting the following new subdivision:

() "Emergency utility worker" means an individual who:

(A) Is employed by, or acting as an authorized contractor for, a privately, publicly, or cooperatively owned facility or system used to transmit or distribute communications, electricity, gas, liquids, steam, sewerage, or other materials to the public; and

(B) Is engaged in the installation, maintenance, repair, or restoration of such facilities or systems during a state of emergency declared pursuant to § 58-2-107 that is based on a natural emergency.

SECTION 2. Tennessee Code Annotated, Title 58, Chapter 2, Part 1, is amended by adding the following as a new section:

58-2-112. Access during declared weather emergencies.

(a) During a state of emergency declared pursuant to § 58-2-107 that is based on a natural emergency, an emergency utility worker may travel upon public roads and enter areas subject to curfew or restricted access orders when such access is necessary to perform emergency utilities restoration activities.

(b) State and local law enforcement agencies shall allow reasonable access under this section upon presentation of employer or contractor credentials by the emergency utility worker.

(c) This section does not limit the authority of law enforcement to address an immediate threat to public safety unrelated to emergency utilities restoration.

SECTION 3. Tennessee Code Annotated, Section 39-13-116(d)(1), is amended by deleting the subdivision and substituting instead:

(1) "First responder":

(A) Means:

(i) A firefighter, emergency services personnel, or other person who responds to calls for emergency assistance from a 911 call; or

(ii) An emergency utility worker as defined in SECTION 1; and

(B) Does not include a law enforcement officer.

SECTION 4. Tennessee Code Annotated, Title 29, Chapter 34, is amended by adding the following as a new section:

29-34-216. Emergency utility worker immunity.

(a) An emergency utility worker as defined in SECTION 1, and the emergency utility worker's employer, are immune from civil liability for injury, death, or property damage resulting from an act or omission committed in good faith while engaged in emergency utilities restoration activities during a state of emergency declared pursuant to § 58-2-107 that is based on a natural emergency, as defined in § 58-2-101.

(b) The immunity provided by this section does not apply to acts or omissions that constitute:

(1) Willful misconduct;

(2) Gross negligence; or

(3) Conduct unrelated to emergency utilities restoration activities.

(c) This section does not:

(1) Create a duty to act;

(2) Affect liability for the operation of a motor vehicle, except as otherwise provided by law; or

(3) Create a private right of action.

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 upon becoming a law, the public welfare requiring it.

Amendment No. 4 to SB2658

Johnson
Signature of Sponsor

AMEND Senate Bill No. 2658*

House Bill No. 2402

by deleting the language "resulting from an act or omission committed in good faith" in § 29-34-216(a) in Section 4 and substituting instead "resulting from an act or omission of the emergency utility worker committed in good faith".

AND FURTHER AMEND by adding the following subsection to § 29-34-216 in Section 4:

(d) Notwithstanding subsection (a), this section does not provide immunity from civil liability to an employer of an emergency utility worker for the negligent acts or omissions of the employer or of the emergency utility worker.

Amendment No. 2 to HB2402

Farmer
Signature of Sponsor

AMEND Senate Bill No. 2658*

House Bill No. 2402

by deleting subsection (c) in § 58-2-112 in Section 2 and substituting instead:

(c) This section does not limit the authority of state and local law enforcement to prohibit access for a valid law enforcement purpose.