

Legislative Update 2018



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The Good News is the Legislature has adjourned for 2018



The Legislature impacts your life and practice.

If Real Estate is Your Profession, then Politics is
Your Business!

Several Shelby County Legislators will not have their existing seats after 2018

Senate
Not Returning



Senate

Lee Harris

House
Not Returning

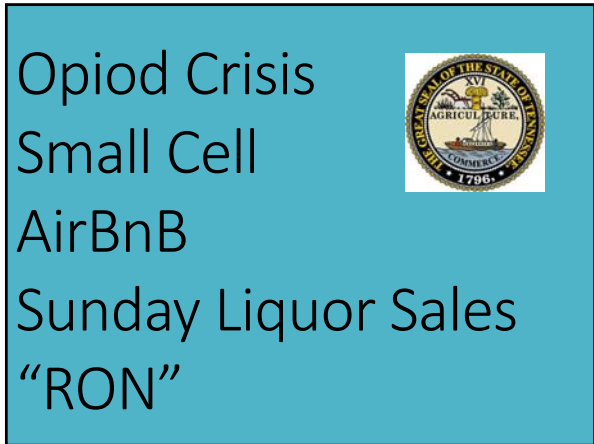


House of Representatives

Steve McDaniel
Johnnie Turner
Raumesh Akbari







OPIOID LEGISLATION

SB2257/HB1831

- Limits the amount of opioids a physician can prescribe.
- A 3-day supply may be prescribed with no requirements.
- Minimally invasive procedures allow for a 10-day supply, while more invasive procedures allow for a 20-day supply.
- Prescribing the higher amounts require physicians to check the Controlled Substance Monitoring Database (CSMD), evaluate the patient, document alternative methods of pain management and why an opioid was used.
- Prescriptions for up to 30 days may be prescribed as a "medical necessity" after trial and failure of a non-opioid treatment.
- Exemptions include, but are not limited to, cancer and hospice patients, sufferers of sickle cell disease, and those in licensed facilities.

"SMALL CELL" LEGISLATION

SB2504/HB2279

- Allows for the maximization of investments in wireless connectivity across the state by creating a uniform and predictable framework that limits local obstacles to deployment of small wireless facilities and to encourage shared use of public infrastructure and colocation in a manner that is the most technology neutral and nondiscriminatory.
- Creates a predictable "how to manual" for providers and local governments to work together to manage the right of way and to get investment deployed as soon as possible.
- Creates a streamlined, statewide process that will encourage wireless broadband providers to invest billions in latest small cell technology.
- Delivers the benefits of next generation 5G technology. That technology will create thousands of jobs and grow our economy by billions.
- 5G must be deployed by small cells. It's the secret sauce that will enable self-driving cars, digital healthcare and a better world where everything is connected.

"AIRBnB" LEGISLATION

SB1086/HB1020

- The main issues surrounding Airbnb:
 - Who gets grandfathered in and for how long?
 - Will the grandfathering "run with the land"?
 - Taxing the property as Commercial v. Residential?
 - The future of new AirBnBs - Prohibition or Regulation?

Sunday
Liquor and
Wine
LEGISLATION

SB2518/HB1540

- House vote was 55 to 35
- 17 votes repaired in the Senate and the bill received 17
- Liquor Stores open on Sunday effective immediately upon the Governor's signature
- Wine sales in grocery stores effective January 1, 2019

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- **SB2495/HB2337**
 - Requires that a motion to claim excess tax sale proceeds be served upon "all interested persons" rather than "the parties." Revises other provisions governing notice and publication of delinquent tax sales.
- TLTA brought an amendment which added the language:
 - "The postponement or adjournment must be to a specified date and time, and must be posted or announced at the date, time, and location of the scheduled sale date..."
- Has passed both the House and Senate.

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LEGISLATION

- **SB1971/HB1772**
- Establishes an expedited process for listed public officials to contest liens on real property if they are believed to lack legal basis. The filing party must be notified within three business days of the public official contesting the lien with the register of deeds. The filing party may file an action for determination with the chancery court of the county where the document was filed within 20 business days of delivery of the affidavit.

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LEGISLATION

•SB2126/HB2423

- Extends the Neighborhood Preservation Act to apply to Shelby, Davidson, Madison, and any county or municipality that has formed a land bank.
- Changes action to "In Rem"
- May have constitutional issues as to the 14th amendment and notice to interested parties

•Passed in both the House and Senate – on the Governor's Desk

TLTA
OPPOSED
LEGISLATION

•SB2581/HB1596

- Enacts the "Uniform Real Property Transfer on Death Act." Defines "transfer on death deed." Specifies that an individual may transfer property to one or more beneficiaries effective at the transferor's death by a transfer on death deed. Also specifies that a transfer on death deed is revocable even if the deed or another instrument contains a contrary provision. Clarifies that a transfer on death deed is nontestamentary. Specifies that the capacity required to make or revoke a transfer on death deed is the same as the capacity required to make a will. Establishes other provisions regarding transfer on death deeds.

• Is off notice and will not become law.

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Remote

Online

Notarization

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As we move closer to the realization of electronic closings, the need to bring notarial acts into the 21st Century is apparent.

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The difference between e-notarization and remote online electronic notarization (RON).

- An electronic notary is a virtual version of the current seal used for the recording of documents electronically.

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The difference between e-notarization and remote online electronic notarization (RON).

- A RON is the notarial act conducted by a notary remote from the principal via electronic means.

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Bills Passed
Virginia
Texas
Nevada
Montana
Indiana (2018)

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Bills Pending
Arizona
Colorado
Florida
Maryland
Minnesota
Missouri
Ohio
Rhode Island
South Dakota

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SB1758/HB1794
Electronic acknowledgments.

Sponsors: *Sen. Brian Kelsey, Rep. Andrew Farmer, Rep. Mike Carter,*
Summary: Establishes guidelines for the creation of online notaries public. Grants online notaries public the same powers as notaries public. Allows people living outside the state to have documents notarized, and requires online notaries public to keep electronic records of the notarization. Grants the secretary of state powers to implement and oversee this rule.

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- SB1758/HB1794- E-Notarization
 - Establishes guidelines for the creation of online notary publics.
 - Grants online notary publics the same powers as current paper notaries.
 - Allows principals to have documents notarized anywhere, as long as the electronic notary is physically present in Tennessee.
 - Grants the secretary of state powers to implement and oversee this rule.
- Passed the House and Senate Floor.

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(1) Is a notary public for purposes of this chapter and is subject to this chapter and must be appointed and commissioned as a notary public under this chapter; to the same extent as a notary public appointed and commissioned under this chapter;

(2) May perform notarial acts as provided in part 1 of this chapter; and

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(3) May perform an online notarization, without regard to the physical location of the principal, if the notary is physically located in this state.

(4) The law will take effect July 1, 2019.

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How is this going to change the way you do business?

1. Initially probable not major change.
2. Closings can still be done in your office.
3. If doing “remote online” closings you may need additional technology.

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Remote
Online
Notarization

Thank You

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