

(a) It is an offense for any employer to knowingly:

(1) Coerce or attempt to coerce, as a precondition to employment or otherwise, a job applicant to obtain an exemption pursuant to this part; or

(2) Coerce, attempt to coerce, discharge or take any adverse employment action against an employee because the employee has failed to obtain an exemption pursuant to this part.

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

SECTION 14. Tennessee Code Annotated, Section 50-6-102(11), is amended by deleting the language "except as provided in § 50-6-113" and substituting instead "except as provided in § 50-6-902".

SECTION 15. Tennessee Code Annotated, Section 50-6-106(5), is amended by deleting the language "except as provided in § 50-6-113" and substituting instead "except as provided in § 50-6-902".

SECTION 16. The Employee Misclassification Advisory Taskforce created by this act shall terminate on June 30, 2014, unless continued by the general assembly.

SECTION 17. The provisions of this act shall not be construed to be an appropriation of funds and no funds shall be obligated or expended pursuant to this act unless such funds are specifically appropriated by the General Appropriations Act.

SECTION 18. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 19. (a) The secretary of state is authorized to promulgate rules and regulations to effectuate the purposes of this act. All such rules and regulations shall be promulgated in accordance with Tennessee Code Annotated, Title 4, Chapter 5; provided, that the secretary of state shall permit:

(1) Construction services providers not currently licensed by the board for licensing contractors, but who qualify for a construction services provider registration, to apply for a workers' compensation exemption on or after January 1, 2011; and

(2) Construction services providers licensed by the board for licensing contractors to apply for a workers' compensation exemption on or after February 1, 2011.

(b) The construction services provider workers' compensation exemption for any provider not exempt under current law who has been placed on the workers' compensation exemption registry by the secretary of state shall be in effect beginning at 12:00 a.m. on March 1, 2011, regardless of such provider's

date of application; provided, that any person exempt under provisions of law in effect prior to March 1, 2011, shall maintain such exemption until March 1, 2011.

SECTION 20. (a) Section 19 of this act shall take effect upon becoming a law, the public welfare requiring it.

(b) Sections 7, 8, 9, 10, 11 and subsection (g) and subdivision (h)(1) in Section 12 of this act shall take effect July 1, 2011, the public welfare requiring it.

(c) Subdivision (h)(2) in Section 12 of this act shall take effect March 1, 2012, the public welfare requiring it, and shall apply only to a failure to secure payment for compensation that occurs on or after such date.

(d) For all other purposes, this act shall take effect March 1, 2011, the public welfare requiring it.

PASSED: June 4, 2010



RON RAMSEY
SPEAKER OF THE SENATE



KENT WILLIAMS, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 30th day of June 2010



PHIL BREDESEN, GOVERNOR