

HOUSE BILL 1411

By Farmer

AN ACT to amend Tennessee Code Annotated, Title 23,
relative to practice of law.

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

SECTION 1. Tennessee Code Annotated, Title 23, Chapter 3, is amended by adding the following as a new section:

(a) The practice of law, including the giving of legal advice, does not include the operation of a website by a provider that offers consumers access to interactive software that generates a legal document based on the consumer's answers to questions presented by the software; provided, that all of the following are satisfied:

(1) The consumer is provided a means to see the blank template or the final, completed document before finalizing a purchase of that document;

(2) An attorney licensed to practice law in this state has reviewed each blank template offered to consumers in this state, including each and every potential part that may appear in the completed document. The name and address of each reviewing attorney must be kept on file by the provider and provided to the consumer upon written request. The provider must furnish professional liability insurance for each reviewing attorney to cover work performed by the reviewing attorney on behalf of the provider;

(3) The provider must communicate to the consumer that the forms or templates are not a substitute for the advice or services of an attorney;

(4) The provider must disclose its legal name and physical location and address to the consumer;

(5) The provider does not disclaim any warranties or liability and does not limit the recovery of damages or other remedies by the consumer;

(6) The provider does not require the consumer to agree to jurisdiction or venue in any state other than this state for the resolution of disputes between the provider and the consumer; and

(7) The provider must have a consumer satisfaction process. All consumer concerns involving the unauthorized practice of law made to the provider must be referred to the board of professional responsibility. The consumer satisfaction process must be conspicuously displayed on the provider's website.

(b) A website provider subject to this section must register with the board of law examiners prior to commencing operation in the state and must renew its registration with the board annually. The board of law examiners shall not refuse registration.

(c) Each website provider subject to this section shall pay an initial registration fee in an amount not to exceed one hundred dollars (\$100) and an annual renewal fee in an amount not to exceed fifty dollars (\$50.00).

(d) A website provider that violates this section is subject to penalties for the unauthorized practice of law in accordance with this chapter.

SECTION 2. This act shall take effect July 1, 2019, the public welfare requiring it.