

HOUSE BILL 544

By Harris

AN ACT to amend Tennessee Code Annotated, Title 37;
Title 55, Chapter 12 and Title 55, Chapter 50,
relative to motor vehicle financial responsibility for
foster youth.

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

SECTION 1. Tennessee Code Annotated, Section 55-50-312(c), is amended by
deleting the following:

one (1) parent, stepparent, grandparent or guardian of the minor, and while proof
is maintained the spouse, parent, stepparent, grandparent or the guardian shall
not be subject to the liability imposed under subsection (b)

and substituting instead:

one (1) parent, stepparent, grandparent, foster parent, or guardian of the minor,
or other authorized representative of the department of children's services, and
while proof is maintained, the spouse, parent, stepparent, grandparent, foster
parent, guardian, or representative is not subject to the liability imposed under
subsection (b).

SECTION 2. Tennessee Code Annotated, Title 37, Chapter 2, Part 4, is amended by
adding the following as a new section:

(a) As used in this section:

(1) "Department" means the department of children's services;

(2) "Foster youth" means an individual who:

(A) Is at least fifteen (15) years of age but less than twenty-one

(21) years of age; and

(B) Is currently in foster care, as determined by the department;

(3) "Fund" means the insuring foster youth fund established by subsection (d); and

(4) "Program" means the insuring foster youth program established by subsection (b).

(b) There is established the insuring foster youth program to recognize that:

(1) Foster youth have limited access to resources as they begin to age out of the system;

(2) Foster youth require additional resources as they begin to age out of the system to ensure a successful transition to adulthood;

(3) The decision for foster parents to assume motor vehicle financial responsibility for foster youth placed in their home is voluntary;

(4) Ensuring that foster youth can afford costs associated with a motor vehicle insurance policy or proof of financial responsibility is paramount to the successful transition of foster youth to adulthood; and

(5) Providing funding to help defray the cost of motor vehicle insurance or proof of financial responsibility will drastically increase the chances of a successful transition of foster youth to adulthood.

(c) Subject to available funds, the program shall provide funding to help defray the following costs:

(1) The actual costs incurred by a foster youth for obtaining a policy of motor vehicle insurance or proof of financial responsibility in the form and in amounts as required by title 55, chapter 12 for a motor vehicle owned or operated by the foster youth; and

(2) The actual costs of driver education courses or driver testing fees, or both, incurred by a foster youth.

(d)

(1) The insuring foster youth fund is established to carry out the purposes of this section. The department shall administer the fund.

(2) The fund consists of the following:

(A) Appropriations made by the general assembly;

(B) Interest as provided in subdivision (d)(5); and

(C) Other funds, public or private, by way of gift or grant to the fund.

(3) The department may apply for all federal funds that are available for which the state is eligible to carry out the purposes of this section.

(4) The expenses of administering the fund and this section must be paid from the fund.

(5) The state treasurer shall invest moneys in the fund for the benefit of the fund in accordance with § 9-4-603. Interest accruing on investments and deposits of the fund must be credited to and remain part of the fund.

(6) Any unencumbered moneys and any unexpended balance of the fund remaining at the end of a fiscal year do not revert to the general fund, but must be carried forward until expended in accordance with this section. No part of the fund shall be diverted to the general fund or any other public fund.

(7) Money in the fund must be used to provide payments directly to foster youth for the purposes set forth in subsection (c).

(e) A foster youth may apply for funding under this section. The department shall make available to foster youth a method of submitting an application for funding and provide assistance, if requested, to the foster youth in completing the application and submitting supporting documentation. The department may require the foster youth

to provide documentation of the costs of motor vehicle insurance or proof of financial responsibility, driver education courses, and driver testing fees, as applicable. Upon request, the department of safety shall provide assistance to the department as necessary to implement this section.

(f) On or before October 1 of each year, the department shall prepare a report to the general assembly regarding the funds received and payments made by the fund.

(g) The department may promulgate rules in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, necessary to implement this section, including evaluation criteria and payment calculation standards.

SECTION 3. This act takes effect January 1, 2024, the public welfare requiring it.