

HOUSE BILL 786

By Hardaway

AN ACT to amend Tennessee Code Annotated, Title 4; Title 16; Title 18; Title 28; Title 33; Title 40; Title 41 and Title 55, relative to the reinstatement of driver licenses as an element of reentry and recovery programs.

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

SECTION 1. Tennessee Code Annotated, Section 41-1-412, is amended by adding the following as a new subsection:

(d)

(1) If an offender, upon release from incarceration, will be eligible for reinstatement of a driver license pursuant to § 55-50-502(d), (j), or (k), the plan developed pursuant to subsection (c) shall include an opportunity for the offender, prior to reentry into the community, to:

(A) Petition the court to which any fines or costs are owed, which must be satisfied or for which a payment plan must be established before the offender's driver license may be reinstated, for a deferral of repayment and an order for issuance of a restricted license under § 55-50-502(l); and

(B) Submit any order that is issued pursuant to § 55-50-502(l) to the department of safety for issuance of a limited, restricted driver license as described in § 55-50-502(l)(1)(B) that will be delivered to the offender at the time that offender is released from incarceration.

(2) The department of correction shall accurately provide any certifications that are necessary for the consideration of a petition under § 55-50-502(l)(2)(B).

(3) Nothing in this subsection (d) requires the department of correction to:

(A) Provide legal counsel or advice to any offender; or

(B) Transport any offender to a court hearing concerning the issuance of a limited, restricted driver license pursuant to § 55-50-502(l).

SECTION 2. Tennessee Code Annotated, Section 55-50-502, is amended by adding the following as a new subsection:

(l)

(1) Any offender in state custody who, upon release from incarceration, will be eligible for reinstatement of a driver license pursuant to subsection (d), (j), or (k), may, no sooner than one hundred twenty (120) days prior to the date that the offender will be released from incarceration, petition the court to which any fines or costs are owed for:

(A) A twelve-month deferral of the requirement that the offender pay the fines and costs or establish a payment plan prior to having a driver license reinstated; and

(B) An order for the issuance of a limited, restricted driver license that:

(i) Expires twelve (12) months from the date of issuance; and

(ii) Is valid only for the purpose of going to and from work at the petitioner's regular place of employment.

(2) Any court in which a petition is filed pursuant to subdivision (l)(1) shall grant a deferral and issue an order for the issuance of a limited, restricted driver license as described in subdivision (l)(1)(B), if the court finds that:

(A) The petitioner owes fines or costs to the court or the court clerk that must be paid, or for which a payment plan must be established, in order for the petitioner's driver license to be reinstated pursuant to subsection (d), (j), or (k); and

(B) The department of correction certifies that the petitioner is scheduled to be released from incarceration within one hundred twenty (120) days of the date that the petition was filed.

(3) The collection of any fines or costs associated with the filing of a petition pursuant to this subsection (l) shall be deferred for twelve (12) months beginning on the date that the court enters an order granting the deferral pursuant to subdivision (l)(2).

(4)

(A) The department shall issue a limited, restricted driver license as described in subdivision (l)(1)(B) when the person provides the department with an order issued pursuant to this subsection (l).

(B) The department shall coordinate with the department of correction to obtain a recent photograph of the licensee to be used on any limited, restricted driver license that is issued pursuant to this subsection (l).

(C) Any license issued pursuant to this subdivision (l)(4) shall be delivered to the custody of the superintendent of the correctional facility where the petitioner is incarcerated.

SECTION 3. The department of correction shall develop forms for providing the certifications described in Section 2 of this act. The administrative office of the courts shall develop a petition form that offenders may use to request deferrals and orders pursuant to this act.

SECTION 4. For the purpose of developing forms, this act shall take effect upon becoming a law, the public welfare requiring it, and for all other purposes, this act shall take effect on January 1, 2016, the public welfare requiring it.