

HOUSE BILL 1438

By McCormick

AN ACT to amend Tennessee Code Annotated, Title 40, Chapter 11; Title 40, Chapter 33; Title 50; Title 55, Chapter 10, Part 4 and Title 55, Chapter 50, Part 5, relative to ignition interlock devices.

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

SECTION 1. Tennessee Code Annotated, Section 55-10-409(c)(2), is amended by deleting the language “, except as provided in § 55-10-417(m)(1),”.

SECTION 2. Tennessee Code Annotated, Section 55-10-409(d)(2)(A), is amended by deleting the phrase “, except as provided in § 55-10-417(m)(1),”.

SECTION 3. Tennessee Code Annotated, Section 55-10-417(d), is amended by deleting subdivision (3) in its entirety and by substituting instead the following:

(3) Direct that the records of the department reflect that the person may not operate a motor vehicle that is not equipped with a functioning ignition interlock device; and

SECTION 4. Tennessee Code Annotated, Section 55-10-417(k), is amended by deleting subdivision (4) in its entirety and by substituting instead the following:

(4) The penalty provisions of this subsection (k) shall not apply if the starting of a motor vehicle equipped with a functioning ignition interlock device, or the request to start a motor vehicle equipped with a functioning ignition interlock device, is done for the purpose of safety or mechanical repair of the device or the vehicle, and the person subject to the court order does not operate the vehicle.

SECTION 5. Tennessee Code Annotated, Section 55-10-417(m), is amended by deleting the subsection in its entirety.

SECTION 6. Tennessee Code Annotated, Section 55-50-502(c)(3), is amended by deleting subdivision (A) in its entirety and by substituting instead the following:

(A) The trial judge of the court, in which the trial for the offense of operating a vehicle under the influence of alcohol or an intoxicating drug is pending, may order the issuance of a restricted license. The restricted license may only allow the person arrested to operate a motor vehicle for the purpose of going to and from, and working at, the person's regular place of employment, or to operate only a motor vehicle that is equipped with a functioning ignition interlock device, during the period of time between arrest and conviction, dismissal or acquittal. Any restriction ordered pursuant to this subsection (c) shall be in addition to any restrictions currently placed on the person's driver license. The trial judge may order the issuance of a restricted license allowing a person, whose license has been suspended due to a conviction for violating § 39-14-151 or chapter 10, part 5 of this title, to operate a motor vehicle for the purpose of going to and from and working at the person's regular place of employment. A resident of this state, whose operator's license has been suspended because of an arrest in another jurisdiction on a charge of operating a motor vehicle while under the influence of an intoxicating liquor or a narcotic drug, may apply for a restricted motor vehicle operator's license during the period of time between arrest and conviction, dismissal or acquittal. Such resident shall apply for the license with any court of the county of the person's residence having jurisdiction to try charges. Any restriction ordered pursuant to this subsection (c) shall be in addition to any restrictions currently placed on the person's driver license.

SECTION 7. This act shall take effect July 1, 2014, the public welfare requiring it, and shall apply to offenses committed on or after such date.