

HOUSE BILL 3791

By Pitts

AN ACT to amend Tennessee Code Annotated, Title 55,
relative to motor vehicles.

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

SECTION 1. Tennessee Code Annotated, Title 55-10-207, is amended by
adding the following language as a new, appropriately numbered subsection:

() Notwithstanding any other law to the contrary, all traffic citations used in
Tennessee shall contain, as a minimum, the following information:

- (1) Citation number;
- (2) Violator's first name, middle name or middle initial, last name and
date of birth;
- (3) Violator's driver license number, state of issuance and class of the
license;
- (4) Whether or not the license is a commercial driver license;
- (5) The vehicle make, model, year, color, and owner;
- (6) The license plate number, year, and state of issuance;
- (7) Whether or not the vehicle is a commercial motor vehicle;
- (8) Whether or not the vehicle is transporting hazardous materials
requiring placards;
- (9) Whether or not the vehicle can transport 16 or more passengers;
- (10) The offense committed, including the date and time (if applicable);
- (11) The location of the offense;
- (12) The issuing officer's name, rank, badge/ID number, and employing
agency; and

(13) The time, date, location, and court where the offense will be heard.

SECTION 2. Tennessee Code Annotated, Section 55-10-306(b)(1), is amended by adding the following language at the beginning of the subdivision:

Except as provided by § 55-50-409,

SECTION 3. Tennessee Code Annotated, Section 55-10-306(c), is amended by deleting the subsection in its entirety and by substituting instead the following language:

(c) The abstract must be made on a form furnished by the commissioner and shall include the following information:

- (1) Driver's first name, middle name or middle initial, last name, and residence address;
- (2) Driver's date of birth;
- (3) Driver license number, class of license, and state of issuance;
- (4) A statement as to whether or not the license is a commercial driver license;
- (5) The license plate number, year, and state of issuance of the vehicle involved;
- (6) A statement as to whether or not the offense was committed in a commercial motor vehicle;
- (7) A statement as to whether or not the vehicle was transporting hazardous materials requiring placards;
- (8) A statement as to whether or not the vehicle could transport 16 or more passengers;
- (9) The date the offense occurred;
- (10) The offense the driver was charged with;
- (11) The date of the conviction;

- (12) The violation of which the person was convicted;
 - (13) The plea, the judgment, or whether bail was forfeited;
 - (14) The number of the offense (e.g. 1st offense, 2nd offense);
 - (15) The blood alcohol level of the person, if convicted of a violation of § 39-16-106, § 39-13-216, § 55-10-401 or § 55-50-405;
 - (16) The amount of any fine or costs assessed for the violation;
 - (17) Whether a driver education or improvement course was completed and the date of completion of the course, if eligible under § 55-10-301;
 - (18) The name of the arresting agency;
 - (19) The name of the county and court in which the conviction occurred;
- and
- (20) Whether or not there was in effect at the time of the violation an automobile liability policy or bond with respect to the operation of the motor vehicle involved.

SECTION 4. Tennessee Code Annotated, Section 55-50-331(a), is amended by deleting the sentence:

Over-the-counter issuance and renewal shall be permitted for all licenses.

SECTION 5. Tennessee Code Annotated, Section 55-50-335(b)(3), is amended by deleting the words “and permit over-the-counter issuance”.

SECTION 6. Tennessee Code Annotated, Section 55-50-405(a), is amended by adding the following language as a new, appropriately numbered subdivision:

() A driver who is convicted of violating an out-of-service order shall be subject to a civil penalty of not less than \$2,500 for a first conviction and not less than \$5,000 for a second or subsequent conviction, in addition to any disqualification or other penalty which may be imposed by state or federal law.

(A) The civil penalty shall be assessed by the department after receiving notification of the conviction.

(B) Funds received pursuant to this section shall become expendable receipts of the department.

SECTION 7. Tennessee Code Annotated, Section 55-50-405(d), is amended by deleting the period and by adding the following language:

and also be subject to civil penalties pursuant to 49 C.F.R. § 383.53(b)(2).

SECTION 8. Tennessee Code Annotated, Section 55-50-409, is amended by deleting the section in its entirety and by substituting instead the following language:

(a) The provisions of this section shall apply to the following types of convictions:

(1) The conviction of any resident or nonresident holder of a commercial driver license of any violation of state law or local ordinance relating to motor vehicle traffic control, other than parking violations, in any vehicle; and,

(2) The conviction of any resident or nonresident holder of a non-commercial driver license of any violation of state law or local ordinance relating to motor vehicle traffic control, other than parking violations, in a commercial motor vehicle.

(b) Within five (5) days after receiving a report of a conviction as defined by subsection (a), the department shall notify the driver licensing authority in the licensing state of the conviction, and the commercial driver license information system.

(c)

(1) Within five (5) days after the date of a conviction as defined by subsection (a), the clerk of the court of jurisdiction shall notify the department of the conviction.

(2) The notice shall contain:

- (A) Driver's first name, middle name or middle initial, last name, and residence address;
- (B) Driver's date of birth;
- (C) Driver license number, class of license, and state of issuance;
- (D) A statement as to whether or not the license is a commercial driver license;
- (E) The license plate number, year, and state of issuance of the vehicle involved;
- (F) A statement as to whether or not the offense was committed in a commercial motor vehicle;
- (G) A statement as to whether or not the vehicle was transporting hazardous materials requiring placards;
- (H) A statement as to whether or not the vehicle could transport 16 or more passengers;
- (I) The date the offense occurred;
- (J) The offense the driver was charged with;
- (K) The date of the conviction;
- (L) The violation of which the person was convicted;
- (M) The plea, the judgment, or whether bail was forfeited;
- (N) The number of the offense (e.g. 1st offense, 2nd offense);
- (O) The blood alcohol level of the person, if convicted of a violation of § 39-16-106, § 39-13-216, § 55-10-401 or § 55-50-405;
- (P) The amount of any fine or costs assessed for the violation;

(Q) Whether a driver education or improvement course was completed and the date of completion of the course, if eligible under § 55-10-301;

(R) The name of the arresting agency;

(S) The name of the county and court in which the conviction occurred; and

(T) Whether or not there was in effect at the time of the violation an automobile liability policy or bond with respect to the operation of the motor vehicle involved.

(d) Notwithstanding any other law in this state, the department shall furnish full information regarding the driving record of any person to:

(1) The driver license administrator of any other state, or province or territory of Canada, requesting that information;

(2) The commercial driver license information system; and

(3) Any employer or prospective employer upon request and payment of a fee of five dollars (\$5.00).

SECTION 9. Tennessee Code Annotated, Title 55, Chapter 50, Part 4, is amended by adding the following language as a new, appropriately numbered section:

55-50-4__:

(a)

(1) Beginning January 1, 2011, all persons holding valid commercial driver licenses issued by the State of Tennessee shall be required to maintain a valid medical card and provide the department a copy of each medical card issued, or provide evidence of an exemption from the medical card requirements.

(2) Persons who apply for a commercial driver license on or after January 1, 2012, will be required to provide the department with a copy of their current medical card or provide evidence of an exemption from the medical card requirements prior to issuance of a commercial driver license.

(b) The copies shall be provided in a manner prescribed by the department.

(c) A commercial driver who fails to maintain current proof of his medical card with the department shall be subject to cancellation of his commercial driver license.

SECTION 10. Tennessee Code Annotated, Section 55-50-501(a), is amended by adding the following language as a new, appropriately numbered subdivision:

() Conviction of violating an out-of-service order and failure to pay a civil penalty assessed by the department under § 55-50-405.

SECTION 11. For the purposes of promulgating rules and regulations necessary to implement the provisions of this act, this act shall take effect upon becoming law, the public welfare requiring it. Except for Sections 6, 7 and 10, which shall take effect on September 1, 2010, this act, for all other purposes, shall take effect on January 1, 2011, the public welfare requiring it.