

SENATE BILL 1083

By Berke

AN ACT to amend Tennessee Code Annotated, Title 55,
Chapter 8, relative to rules of the road.

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

SECTION 1. Tennessee Code Annotated, Section 55-8-152(d), is amended by adding the following language as a new subdivision:

(3)

(A) Notwithstanding any law to the contrary, during the period in which school zones are in effect when proper signs are posted and children are present, any person who is arrested or receives a traffic citation for driving or operating a motor vehicle in excess of the posted speed limit in such school zone shall be charged with speeding and upon conviction shall not be fined more than the maximum fine nor less than the minimum fine for speeding as provided in this subdivision (d)(3) for such violation.

Notwithstanding any law to the contrary, a violation of the special speed limits for school zones set pursuant to this subsection (d), is a Class B misdemeanor, punishable by fine only, when such school zone is in effect and proper signs are posted and a warning flasher or flashers are in operation. The amount of the fine imposed shall not be less than one hundred dollars (\$100) nor more than two hundred fifty dollars (\$250). Neither this subsection (d) nor § 55-8-153 shall be construed so as to prevent the entry of a suspended sentence upon the conviction of a defendant for the first violation of the enhanced penalties provided for when the violation occurs within a school zone and when the trier of fact determines that extraordinary circumstances lead to the violation.

(B)

(i) There is established within the general fund a revolving special account to be known as the safe pathways for students fund, referred to as the "fund," in this subdivision (d)(3).

(ii) Fifty dollars (\$50.00) of each fine imposed by this subdivision (d)(3) shall be sent by the clerk of the court to the state treasurer for deposit in the fund.

(iii) Any unencumbered funds and any unexpended balance of this fund remaining at the end of any fiscal year shall not revert to the general fund, but shall be carried forward until expended in accordance with this section and § 55-9-610.

(iv) Interest accruing on investments and deposits of the fund shall be returned to the fund and remain a part of the fund.

(v) Disbursements from, investments of, and deposits to the fund shall be administered and invested pursuant to title 9, chapter 4, part 5.

(vi) The state treasurer may deduct reasonable service charges from the fund pursuant to procedures established by the state treasurer and the commissioner of finance and administration.

(vii) The department of transportation is authorized, pursuant to duly promulgated rules and regulations, to determine equitable distribution of the monies in the fund to those entities that are best suited for safe pathways for students distribution. Funds distributed pursuant to this section shall only be used for funding education, enforcement and other efforts that encourage walking and bicycling to school.

SECTION 2. This act shall take effect July 1, 2011, the public welfare requiring it, and shall apply to any speeding violation in a school zone on or after such date.