

SENATE BILL 1271

By Bunch

AN ACT to amend Tennessee Code Annotated, Title 55,
Chapter 10, Part 4, relative to the offense of
underage driving while impaired.

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

SECTION 1. Tennessee Code Annotated, Section 55-10-415, is amended by adding the
following new subsection:

(f)

(1)

(A)

(i) Except as provided in subdivision (f)(2), if a person's motor vehicle operator's license has been revoked pursuant to subsection (d), the person may apply to the trial or juvenile court judge for a restricted driver license. The trial or juvenile court judge may order the issuance of a restricted motor vehicle operator's license in accordance with § 55-50-502, if based upon the records of the department of safety:

(a) The violation resulting in the person's present conviction or finding or delinquency for underage driving while impaired occurred on or after July 1, 2009;

(b) The person does not have a prior conviction or finding of delinquency for a violation of § 55-10-401, § 55-10-418, § 39-13-106, § 39-13-213(a)(2), or § 39-13-218, in this state or a similar offense in another state; and

(c) The person does not have a prior conviction or finding of delinquency for a violation of this section within three (3) years of the present violation in this state or a similar offense in another state.

(ii) The trial or juvenile court judge may issue the order allowing the person so convicted or found delinquent to operate a motor vehicle for the limited purposes of going to and from:

(a) The person's regular place of employment and any work-related driving;

(b) The office of the person's probation officer or other similar location for the sole purpose of attending a regularly scheduled meeting or other function with the probation officer by a route to be designated by the probation officer;

(c) A court-ordered alcohol safety program;

(d) A college or university in the case of a student enrolled full time in the college or university;

(e) A scheduled interlock monitoring appointment;

(f) A court-ordered outpatient alcohol or drug treatment program;

(g) Public service work as authorized by this section; and

(h) The person's regular place of worship for regularly scheduled religious services conducted by a

bona fide religious institution as defined in § 48-101-502(c).

(2)

(A) A Tennessee resident, whose operator's license has been suspended because of a conviction or finding of delinquency in another jurisdiction for underage driving while impaired, may apply for a restricted license to a judge of any court of the county of the person's residence having jurisdiction to try the criminal or delinquency charges for underage driving while impaired. The trial judge may order the issuance of a restricted motor vehicle operator's license in accordance with § 55-50-502(c), under the same procedure and conditions as provided in subdivision (f)(1)(A).

(B) A copy of the judgment of conviction certified by the court that tried the case in the other jurisdiction must accompany the restricted license application.

(3) The order granting the issuance of a restricted license shall state with all practicable specificity the necessary time and places of permissible operation of a motor vehicle and shall be made a part of the order or judgment of the court. The order may be presented within ten (10) days after the date of conviction or finding of delinquency to the department, accompanied by a fee of sixty-five dollars (\$65.00). If the person has first successfully completed a driver's license examination, the department shall forthwith issue a restricted license embodying the limitations imposed upon the person so convicted.

(4) If the violation resulting in the person's conviction for underage driving while impaired occurred prior to July 1, 2009, the law in effect when the violation occurred shall govern the person's eligibility for a restricted motor vehicle operator license.

(5) If during the course of conduct that was the basis for a driver's conviction or finding of delinquency under this section, another person is killed or suffers serious bodily injury as the proximate result of the driver's impairment, the driver shall not be eligible for and the court shall not have the authority to grant the issuance of a restricted motor vehicle operator's license until such time as the period of suspension mandated by subsection (a) has expired, notwithstanding the fact that it may be the driver's first conviction or finding of delinquency.

SECTION 2. This act shall take effect July 1, 2009, the public welfare requiring it and shall apply to all underage driving while impaired violations that occur on or after such date.