

SENATE BILL 1581

By Stevens

AN ACT to amend Tennessee Code Annotated, Title 55,
relative to driver licenses.

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

SECTION 1. Tennessee Code Annotated, Section 55-50-504(b), is amended by deleting the subsection in its entirety.

SECTION 2. Tennessee Code Annotated, Section 55-50-303(b)(1), is amended by deleting the language "In addition to all other requirements of law," and substituting instead the language "Notwithstanding subsections (d) and (e), in addition to all other requirements of law,".

SECTION 3. Tennessee Code Annotated, Section 55-50-303, is amended by adding the following as new subsections:

(d)

(1) A person whose license has been suspended, subject to the approval of the court, may pay any fines or costs, arising from the convictions or failure to appear in any court, by establishing a payment plan with the local court or the court clerk of the jurisdiction. The fines and costs for a conviction of driving while suspended may be included in such payment plan, subject to the approval of the court.

(2) The department is authorized to reinstate a person's driving privileges when the person provides the department with certification from the local court or court clerk of the jurisdiction that the person has entered into a payment plan with the local court or the court clerk of the jurisdiction and has satisfied all other provisions of law relating to the issuance and restoration of a driver license.

(3) The department shall, upon notice of the person's failure to comply with any payment plan established pursuant to this subsection (d), suspend the license of the

person. Persons who default under this subsection (d) shall not be eligible for any future payment plans under this subsection (d). The department shall notify the person in writing of the proposed suspension, and upon request of the person within thirty (30) days of the notification, shall provide the person an opportunity for a hearing to show that the person has, in fact, complied with the local court's or the court clerk's payment plan. Failure to make the request within thirty (30) days of receipt of notification shall, without exception, constitute a waiver of the right.

(e)

(1) Any person whose license has been suspended for having been convicted of a driving offense, and for the subsequent failure to pay a fine or cost imposed for that offense, may apply to the court where the person was convicted for the issuance of a restricted license. The court shall order the person whose license has been suspended to make payments to the court during the period of restricted license, as a condition of receiving the restricted license, in an amount reasonably calculated to fully pay the moneys owing the court during the period of the restricted license, including authorization of payment of the fine by installments as authorized in § 40-24-101. Failure to timely make the payments as ordered by the court shall result in the suspension of the restricted license. The restricted license shall be valid only for the purpose of going to and from work at the person's regular place of employment.

(2) The judge shall order the issuance of a restricted license, based upon the records of the department of safety, if the department suspended the person's license as a result of the person's conviction of any driving offense in any court and for the person's failure to pay or secure any fine or costs imposed for that offense; provided, however, that the judge shall not order the issuance of a restricted license and the department shall not issue a restricted license to a person whose license is suspended pursuant to § 55-10-615.

(3) The order shall state with all practicable specificity the necessary times and places of permissible operation of a motor vehicle. The person so arrested may obtain a

certified copy of the order and, within ten (10) days after the order is issued, present it, together with an application fee of sixty-five dollars (\$65.00), to the department, which shall issue a restricted license embodying the limitations imposed in the order. After proper application and until the restricted license is issued, a certified copy of the order may serve in lieu of a motor vehicle operator's license.

SECTION 4. This act shall take effect July 1, 2016, the public welfare requiring it.