

HOUSE BILL 839

By Lamberth

AN ACT to amend Tennessee Code Annotated, Title 40, Chapter 24, Part 1; Title 55, Chapter 50, Part 3 and Title 55, Chapter 50, Part 5, relative to payment of fines and costs.

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

SECTION 1. Tennessee Code Annotated, Section 55-50-502(a)(1)(H), is amended by deleting the subdivision and substituting instead the following:

(H) Has been finally convicted of any driving offense in any court and has not paid or secured any fine or costs imposed for that offense, and such failure to pay is not due to indigency; provided, however:

(i) The court shall inquire of the licensee whether the licensee is able to pay or secure any fine or costs imposed for the offense and whether the licensee requests to make payments pursuant to an installment payment plan;

(ii) If the licensee requests to make payments pursuant to an installment payment plan, the court shall order the licensee to enter into a payment plan with the court clerk and make payments to the court clerk, which must be reasonable and based on the licensee's income and ability to pay. The licensee may request, and the court clerk shall grant, modifications to the payment plan upon a change in the licensee's financial circumstances or upon good cause shown;

(iii) If the licensee is deemed indigent by the court or is ordered to enter into a payment plan with the court clerk, the court shall order the issuance of a restricted license until the licensee fully pays the moneys owed the court, or such fine or costs are waived by the court; and

(iv) A restricted license issued pursuant to this subdivision (a)(1)(H) shall be valid only for travel necessary for:

- (a) Employment;
- (b) School; or
- (c) Religious worship;

SECTION 2. Tennessee Code Annotated, Section 55-50-303(e)(1), is amended by deleting the language "Failure to timely make the payments as ordered by the court shall result in the suspension of the restricted license."

SECTION 3. Any person whose driver license was suspended under Tennessee Code Annotated, Section 55-50-502(a)(1)(H), prior to July 1, 2019, for nonpayment of court costs or fines that under this act are not the basis for suspension of a driver license due to the person's financial inability to pay may apply to the court having original jurisdiction over the offense for an order that enters the person into an installment payment plan with the court clerk and requires issuance of a restricted driver license. The person may present a certified copy of the court's order to the department of safety, which shall issue a restricted driver license if the person is otherwise eligible for a driver license.

SECTION 4. This act shall take effect July 1, 2019, the public welfare requiring it.