

HOUSE BILL 1923

By Hill M

AN ACT to amend Tennessee Code Annotated, Title 39;  
Title 55, Chapter 10; Title 55, Chapter 50 and Title  
57, relative to driving under the influence.

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

SECTION 1. Tennessee Code Annotated, Section 55-10-403, is amended by adding the following as a new subsection (e):

(e)

(1) As used in this subsection (e), "restricted-purchase license" means any driver license or other form of identification that is issued by this state, including any restricted motor vehicle operator's license or a restricted driver license, that includes the language required by subdivision (e)(5) and otherwise meets the requirements of this subsection (e).

(2) The court, as a part of a sentence for conviction of a violation of § 55-10-401 or as a condition of probation or parole from a conviction for a violation of § 55-10-401, shall order the issuance of a restricted-purchase license to the person convicted. A person convicted for a first offense and ordered to be issued such license may not purchase alcoholic beverages in this state for a period of four (4) years from the date of the conviction. A person convicted for a second or subsequent offense and ordered to be issued such license may not purchase alcoholic beverages in this state on and after the date of the conviction.

(3) The court in which a conviction is entered for the violation shall send notification of the conviction to the department of safety. Upon receipt of the notification, the department of safety shall revoke any valid driver license or other

form of identification previously issued by this state to the person. The revocation shall remain in effect for the period of time the person is subject to the restriction imposed by this subsection (e).

(4) In addition to all other criminal penalties, costs, taxes and fees now prescribed by law, any person for whom issuance of a restricted-purchase license has been ordered shall surrender the previously-issued driver license or other identification to the department of safety. Upon receipt of the surrendered license or identification, the department shall issue to the person a restricted-purchase license.

(5) The department, upon issuing a restricted-purchase license, shall print the words "SALE OF ALCOHOLIC BEVERAGES TO THIS INDIVIDUAL IS PROHIBITED" in a prominently displayed manner on the license. The person issued a restricted-purchase license shall be entitled to the same driving privileges and, if applicable, shall be subject to the same restrictions authorized by the previously-issued license; except, that any person issued, or ordered to be issued, a restricted motor vehicle operator's license or restricted driver license authorized by this chapter or chapter 50 of this title, shall be subject to any additional restrictions imposed by this chapter or chapter 50 of this title.

(6) For persons convicted of a first offense, following the expiration of four (4) years from the date of the conviction, the person to whom the restricted-purchase license is issued may apply for a new driver license or other identification issued by this state without a restriction on the purchase of alcoholic beverages. The restriction on the purchase of alcoholic beverages shall remain in full effect until application is made to the department for a new driver license or identification without the restriction. Upon such application, the department shall indicate that the restriction imposed by this subsection has been removed.

(7) Nothing in this subsection (e) shall be construed so as to limit, change, alter, repeal, or amend § 55-50-303, § 55-50-501, or § 55-50-502, nor to

limit the power or authority of a court or the department of safety to revoke or suspend a driver license, permit, or privilege under this chapter or chapter 50 of this title. Nothing in this subsection (e) shall be construed to prohibit the issuance of a restricted license in accordance with § 55-10-409.

SECTION 2. Tennessee Code Annotated, Section 57-5-301(a)(1), is amended by deleting the subdivision in its entirety and by substituting instead the following:

(1) A permit holder engaging in the business regulated hereunder or any employee thereof shall not make or permit to be made any sales to minors, persons visibly intoxicated, or persons restricted from purchasing alcoholic beverages pursuant to § 55-10-403. Prior to making a sale of beer for off-premise consumption, the adult consumer must present to the permit holder, or any employee of the permit holder, a valid, state government-issued document, such as a driver license, or other form of state government-issued identification deemed acceptable to the permit holder, that includes the photograph and birth date of the adult consumer attempting to make a beer purchase. Persons exempt under state law from the requirement of having a photo identification shall present identification that is acceptable to the permit holder. The permit holder or employee shall make a determination from the information presented whether the purchaser is an adult or is not restricted from purchasing alcoholic beverages, as appropriate. In addition to the prohibition of making a sale to a minor, person who is visibly intoxicated or person restricted from purchasing alcoholic beverages, no sale of beer for off-premises consumption shall be made to a person who does not present such a document or other form of identification to the permit holder or any employee of the permit holder. Responsible vendors shall post signs on the vendor's premises informing customers of the vendor's policy against selling beer to underage persons. The signs shall be not less than eight and one half inches by eleven inches

(8 1/2" x 11"), and contain the following language: STATE LAW REQUIRES IDENTIFICATION FOR THE SALE OF BEER. Neither the person engaging in such business nor persons employed by that person shall be a person who has been convicted of any violation of the laws against possession, sale, manufacture and transportation of intoxicating liquor or any crime involving moral turpitude within the last ten (10) years.

SECTION 3. Tennessee Code Annotated, Section 57-4-203(c), is amended by inserting the following language at the end of the sentence before the period (.):

, or any person restricted from purchasing alcoholic beverages pursuant to § 55-10-403

SECTION 4. This act shall take effect July 1, 2014, the public welfare requiring it.