

HOUSE BILL 2718

By Hardaway

AN ACT to amend Tennessee Code Annotated, Title 36, Chapter 5, Part 7; Title 40, Chapter 24 and Title 55, Chapter 50, relative to driver license suspension, restriction, and revocation.

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

SECTION 1. Tennessee Code Annotated, Section 55-50-502, is amended by adding the following as a new subsection:

(l)

(1) This subsection (l) applies statewide.

(2) Prior to the suspension of a license, the local court or court clerk shall offer a person whose license has been suspended pursuant to subdivision (a)(1)(H) the opportunity to submit proof of the person's financial inability to pay any portion of the fine or costs, as determined by the department of safety.

(3) A person is financially unable to pay any portion of the fine or costs pursuant to subdivision (l)(2) if the person is receiving an annual income, after taxes, of one hundred eighty-five percent (185%) or less of the poverty guidelines updated periodically in the federal register by the United States department of health and human services under the authority of 42 U.S.C. § 9902(2).

(4) Upon proof of a person's financial inability to pay the fine or costs, the department shall not suspend the license pursuant to subdivision (a)(1)(H).

SECTION 2. Tennessee Code Annotated, Section 40-24-105(b)(1), is amended by deleting the language "as a result of disposition of any offense under the criminal laws of this state" and substituting instead the language "as a result of disposition of any offense under the

criminal laws of this state, other than any driving offense for which the person is financially unable to pay any portion of the taxes, costs, or fines pursuant to § 55-50-502(l),".

SECTION 3. Any person whose driver license was restricted, suspended, or revoked under Tennessee Code Annotated, Section 40-24-105(b) or Section 55-50-502(a)(1)(H), prior to July 1, 2018, for nonpayment of litigation taxes, court costs, or fines that under this act are not the basis for restriction, suspension, or revocation of a driver license due to the person's financial inability to pay under Section 40-24-105(b) or Section 55-50-502(l), may apply to the court having original jurisdiction over the offense for reinstatement of the person's driver license. The person shall supply documentation of inability to pay that meets the requirements of Section 55-50-502(l)(3) to the court upon request. If the court finds that the person is no longer subject to driver license restriction, suspension, or revocation due to the person's financial inability to pay under Section 40-24-105(b) or Section 55-50-502(l), the court shall order that the person's driver license be reinstated. The person may present a certified copy of the court's order to the department of safety, which shall reissue a driver license if the person is otherwise eligible for a driver license. The department shall waive any fee to cover the administrative costs of reinstatement.

SECTION 4. This act shall take effect July 1, 2018, the public welfare requiring it.