

SENATE BILL 480

By Beavers

AN ACT to amend Tennessee Code Annotated, Title 7;
Title 29; Title 37; Title 38; Title 39; Title 40; Title
41; Title 49; Title 55; Title 68 and Title 71, relative
to ignition interlock.

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

SECTION 1. Tennessee Code Annotated, Section 55-10-403(d)(1)(A)(iv), is amended by deleting the subdivision in its entirety.

SECTION 2 Tennessee Code Annotated, Section 55-10-412(b)(2)(B), is amended by deleting the language “§ 55-10-403(d)(1)(A)(iv)(a)” and substituting instead the language “§ 55-10-454”.

SECTION 3. Tennessee Code Annotated, Section 55-10-412(b)(2), is amended by adding the following new subdivision thereto:

(C) Sections 55-10-412, 55-10-420 and 55-10-421 shall apply when a person is ordered to operate only a motor vehicle that is equipped with a functioning ignition interlock device pursuant to this section.

SECTION 4. Tennessee Code Annotated, Title 55, Chapter 10, Part 4, is amended by adding the following new section thereto:

55-10-454.

(a) If a person is issued a restricted license pursuant to § 55-10-403(d), such license shall be issued for the limited purposes set out in subsection (d) if such person is:

(1) Not required to operate only a motor vehicle with a functioning ignition interlock device; or

(2) Required to operate only a motor vehicle with a functioning ignition interlock device pursuant to § 55-10-403(d)(4).

(b) If a person is issued a restricted license pursuant to § 55-10-403(d), or required to operate only a motor vehicle with a functioning ignition interlock device installed and such person's license is no longer suspended or revoked, such person's license shall not be subject to the geographic restrictions otherwise required by subsection (d) if the person is:

(1) Required to operate only a motor vehicle with a functioning ignition interlock device pursuant to § 55-10-403(a)(1)(A)(iii);

(2) Required to operate only a motor vehicle with a functioning ignition interlock device pursuant to § 55-10-412(b)(1), and such person's license is no longer suspended or revoked;

(3) Required to operate only a motor vehicle with a functioning ignition interlock device pursuant to § 55-10-412(m); or

(4) Ordered to operate only a motor vehicle with a functioning ignition interlock device upon such person's request pursuant to § 55-10-412(b)(2).

(c) If a person is issued a restricted license pursuant to § 55-10-403(d), such license may be subject to the geographic restrictions set out in subsection (d) if such person is required to operate only a motor vehicle with a functioning ignition interlock device pursuant to § 55-10-412(b)(1) and such person's license is suspended or revoked at the time the person is issued a license pursuant to § 55-10-403(d).

(d) Persons described in subsection (a) shall be issued a restricted license for the following limited purposes:

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

(2) 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;

(3) A court-ordered alcohol safety program;

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

(5) A scheduled interlock monitoring appointment;

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

(7) A scheduled litter pickup work shift as required under subsection (s); and

(8) 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).

SECTION 5. Tennessee Code Annotated, Section 55-10-403(d)(4)(A), is amended by deleting the last sentence in the subdivision and substituting instead the following:

If a restricted license is issued pursuant to this subdivision (d)(4)(A), the license shall be issued for the limited purposes set out in § 55-10-454(d).

SECTION 6. Tennessee Code Annotated, Section 55-10-403(d)(4)(B)(i), is amended by deleting the language "as required" and substituting instead the language "if required".

SECTION 7. Tennessee Code Annotated, Section 55-10-403(d)(4)(B)(ii), is amended by deleting the language “(c)(4)(A)” and substituting instead the language “(d)(4)(A)”.

SECTION 8. Tennessee Code Annotated, Section 55-10-421(e), is amended by deleting the subsection in its entirety and substituting instead the following:

(e) Every person who informs the court that the person is financially unable to pay for a functioning ignition interlock device shall be required to complete an affidavit of indigency that is designed by the administrative office of the courts for purposes of assisting the court in making its determination pursuant to subsection (c). If the person intentionally misrepresents, falsifies or withholds any information required by the affidavit of indigency, such person commits perjury as set out in § 39-16-702.

SECTION 9. This act shall take effect upon becoming a law, the public welfare requiring it.