

SENATE BILL 1637

By Beavers

AN ACT to amend Tennessee Code Annotated, Section  
55-10-403, relative to ignition interlock devices.

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 language as a new, appropriately designated subsection:

(t)

(1) Notwithstanding § 55-10-412, in addition to the punishment provided in subsections (a) and (s), an offender who is issued a driver's license or a restricted driver's license is required to obtain an ignition interlock license and have an ignition interlock device installed and operating on all motor vehicles driven by the offender, pursuant to rules adopted by the department of safety. Unless determined by the sentencing court to be indigent, the offender shall pay all costs associated with having an ignition interlock device installed on the appropriate motor vehicles. The offender shall operate only those vehicles equipped with ignition interlock devices for:

(A) A period of one (1) year, for a first conviction pursuant to this section;

(B) A period of two (2) years, for a second conviction pursuant to this section;

(C) A period of three (3) years, for a third conviction pursuant to this section; or

(D)

(i) The remainder of the offender's life, for a fourth or subsequent conviction pursuant to this section, provided that five (5) years from the date of the conviction and every five (5) years thereafter, such offender may apply to the sentencing court for the following:

(a) Removal of the ignition interlock device requirement provided in this subsection (t); and

(b) Restoration of an unrestricted driver's license.

(ii) The court may, for good cause shown, remove the ignition interlock device requirement and order restoration of the license, either restricted or unrestricted; provided, that the offender has not been subsequently convicted of driving a motor vehicle while under the influence of intoxicating alcohol or drugs. Good cause may include an alcohol screening and proof from the interlock vendor that the person has not violated the interlock device requirement.

(2)

(A) An offender shall have ignition interlock devices installed and fully operational on all motor vehicles driven by the offender prior to applying for a driver's license or a restricted driver's license pursuant to subdivision (t)(1) and shall show proof of installation and operation of such device at the time of making application for either such license.

(B) The period an offender is required to operate only those vehicles equipped with ignition interlock devices shall commence upon

the date an offender is issued a valid driver's license or restricted driver's license.

(3)

(A) Any person subject to this subsection (t) may, solely in the course of employment, operate a motor vehicle or motorcycle, which is owned or provided by such person's employer, without installation of an ignition interlock device, if:

(i) The court expressly permits such operation;

(ii) The employer has been notified of such driving privilege restriction; and

(iii) Proof of that notification is within the vehicle.

(B) This subdivision (t)(3) shall not apply if such employer is an entity wholly or partially owned or controlled by the person subject to the provisions of this subsection (t).

SECTION 2. This act shall take effect on January 1, 2010, the public welfare requiring it.