

Senate Transportation Committee Amendment No. 1

Amendment No. 1 to SB1157

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AMEND Senate Bill No. 1157*

House Bill No. 1388

by deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 55-10-412, is amended by adding a new subsection thereto, as follows:

(1) There is hereby created a pilot program to study the effectiveness of requiring the use of ignition interlock devices for certain persons convicted of offenses under this chapter. It is the intent of this act to review the efficacy of the ignition interlock program and to evaluate its value in addressing the intractable problem of driving under the influence of intoxicating beverages. This pilot program shall provide professional assistance to persons who abuse alcohol and shall serve to protect persons who travel upon the highways of Tennessee.

(2) In addition to the penalties authorized for violations of this part, a person who is convicted of or pleads guilty to a second or third offense in violation of Section 55-10-401 et seq. may petition the court in which they were sentenced for a restricted motor vehicle operator's license. notwithstanding any other provision of the law to the contrary, the court is vested with the authority and discretion to grant the restricted license provided that the court shall order the person to operate a motor vehicle that is equipped with a functioning ignition interlock device. Further, the court shall order a continuation of the person's probation for the time for which the person has a restricted license. Any person who petitions the court for a restricted license following a conviction of a second offense in violation of Section 55-10-401 et seq. must have completed successfully all terms and conditions of probation and shall not have operated a motor vehicle for one

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(1) year from the date of conviction. Any person who petitions the court for a restricted license following a conviction for a third offense in violation of Section 55-10-401 et seq. must have completed successfully all terms and conditions of probation and shall not have operated a motor vehicle for two (2) years form the date of conviction.

(3) If during the period of interlock use, the court finds the person violated the terms of the order for proper use of an ignition interlock device, the court shall, in addition to any other penalties available to it under law, order the Department to revoke the restricted operator's license or may extend the period of probation for such person.

(4) There is hereby created a protocol committee to establish quality standards for ignition interlock equipment; set forth requirements for ignition interlock service providers and insure compliance with said standards and requirements. Further, the protocol committee shall monitor the pilot program and study its effectiveness and shall issue a written report on their findings and recommendations to the speaker of the senate and the speaker of the house, and to each member of the senate and house transportation committees by February 1, 2002.

(5) The protocol committee shall be composed of six (6) members who shall receive no compensation for their duties. One (1) member shall be a member of the general assembly which represents any county with a metropolitan form of government with a population of more than one hundred thousand (100,000) according to the 1990 federal census or any subsequent federal census to be chosen by the legislative delegation of such county. One (1) member shall be chosen by the presiding judge of the trial courts in any county to which this act applies. One (1) member, who shall be a

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general sessions judge, shall be chosen by the presiding judge of the general sessions courts in any county to which this act applies. One (1) member shall be chosen by the district attorney general of any county to which this act applies. One (1) member shall be a representative of D.U.I. Safety Center in any county to which this act applies to be chosen by the presiding judge of the trial courts in any county to which this act applies. One (1) member shall be a representative of law enforcement chosen by the chief law enforcement officer in any county to which this act applies. Legislative members shall receive all expenses, including per diem and travel expenses, they would otherwise be entitled to for attending a meeting of the general assembly. The committee shall elect a chair and vice-chair and shall meet no less than four (4) times each year. Meetings shall be called by the Chair. All state agencies shall provide any information or services requested by the committee.

SECTION 2. The Provisions of this act shall only apply in any county having a metropolitan form or government and a population of more than one hundred thousand (100,000) according to the 1990 federal census or any subsequent federal census.

SECTION 3. For the purposes of appointing members to the protocol committee, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes this act shall take effect July 1, 1999, the public welfare requiring it. The provisions of this act shall be repealed February 1, 2002.