

CHAPTER NO. 986

SENATE BILL NO. 3501

By Ketron, Tracy, Curtis S. Person, Jr., Black, Kilby, Finney, Burks

Substituted for: House Bill No. 3060

**By Maggart, Swafford, Baird, Lynn, Harry Brooks, McCormick, Bunch,
Stanley, Eldridge,
John Deberry, Henri Brooks, Moore, Marrero, Casada, Overbey, McKee,
Yokley, Curtis Johnson, Gresham, Campfield, Sontany, Langster, Pruitt**

AN ACT to amend Tennessee Code Annotated, Section 39-16-303; Section 57-5-301 and Section 57-3-412, relative to using false identification or false statements to purchase alcoholic beverages or beer.

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

SECTION 1. Tennessee Code Annotated, § 57-3-412(c), is amended by adding the following language at the end of the first sentence of the subsection:

In addition to any criminal penalty established by this subsection (c), a court in which a person younger than twenty-one (21) years of age but eighteen (18) years of age or older is convicted under this subsection (c) of a second or subsequent offense shall prepare and send to the Department of Safety, driver control division, within five (5) working days of the conviction, an order of denial of driving privileges for the offender for a period not to exceed one (1) year. Such offender may apply to the court for a restricted driver license. The judge shall order the issuance of a restricted motor vehicle operator's license in accordance with the provisions of § 55-50-502. The court and the department shall follow the same procedures and utilize the same costs for a person younger than twenty-one (21) years of age but eighteen (18) years of age or older as provided in Title 55, Chapter 10, Part 7, for offenders younger than eighteen (18) years of age but thirteen (13) years of age or older.

SECTION 2. Tennessee Code Annotated, § 57-3-412(c)(1), is amended by deleting the language "or not less than twenty (20) hours of community service work" and substituting instead the language "and not less than twenty (20) hours of community service work".

SECTION 3. Tennessee Code Annotated, § 57-5-301(d)(3), is amended by adding the following language at the end of the first sentence of the subdivision:

In addition to any criminal penalty established by this subdivision (d)(3), a court in which a person younger than twenty-one (21) years of age but eighteen (18) years of age or older is convicted under this subdivision (d)(3) of a second or subsequent offense shall prepare and

send to the Department of Safety, driver control division, within five (5) working days of the conviction, an order of denial of driving privileges for the offender for a period not to exceed one (1) year. Such offender may apply to the court for a restricted driver license. The judge shall order the issuance of a restricted motor vehicle operator's license in accordance with the provisions of § 55-50-502. The court and the department shall follow the same procedures and utilize the same costs for a person younger than twenty-one (21) years of age but eighteen (18) years of age or older as provided in Title 55, Chapter 10, Part 7, for offenders younger than eighteen (18) years of age but thirteen (13) years of age or older.

SECTION 4. Tennessee Code Annotated, § 57-5-301(d)(3)(A), is amended by deleting the language "or not less than twenty (20) hours of community service work, or both," and substituting instead the language "and not less than twenty (20) hours of community service work,".

SECTION 5. Tennessee Code Annotated, § 39-16-303, is amended by deleting subsection (b) in its entirety and substituting instead the following:

(b) A violation of this section is a Class C misdemeanor; however, if a violation of § 57-5-301(d)(3) or § 57-3-412(c) also constitutes a violation of this section the offender shall be punished in accordance with those sections.

SECTION 6. Tennessee Code Annotated, § 57-5-301, is amended by adding the following language as a new subsection thereto:

(f) Vendors shall post signs on the vendor's premises informing customers of the vendor's policy against selling beer to underage persons. Such signs shall be not less than 8-1/2" x 5-1/2" and shall contain the following language: IF YOU AREN'T 21 AND ARE IN POSSESSION OF BEER, YOU COULD LOSE YOUR DRIVER'S LICENSE.

SECTION 7. This act shall take effect July 1, 2006, the public welfare requiring it.

PASSED: May 27, 2006


JOHN S. WILDER
SPEAKER OF THE SENATE


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 27th day of June 2006


PHIL BREDESEN, GOVERNOR