

Amendment No. 1 to SB0802

Kelsey
Signature of Sponsor

AMEND Senate Bill No. 802*

House Bill No. 1173

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

SECTION 1. Tennessee Code Annotated, Section 40-24-105(b)(3)(A), is amended by deleting the subdivision and substituting instead the following:

A person who is unable to pay any portion of assessed litigation taxes, court costs, and fines may apply to the court having original jurisdiction over the offense for an order staying the revocation of the license issued under title 55. An order to stay the revocation of the license shall be granted if the court finds that the person would experience hardship from the revocation of the license and that other means of transportation are not readily available to the person. Grounds for finding of hardship are limited to travel necessary for:

- (i) Employment;
- (ii) School;
- (iii) Religious worship;
- (iv) Participation in a recovery court, which includes drug courts under the Drug Court Treatment Act of 2003, compiled in title 16, chapter 22; DUI courts; mental health courts; and veterans treatment courts;
- (v) Serious illness of the person or an immediate family member; or
- (vi) Other reasons or destinations as determined by the court.

SECTION 2. Tennessee Code Annotated, Section 40-24-105(b)(4), is amended by deleting the subdivision and substituting instead the following:

(A) A person who is unable to pay all of the assessed litigation taxes, court costs, and fines but is able to pay some of them may apply to the court having original

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jurisdiction over the offense for an order setting up a payment plan for such taxes, costs, and fines. If the person and court agree to such a payment plan, the court shall so order and such order shall have the effect of staying the revocation of the license pursuant to this subsection (b). The order staying the revocation of license shall remain in effect for as long as the person is current and in compliance with the payment plan. If the person fails to make payments according to the plan for three (3) consecutive months without good cause, the court may revoke the order and notify the clerk. The court clerk shall promptly notify the commissioner of safety of the issuance or termination of any stay of revocation. The commissioner of safety shall not revoke pursuant to this subsection (b) while the stay is in effect.

(B) In addition to the ability to apply for the approval of a payment plan as provided in subdivision (b)(4)(A), a person who is indigent, as defined in § 40-14-201, may also apply for the waiver of any outstanding court costs and fines. A person who is indigent may apply for the waiver of outstanding court costs and fines prior to or after the revocation of license. An application for such a waiver must include:

- (i) A signed affidavit of indigency; and
- (ii) Payment of a fee of up to fifty dollars (\$50.00), subject to the discretion of the court after consideration of the person's ability to pay.

(C) After consideration of the affidavit of indigency and the payment of any fee that may be required under this subdivision (b)(4), the court may waive any outstanding court costs and fines.

SECTION 3. Tennessee Code Annotated, Section 40-24-105, is amended by adding the following as a new subsection (h):

Notwithstanding this section to the contrary, if a person has a license revoked pursuant to this section, the person may apply to the trial court having original jurisdiction over the offense for a restricted driver license. The court is vested with the authority and discretion to order the issuance of a restricted driver license for the purposes specified in subdivision (b)(3)(A). The order shall state with all practicable specificity the necessary times and places of permissible operation of a motor vehicle. The person may obtain a certified copy of the order and within ten (10) days after issuance present the order, together with an application fee of sixty-five dollars (\$65.00), to the department of safety, which shall issue a restricted license embodying the limitations imposed in the order. After proper application and until the restricted license is issued, a certified copy of the order may serve in lieu of a driver license. Any restricted license issued under this section shall be valid for a period not to exceed one (1) year. A restricted license issued under this section may be renewed; provided, that each renewal shall be valid for a period not to exceed one (1) year.

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