

# State of Tennessee- Juvenile Offender Act

## Juvenile Offender Act

### 55-10-701. Denial of driving privileges by court

1. When a person, younger than eighteen (18) years of age, but thirteen (13) years of age or older, commits any offense or engages in any prohibited conduct described in this subsection (a), then at the time the person is convicted of the offense, or adjudicated a delinquent child, unruly child or status offender, the court in which the conviction or adjudication occurs shall prepare and send to the department of safety, driver control division, within five (5) working days of the conviction or adjudication, an order of denial of driving privileges for the offender.

1. This section applies to any criminal offense, status offense, violation, infraction or other prohibited conduct involving the possession, use, sale, or consumption of any alcoholic beverage, wine or beer, or any controlled substance as defined and enumerated in title 39, chapter 17, part 4, or involving the possession or carrying of a weapon on school property, as defined and enumerated in § 39-17-1309(b) or (c).
2. The denial of driving privileges authorized by this section applies when the prohibited conduct occurs before the offender is eighteen (18) years of age, regardless of when a conviction or determination occurs. The department shall promulgate a form "order of denial" for use by the courts.

2. If a court has issued an order of denial of driving privileges pursuant to this section, the court, upon motion of the offender, may review the order and may withdraw the order at any time the court deems appropriate, except as provided in the following:

**(1)** A court may not withdraw an order for a period of ninety (90) days after the issuance of the order if it is the first order issued by any court with respect to the petitioning person;

**(2)** A court may not withdraw an order for a period of one (1) year after the issuance of the order if it is the second or subsequent such order issued by any court with respect to the petitioning person; and

**(3)** A court may not withdraw an order involving a violation of part 4 of this chapter, concerning the operation of a motor vehicle while intoxicated or impaired.

3. For a motion for withdrawal under this section to be properly before a court for consideration, the local district attorney general must have received at least ten (10) days' prior notice of the motion, together with the time and place where it will be considered. The motion must be joined in by a custodial parent or legal guardian of the offender, if the offender is an unemancipated juvenile at the time the motion is made. A custodial parent or legal guardian must appear in court with the offender if the offender is an unemancipated juvenile at the time the motion is made. The motion shall state whether any prior orders of denial have been issued by any court and shall include as exhibits any prior orders of denial so issued.

### 55-10-702. Denial or suspension of driving privileges by department of safety

1. The local district attorney general or assistant district attorney general has the right to appear, present evidence and be heard at proceedings under this section.

**(a)** In addition to any other authority to suspend driving privileges under this chapter, the department of safety shall deny or suspend all driving privileges of any person upon receipt of an order of denial of driving privileges issued pursuant to § 55-10-701. The suspension shall be imposed without a hearing. The driving

privileges of the person shall be suspended in accordance with the following:

(1) Upon receipt of the first order denying driving privileges, the department shall impose a suspension of one (1) year, or until the person reaches seventeen (17) years of age, whichever is longer; and

(2) Upon receipt of a second or subsequent order denying driving privileges, the department shall impose a suspension of two (2) years or until the person reaches eighteen (18) years of age, whichever is longer.

(b) If on appeal an underlying conviction or adjudication of an alcohol, wine, beer or drug offense, or weapons offense is overturned to an extent that nullifies the application of § 55-10-701, the department, upon receipt of a certified copy of the final order, shall timely reinstate any driving privileges that were suspended or denied because of the issuance of the original order of denial.

**55-10-703. Withdrawal of denial order -- Eligibility for driver license -- Driver safety or alcohol education programs** If a court withdraws an order issued pursuant to § 55-10-701, the offender may obtain a certified copy of the order of withdrawal and within ten (10) days after it is issued present it, along with an application fee of twenty dollars (\$20.00), to the department of safety, and the offender shall become eligible to receive a Tennessee driver license upon reaching proper age, complying with all testing requirements and paying all other driver license fees. Additionally, before an offender becomes eligible to receive a driver license under this section, the court shall require the offender to complete, to the court's satisfaction, a driver's safety course certified by the department or an early intervention program or a youth alcohol safety education program certified by the department of mental health and substance abuse services or weapons safety course certified by the department of safety.

**55-10-704. Confiscation of offender's driver license.** At the time of a conviction or adjudication by the court, the court shall remove from the offender's possession any Tennessee driver license currently held by the offender and forward it to the driver control division. If the offender is the holder of a driver license from another jurisdiction, the court shall not collect the offender's driver license, but shall notify the division of the conviction or adjudication and the division shall notify the appropriate individuals in the licensing jurisdiction. The court shall, however, in accordance with this part, send to the division an order of denial of driving privileges in this state.

**55-10-705. Restricted motor vehicle operator's license**

(1) If an order of denial has been issued pursuant to § 55-10-701 and it is the first order of denial so issued by any court for the offender, then upon motion of the offender, the court is vested with the authority and discretion to issue an order for a restricted motor vehicle operator's license subject to the conditions and requirements of subdivision (a) (3).

(2) If an order of denial has been issued pursuant to § 55-10-701 and it is the second or subsequent order of denial so issued by any court for the offender, then, after the expiration of at least one (1) year from the date of the entry of the latest order of denial or after the offender reaches seventeen (17) years of age, whichever is later, upon motion of the offender, the court is vested with the authority and discretion to issue an order for a restricted motor vehicle operator's license subject to the conditions and requirements of subdivision (a)(3).

(3) No restricted license may be issued under this section unless the court finds by clear and convincing evidence that an economic, educational or health-related hardship will result without the restricted license. A restricted license shall not be granted for travel to and from an educational institution if reasonable parental transportation is available or free transportation is provided by the educational institution, school district or local governmental agency. This restricted license shall not be granted for travel to and from social events or extracurricular school activities. This restricted license may be granted for travel to and from and working at the person's regular place of employment if reasonable public transportation is not available and the person's earnings are essential to the well-being of the family unit. An order allowing a restricted license shall state with all practicable specificity the necessary time and places of permissible operation of a motor vehicle and shall be made a part of the judgment of the court. The offender may obtain a certified copy of the order and within

ten (10) days after it is issued present it, together with an application fee of twenty dollars (\$20.00), to the department of safety which shall forthwith issue a restricted license embodying the limitations imposed; provided, that the person must first reach proper age and comply with all testing requirements. After proper application and until the restricted license is issued, a certified copy of the order of judgment of the court may serve as the motor vehicle operator's license.

**(4)** For a motion under this section to be properly before a court for consideration, the local district attorney general must have received at least ten (10) days' prior notice of the motion, together with the time and place it will be considered. The motion must be joined in by a custodial parent or legal guardian of the offender, if the offender is an unemancipated juvenile at the time the motion is made. A custodial parent or legal guardian must appear in court with the offender if the offender is an unemancipated juvenile at the time the motion is made. The motion shall state whether any prior orders of denial have been issued by any court and shall include as exhibits any prior orders of denial so issued.

**(5)** The local district attorney general or assistant district attorney general has the right to present evidence and be heard in proceedings under this section.

**(b)** Any restricted license issued under this section shall be subject to renewal in the same manner as other licenses.

**(c)** In the prosecution of second or subsequent offenders, the indictment, petition, or charging instrument must allege any prior orders of denial imposed for the violation of any provisions of this part, setting forth the time and place of each order.

**(d)** If a court orders the issuance of a restricted license to any person pursuant to this section, and the person is an unemancipated juvenile, the court shall order the custodial parent or legal guardian to certify to the court, in writing, at six (6) week intervals the person's continuing compliance with the restrictive conditions.

#### **55-10-706. Expiration of denial period -- Eligibility for license -- Driver safety or alcohol education programs**

On the expiration of the applicable period of denial set out in § 55-10-702(a), if a person has not become eligible to receive a license under § 55-10-703, then, for a person to be eligible to receive a Tennessee driver license, the person must pay a twenty dollar (\$20.00) reinstatement fee, comply with all testing requirements and pay all other driver license fees.

**(b)** Additionally, before an offender becomes eligible to receive a driver license under this section, the court shall require the offender to complete, to the court's satisfaction, a driver safety course certified by the department of safety or an early intervention program or a youth alcohol safety education program certified by the department of mental health and substance abuse services or weapons safety course certified by the department of safety.

#### **55-10-707. Construction of part -- Penalties supplemental**

This part shall not be construed to limit in any way § 55-50-303 or § 55-50-502, nor to limit the power and authority of the department of safety to revoke or suspend a driver license under chapter 50 of this title.

**(b)** The penalties imposed by this part shall be in addition to and supplemental to any other penalties imposed by law.

#### **55-10-708. Data search to determine offender status -- Applicants for restricted license or removal of denial order**

**(a)** Notwithstanding any other provision of this part to the contrary, any district attorney general or assistant district attorney general shall be authorized to call upon the driver control division to search the data compiled for the purpose of ascertaining whether a person applying for a restricted license under this part or applying for a withdrawal of an order of denial under this part has had other orders of denial or restricted licenses issued.

**(b)** Upon request of any district attorney general or assistant district attorney general, the driver control division shall send the requestor a certified copy of such other orders of denial or restricted licenses. **55-10-709. Inspection of records**

Any record developed pursuant to this part shall be subject to the same limited inspection provisions found in §§ 37-1-153 and 37-1-154.

**55-10-710. Provisions of part in pamphlets for schools and driver license examination manuals**

The department of safety shall prepare a pamphlet describing this part for distribution to students in all schools. The department shall also describe this part in the driver manual used to prepare applicants for the license examination. **55-10-711. Denial of driving privileges -- Expunction from records -- Requirements**

If a person's driving privileges have been denied pursuant to this part, when the person becomes eighteen (18) years of age, all records relating to the denial maintained by the court in which the conviction or adjudication occurred and by the department of safety shall be expunged and the driving record maintained by the department on the person shall not reflect that a denial of driving privileges occurred. This section shall apply only upon the expiration of the denial or suspension previously ordered by the juvenile court judge and when all requirements for reinstatement have been met.

<https://law.justia.com/codes/tennessee/2010/title-55/chapter-10/part-7/>