

Document: Tenn. Code Ann. § 55-10-417

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TN - Tennessee Code Annotated **Title 55 Motor and Other Vehicles** **Chapter 10 Accidents, Crimes and Penalties** **Part 4 Alcohol and Drug Related Offenses**

55-10-417. Ignition interlock devices.

(a)

(1)

(A) A court may order the installation and use of an ignition interlock device for any conviction of § 55-10-401, if the driver's license is no longer suspended or revoked or the driver does not have a prior conviction as defined in § 55-10-405. The restriction may apply for up to one (1) year after the person's license is reinstated.

(B) The provisions of this subdivision (a)(1), authorizing the court to order an ignition interlock device for a violation of § 55-10-401, shall only apply when the court is not otherwise required to order an ignition interlock device by this part.

(2) If a person is convicted of a first offense of § 55-10-401, and the person is not required to operate only a motor vehicle with an ignition interlock device pursuant to § 55-10-409(b)(2)(B), and the person is otherwise eligible for a restricted license pursuant to § 55-10-409(b)(1)(A)(i), such person may request and the court may order the installation and use of an ignition interlock device in lieu of geographic restrictions or additional limitations on the restricted license. A person so requesting shall pay all costs associated with the ignition interlock device and no funds from the electronic monitoring indigency fund shall be used to pay any cost associated with the device, regardless of whether or not the person is indigent.

(3) If a person is ordered to install and use the device due to the requirements of § 55-10-409 or subdivision (a)(1) or (a)(2) due to a violation of either § 55-10-401 or § 55-10-406, then the restriction must be a condition of probation or supervision for the entire period of the restriction.

(b) Upon ordering a functioning ignition interlock device pursuant to § 55-10-409 or subdivision (a)(1) or (a)(2), the court must establish a specific calibration setting of two-hundredths of one percent (0.02%) blood alcohol concentration at which the functioning ignition interlock device will prevent the motor vehicle from being started.

(c) Upon ordering the use of a functioning ignition interlock device pursuant to § 55-10-409 or subdivision (a)(1) or (a)(2), the court must:

(1) State on the record the requirement for and the period of use of the device and so notify the department of safety;

(2) Notify the department of corrections, the department of safety or any other agency, department, program, group, private entity or association that is responsible for the supervision of the person ordered to drive only a motor vehicle with a functioning ignition interlock device;

(3) Direct that the records of the department reflect that the person may not operate a motor vehicle that is not equipped with a functioning ignition interlock device; and

(4) Direct the department to attach or imprint a notation on the motor vehicle operator's license of any person restricted under this section, stating that the person may operate only a motor vehicle equipped with a functioning ignition interlock device.

(d) Upon the court ordering a person to operate only a motor vehicle equipped with a functioning ignition interlock device pursuant to § 55-10-409 or subdivision (a)(1), the court, the department of correction or any other agency, department, program, group, private entity or association that is responsible for the supervision of such person shall:

(1) Require proof of the installation of the functioning ignition interlock device on at least one (1) motor vehicle operated by such person;

(2) Require periodic reporting by the person for verification of the proper operation of the functioning ignition interlock device;

(3) Require the person to have the system monitored for proper use and accuracy by an entity approved by the department of safety at least every thirty (30) days, or more frequently as the circumstances may require; and

(4) Notify the court of any of the person's violations of this part.

(e)

(1) If a person is ordered to drive only a motor vehicle with a functioning ignition interlock device, and such person owns or operates more than one (1) motor vehicle, the court shall also order the person to elect a motor vehicle such person will operate exclusively during the interlock period and order the device to be installed on such motor vehicle prior to applying for a motor vehicle operator's license of any kind and shall show proof of such installation and operation of such device at the time of making application for a motor vehicle operator's license to the department of safety or to the court. A person may elect to have a functioning interlock device installed on more than one (1) motor vehicle.

(2) If the motor vehicle that the person has elected to exclusively operate during the interlock period is no longer being used by such person, the person shall have any replacement motor vehicle exclusively used by such person installed with a functioning ignition interlock device and notify the department of

safety and any agency, department, program, group, private entity or association that is responsible for the supervision of such person.

(f) A person prohibited under this part from operating a motor vehicle that is not equipped with a functioning ignition interlock device shall not solicit or have another person attempt to start or start a motor vehicle equipped with such a device.

(g) A person shall not attempt to start or start a motor vehicle equipped with a functioning ignition interlock device for the purpose of providing an operable motor vehicle to a person who is prohibited under this section from operating a motor vehicle that is not equipped with a functioning ignition interlock device.

(h) No person shall:

(1) Tamper with, or in any way attempt to circumvent, the operation of a functioning ignition interlock device that has been installed in a motor vehicle;

(2) Operate a motor vehicle that is not equipped with a functioning ignition interlock device when the person has been ordered by the court or required by statute to only operate a vehicle equipped with such an interlock device; or

(3) Operate a motor vehicle outside the geographic limitations or during restricted times when geographic or time restrictions are ordered by the court.

(i) A person shall not knowingly provide a motor vehicle not equipped with a functioning ignition interlock device to another person who the provider of the vehicle knows or should know is prohibited from operating a motor vehicle not equipped with a functioning ignition interlock device.

(j) [Effective until January 1, 2023. See version effective January 1, 2023.] Except as provided in subdivision (j)(4), a person who violates subsections (f), (g), (h) or (i) commits a Class A misdemeanor:

(1) If the violation is the person's first violation, such person shall be sentenced to a minimum of forty-eight (48) hours of incarceration;

(2) If the violation is the person's second violation, such person shall be sentenced to a minimum of seventy-two (72) hours of incarceration;

(3) If the violation is the person's third or subsequent violation, such person shall be sentenced to a minimum of seven (7) consecutive days of incarceration;

(4) The penalty provisions of this subsection (j) shall not apply if the starting of a motor vehicle equipped with a functioning ignition interlock device, or the request to start a motor vehicle equipped with a functioning ignition interlock device, is done for the purpose of safety or mechanical repair of the device or the vehicle, and the person subject to the court order does not operate the vehicle.

(j) [Effective January 1, 2023. See version effective until January 1, 2023.]

(1) *Except as provided in subdivision (j)(5), a person who violates subsection (f), (g), (h), or (i) commits a Class A misdemeanor.*

(2) *If the violation is the person's first violation, the person shall be sentenced to a minimum of forty-eight (48) hours of incarceration.*

(3) *If the violation is the person's second violation, the person shall be sentenced to a minimum of seventy-two (72) hours of incarceration.*

(4) *If the violation is the person's third or subsequent violation, the person shall be sentenced to a minimum of seven (7) consecutive days of incarceration.*

(5) *The penalty provisions of this subsection (j) shall not apply if the starting of a motor vehicle equipped with a functioning ignition interlock device, or the request to start a motor vehicle equipped with a functioning ignition interlock device, is done for the purpose of safety or mechanical repair of the device or the vehicle, and the person subject to the court order does not operate the vehicle.*

(6) *A person who is convicted for a violation of subdivision (h)(2) shall be required to complete an additional consecutive three-hundred-sixty-five-day ignition interlock usage period as provided in § 55-10-425, regardless of whether the person has already completed an ignition interlock usage period for the underlying violation of § 55-10-401.*

(k) *A person who was required under this subsection (k), as it existed on June 30, 2022, to install and use an ignition interlock device on a motor vehicle for six (6) months following reinstatement of the person's driver license after two (2) or more convictions for § 55-10-401 within five (5) years, may petition the department for reinstatement of the person's driver license. If the person is in compliance with all other requirements for reinstatement and has no other revocations or suspensions on the person's driving record, then the department must reinstate the driver license.*

(l) *If a person is required by a court order issued pursuant to this section, by statutory requirement, in the court's discretion, or at the defendant's request, to operate only a motor vehicle that is equipped with a functioning ignition interlock device, and the offense for which the ignition interlock device is ordered occurs on or after July 1, 2016, then the compliance-based provisions of § 55-10-425 must govern the required periods of continuous operation, default interlock orders, authorized removal of the device, and other enforcement aspects of the ignition interlock requirements set out in § 55-10-425.*

(m) *In addition to all other fines, fees, costs, and punishments now prescribed by law, upon ordering the use of a functioning ignition interlock device pursuant to § 55-10-409 or subdivision (a)(1) or (a)(2), the court shall assess a one-time electronic monitoring initial use fee of twelve dollars (\$12.00) if the person has not previously been ordered by a court of this state to use an ignition interlock or other electronic monitoring device. All proceeds collected pursuant to this subsection (m) shall be transmitted to the treasurer for deposit in the electronic monitoring indigency fund, established in § 55-10-419.*

History

Acts 1969, ch. 292, § 8; 1973, ch. 400, § 3; T.C.A., § 59-1051; Acts 1989, ch. 435, § 1; 1989, ch. 591, §§ 1, 6, 113; 1994, ch. 851, § 1; 1995, ch. 512, §§ 1, 2; 2000, ch. 752, §§ 1, 2; 2002, ch. 855, § 2; 2009, ch. 321, § 2; 2010, ch. 921, § 11; 2011, ch. 298, §§ 2-4; 2013, ch. 154, § 16; 2013, ch. 344,

§§ 11, 12; T.C.A. §§ 55-10-412, 55-10-454; Acts 2014, ch. 587, §§ 3-5; 2016, ch. 888, §§ 3, 4; 2016, ch. 993, § 7; 2018, ch. 1046, §§ 4, 6; 2022, ch. 964, §§ 4-10, 24, 25.

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