

**RULES  
OF  
TENNESSEE. DEPARTMENT OF SAFETY  
DRIVER CONTROL DIVISION**

**CHAPTER 1340-01-04  
TENNESSEE DRIVER IMPROVEMENT PROGRAM**

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**1340-01-04-.01 PURPOSE.**

- (1) To establish a uniform system for conducting a Driver Improvement Program whereby the Department is authorized to evaluate driver records based on accidents and/or convictions for moving traffic violations and to establish and assign point values according to the seriousness of the accidents or convictions for moving traffic violations, and whereby a driver may, after notice and the opportunity for a hearing to contest the records of the Department of Safety, be required to enter into a rehabilitation procedure and/or have the driver's driving privileges suspended when the records of the Department indicate that the driver has contributed to the occurrence of accidents and/or has been convicted of moving traffic violations and has accumulated sufficient points, or when the Department has reason to believe that the driver is unable to safely operate a motor vehicle due to physical or mental disability.

**Authority:** T.C.A. §§ 4-5-202 and 55-50-505. **Administrative History:** Repeal and new rule filed March 12, 1986; effective June 14, 1986. Repeal and new rule filed August 5, 1996; effective December 27, 1996. Repeal and new rule filed April 18, 2005; effective August 26, 2005. Repeal and new rule filed March 11, 2008; effective July 29, 2008.

**1340-01-04-.02 ASSIGNMENT OF POINT SYSTEM NUMERICAL VALUE.**

- (1) The Department of Safety's driver point system is designed to identify those drivers whose records reflect a continuous disrespect for traffic laws, and a disregard for the safety of other persons on the highways.
- (2) To administer this program, a point value will be assessed for each accident and moving violation conviction.
- (3) Upon receipt of a moving traffic conviction notice from any court or the receipt by the Department of a traffic crash report indicating a driver contributed to the occurrence of the crash, the Department shall charge points to the driver's record as set out herein. Convictions of moving traffic violations which occurred more than two (2) years prior to the Department's receipt of such report or notice shall not be used within the Driver Improvement Program.

**Authority:** T.C.A. § 55-50-505. **Administrative History:** Repeal and new rule filed March 12, 1986; effective June 14, 1986. Repeal and new rule filed August 5, 1996; effective December 27, 1996. Amendment filed April 18, 2005; effective August 26, 2005.

**1340-01-04-.03 SCHEDULE OF POINTS.**

- (1) Definitions. As used in this Chapter 1340-01-04, unless the context otherwise requires:
- (a) "Commercial Motor Vehicle" means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:
1. Has a gross vehicle weight rating or gross combination weight rating of twenty-six thousand one (26,001) or more pounds;
  2. Is designed to transport more than fifteen (15) passengers, including the driver; or
  3. Is of any size and is used in the transportation of hazardous materials, as defined in this section.
  4. The following vehicles and groups of vehicles shall not be considered commercial motor vehicles for the purposes of this Chapter:
    - (i) Vehicles that are controlled and operated by a farmer or nursery worker that are used to transport either agricultural products, farm machinery, or farm supplies to or from a farm or nursery, and are not used in the operations of a common or contract motor carrier and are used within one hundred fifty (150) miles of the person's farm or nursery;
    - (ii) Vehicles designed and used solely as emergency vehicles that are necessary for the preservation of life or property or the execution of emergency governmental functions performed under emergency conditions and not subject to normal traffic regulation. This exemption shall apply to vehicles operated by paid or non-paid personnel;
    - (iii) Vehicles operated for military purposes by active duty military personnel; members of the military reserves; members of the national guard on active duty, including personnel on full-time national guard duty, personnel on part-time national guard training, and national guard military technicians (civilians who are required to wear military uniforms); and active duty United States coast guard personnel. This exception is not applicable to United States reserve technicians;
    - (iv) Vehicles designed and used primarily as recreational vehicles (i.e., vehicles primarily designed as temporary living quarters for recreational camping or travel);
    - (v) Vehicles leased strictly and exclusively to transport personal possessions or family members for nonbusiness purposes.
- (b) "Commercial Motor Vehicle Hauling Hazardous Materials" means a Commercial Motor vehicle carrying any material that has been designated as hazardous under 49 U.S.C. § 5103 and is required to be placarded under subpart F of 49 C.F.R. § 172 or any quantity of a material listed as a select agent or toxin in 42 C.F.R. § 73.
- (c) "Non-Commercial Motor Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a public highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks that is not considered a Commercial Motor Vehicle.

(Rule 1340-01-04-.03, continued)

## (2) Moving Traffic Violations - Points for Non-Commercial Motor Vehicles

- (a) Speeding – non-commercial motor vehicle  
T.C.A. § 55-8-152
1. Tickets and court abstracts where speed not indicated 3
  2. Speeding 1 through 5 m.p.h. in excess of speed zone 1
  3. Speeding 6 through 15 m.p.h. in excess of speed zone 3
  4. Speeding 16 through 25 m.p.h. in excess of speed zone 4
  5. Speeding 26 through 35 m.p.h. in excess of speed zone 5
  6. Speeding 36 through 45 m.p.h. in excess of speed zone 6
  7. Speeding 46 and above in excess of speed zone 8
  8. Speed less than posted minimum 3  
T.C.A. § 55-8-154
- (b) Speeding in construction zone – non-commercial motor vehicle  
T.C.A. § 55-8-153
1. Tickets and court abstracts where speed not indicated 4
  2. Speeding 1 through 5 m.p.h. in excess of posted speed 2
  3. Speeding 6 through 15 m.p.h. in excess of posted speed 4
  4. Speeding 16 through 25 m.p.h. in excess of posted speed 5
  5. Speeding 26 through 35 m.p.h. in excess of posted speed 6
  6. Speeding 36 m.p.h. and above in excess of posted speed 8
- (c) Driving too fast for conditions, failure to reduce speed to avoid an accident 3  
T.C.A. § 55-8-152
- (d) Operating at erratic or suddenly changing speeds 3  
T.C.A. § 55-8-152
- (e) Reckless endangerment by vehicle – misdemeanor 8  
T.C.A. § 39-13-103
- (f) Reckless driving 6  
T.C.A. § 55-10-205
- (g) Careless or negligent driving 4  
T.C.A. § 55-8-136
- (h) Failure to obey traffic instructions 4  
T.C.A. § 55-8-109

(Rule 1340-01-04-.03, continued)

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|------|--|---|
| (i)  | Improper passing<br>T.C.A. §§ 55-8-116, 55-8-117, 55-8-118, 55-8-119, 55-8-120 & 55-8-121  | 4 |
| (j)  | Wrong way, side or direction<br>T.C.A. § 55-8-120  | 4 |
| (k)  | Following improperly<br>T.C.A. § 55-8-124  | 3 |
| (l)  | Following emergency vehicles unlawfully<br>T.C.A. § 55-8-132   | 3 |
| (m)  | Failure to yield the right-of-way<br>T.C.A. §§ 55-8-128 & 55-8-197   | 4 |
| (n)  | Failure to yield right of way to emergency vehicles; Failure to change lane/slow down for authorized vehicles on roadside<br>T.C.A. § 55-8-132 | 6 |
| (o)  | Making improper turn<br>T.C.A. §§ 55-8-140, 55-8-141 & 55-8-142  | 3 |
| (p)  | Failure to signal direction or to reduce speed suddenly<br>T.C.A. § 55-8-142   | 3 |
| (q)  | Stopping, standing, obstructing, or blocking traffic<br>T.C.A. §§ 55-8-158, 55-8-159, 55-8-159 & 55-8-160                                      | 3 |
| (r)  | Coasting; operating gears disengaged<br>T.C.A. § 55-8-167  | 3 |
| (s)  | Improper backing<br>T.C.A. § 55-8-163  | 3 |
| (t)  | Improper starting, burning rubber, spinning tires, peeling out<br>T.C.A. § 55-8-136(b)   | 3 |
| (u)  | Driver view or mechanism obstructed<br>T.C.A. § 55-8-165   | 3 |
| (v)  | Driving mountain highway – control/audible warning<br>T.C.A. § 55-8-166  | 3 |
| (w)  | Inability to maintain control of vehicle<br>T.C.A. § 55-8-136(b)   | 3 |
| (x)  | Improper operation of or riding on a motorcycle<br>T.C.A. § 55-8-164   | 3 |
| (y)  | Improper lane or location, driving on roadways laned for traffic<br>T.C.A. § 55-8-123  | 3 |
| (z)  | Use of controlled access roadway<br>T.C.A. §§ 55-8-126 & 55-8-127  | 4 |
| (aa) | Inattentive driving, due care, failure to drive in careful manner, unsafe lookout,   | 3 |

(Rule 1340-01-04-.03, continued)

	improper driving T.C.A. § 55-8-136	
(bb)	Miscellaneous traffic violation; any offense involving the unsafe operation of a Non-Commercial Motor Vehicle not herein specified	3
(cc)	Cross private property to avoid stop sign or signal T.C.A. § 55-8-109	4
(dd)	Operating vehicle while using cell phone (under 18) T.C.A. § 55-50-311	6
(ee)	Passing stopped school, church or youth bus taking on or discharging passengers T.C.A. § 55-8-151	8
(ff)	Violation of driver license restrictions; operating contrary to conditions specified on driver license T.C.A. §§ 55-50-311 & 55-50-331(f)	6
(gg)	Failure to stop at railroad crossing T.C.A. §§ 55-8-145, 55-8-146 & 55-8-147	8
(hh)	Leaving scene of a crash (no revocation action) T.C.A. §§ 55-10-101 & 55-10-102	5
(ii)	Failure to report a crash T.C.A. § 55-10-111	4
(jj)	Operating without driver license in possession T.C.A. § 55-50-351	2
(kk)	Operating without being licensed or without license required for type of vehicle operated T.C.A. §§ 55-50-302 & 55-50-331	3
(ll)	Operating while driver license required for type of vehicle operated is under suspension, revocation or cancellation T.C.A. § 55-50-504	8
(mm)	Fleeing law enforcement officer (Misdemeanor) T.C.A. § 39-16-602	8
(nn)	Child endangerment (Misdemeanor) T.C.A. § 55-10-403	8
(3)	Contributing to occurrence of a Crash (both Commercial Motor Vehicle & Non-Commercial Motor Vehicle) T.C.A. §§ 55-10-101 & 55-10-102	
(a)	Contributing to a crash involving property damage (including crashes occurring on private property or in government vehicle)	3
(b)	Contributing to a crash resulting in bodily injury (including crashes occurring on private property or in government vehicle)	4

(Rule 1340-01-04-.03, continued)

- (c) Contributing to a crash resulting in another's death (including crashes occurring on private property or in government vehicle) 8

## (4) Moving Traffic Violations - Points for Commercial Motor Vehicles

- (a) Speeding in a Commercial Motor Vehicle:  
T.C.A. § 55-8-152
1. Tickets and court abstracts where speed not indicated 4
  2. Speeding, 1-5 m.p.h. in excess of posted speed zone 2
  3. Speeding, 6-14 m.p.h. in excess of posted speed zone 4
  4. Excessive speeding where speed not indicated 6
  5. Excessive speeding, 15-25 m.p.h. in excess of posted speed zone 5
  6. Excessive speeding, 26-35 m.p.h. in excess of posted speed zone 6
  7. Excessive speeding, 36 m.p.h. and above in excess of posted speed zone 7
  8. Speed less than posted minimum  
T.C.A. § 55-8-154 4
- (b) Speeding in a Commercial Motor Vehicle in a construction zone:  
T.C.A. § 55-8-153
1. Tickets and abstracts where speed not indicated 5
  2. Speeding, 1-5 m.p.h. in excess of posted speed zone 3
  3. Speeding, 6-14 m.p.h. in excess of posted speed zone 5
  4. Speeding, 15-25 m.p.h. in excess of posted speed zone 5
  5. Speeding, 26-35 m.p.h. in excess of posted speed zone 6
  6. Speeding, 36 m.p.h. and above in excess of posted speed zone 7
- (c) Reckless driving 7  
T.C.A. § 55-10-205
- (d) Careless or negligent driving 5  
T.C.A. § 55-8-136
- (e) Improper passing 4  
T.C.A. §§ 55-8-116, 55-8-117, 55-8-118, 55-8-119, 55-8-120 & 55-8-121
- (f) Improper or erratic lane change 5  
T.C.A. § 55-8-123
- (g) Following Improperly 4  
T.C.A. § 55-8-124

(Rule 1340-01-04-.03, continued)

(h)	Failure to obey traffic instructions T.C.A. § 55-8-109	4
(i)	Wrong way, side or direction T.C.A. § 55-8-120	4
(j)	Failure to yield right of way T.C.A. §§ 55-8-128 & 55-8-197	4
(k)	Making improper turn T.C.A. §§ 55-8-140, 55-8-141, & 55-8-142	4
(l)	Failure to signal direction T.C.A. § 55-8-142	3
(m)	Passing stopped school, church or youth bus taking on or discharging passengers T.C.A. § 55-8-151	8
(n)	Miscellaneous traffic violations; any offense involving the unsafe operation of a commercial motor vehicle not herein specified	3
(o)	Following emergency vehicle unlawfully T.C.A. § 55-8-132	3
(p)	Failure to yield to emergency vehicles T.C.A. § 55-8-132	6
(q)	Operating improperly due to drowsiness 49 C.F.R. § 1327 & 49 C.F.R. § 392.3; T.C.A. §§ 55-8-136 & 55-50-202	5
(r)	Violation of truck lane restriction T.C.A. § 55-8-195	3
(s)	Driving Commercial Motor Vehicle without obtaining a Commercial Driver License 49 C.F.R. § 383.23; T.C.A. §§ 55-50-302 & 55-50-202	8
(t)	Driving Commercial Motor Vehicle without a current Commercial Driver License on person 49 C.F.R. § 383.23 & 49 C.F.R. § 383.41; T.C.A. §§ 55-50-351, 55-50-404, 55-50-413 & 55-50-202	3
(u)	Driving Commercial Motor Vehicle without proper endorsement or class of Commercial Driver License 49 C.F.R. § 383.23 & 49 C.F.R. § 383.91; T.C.A. §§ 55-50-302, 55-50-404 & 55-50-202	6
(v)	Conviction driving while disqualified or while canceled 49 C.F.R. § 383.23 & 49 C.F.R. § 383.91; T.C.A. §§ 55-50-504 & 55-50-202	8
(5)	Moving Traffic Violations - Points for Commercial Motor Vehicles Hauling Hazardous Material	
(a)	Speeding in a Commercial Motor Vehicle Hauling Hazardous Material T.C.A. § 55-8-152	

(Rule 1340-01-04-.03, continued)

1.	Tickets and abstracts where speed not indicated	5
2.	Speeding 1-5 m.p.h. in excess of posted speed zone	3
3.	Speeding 6-14 m.p.h. in excess of posted speed zone	5
4.	Speeding, 15-25 m.p.h. in excess of posted speed zone	5
5.	Speeding, 26-35 m.p.h. in excess of posted speed zone	6
6.	Speeding, 36 m.p.h. and above in excess of posted speed zone	7
7.	Speed less than posted minimum T.C.A. § 55-8-154	5
(b)	Reckless driving T.C.A. § 55-10-205	8
(c)	Improper passing T.C.A. §§ 55-8-116, 55-8-117, 55-8-118, 55-8-119, 55-8-120 & 55-8-121	5
(d)	Improper or erratic lane change T.C.A. § 55-8-123	6
(e)	Following Improperly T.C.A. § 55-8-124	5
(f)	Careless or negligent driving T.C.A. § 55-8-136	6
(g)	Failure to obey traffic instructions T.C.A. § 55-8-109	5
(h)	Wrong way, side or direction T.C.A. § 55-8-120	5
(i)	Failure to yield right of way T.C.A. § 55-8-128 & 55-8-197	5
(j)	Making improper turn T.C.A. §§ 55-8-140, 55-8-141 & 55-8-142	5
(k)	Failure to signal direction or reduce speed T.C.A. § 55-8-142	4
(l)	Passing stopped school, church or youth bus taking or discharging passengers T.C.A. § 55-8-151	8
(m)	Following emergency vehicle unlawfully T.C.A. § 55-8-132	3
(n)	Miscellaneous traffic violations; any offense involving the unsafe operation of a commercial motor vehicle hauling hazardous material not herein specified	4
(o)	Conviction of driving while disqualified or cancelled T.C.A. § 55-50-504	8



(Rule 1340-01-04-.03, continued)

**Authority:** T.C.A. §§ 4-5-202, 39-13-103, 39-16-602, 55-8-101 et seq., 55-10-205, 55-50-102, 55-50-202, 55-50-301 et seq., 55-50-401 et seq., and 55-50-504; 49 C.F.R. § 383, 49 C.F.R. § 392, 49 C.F.R. § 397 and 49 C.F.R. § 1327. **Administrative History:** Repeal and new rule filed March 12, 1986; effective June 14, 1986. Repeal and new rule filed August 5, 1996; effective December 27, 1996. Amendments filed April 18, 2005; effective August 26, 2005. Amendments filed March 11, 2008; effective July 29, 2008. Repeal and new rule filed March 26, 2014; effective August 29, 2014.

**1340-01-04-.04 REVOCATION OR SUSPENSION OF DRIVER LICENSE OR TEMPORARY DRIVER LICENSE FOR MOVING VIOLATION CONVICTIONS OR CONTRIBUTING TO THE OCCURRENCE OF A TRAFFIC CRASH.**

- (1) (Paragraphs 1-8 of this Rule shall apply only to drivers who are eighteen (18) years of age or older on the event date of the crash or violation.) An advisory letter shall be mailed to each driver who accumulates six (6) or more, but fewer than twelve (12) points within a one (1) year period. The letter shall inform the driver of the point system and advise the driver of the points that the driver has accumulated and the consequences of accumulating more points. A driver shall receive only one (1) advisory letter of caution within a five (5) year period.
- (2) When a driver has accumulated twelve (12) or more points within a one (1) year period, the Department shall issue a notice of proposed suspension stating the grounds for such suspension and that the driver shall be required to appear at an administrative hearing to contest the proposed suspension. The Department shall provide the driver a hearing before a hearing officer on the date and at the time specified in the notice.
- (3) Proposed suspension action may also be initiated toward those drivers who are deemed to be accident prone. A driver is deemed to be accident prone when a periodic review of his or her driving record reveals three (3) or more avoidable accidents within a one (1) year period. The determination of whether an accident is avoidable or unavoidable rests with the Department.
- (4) Failure to attend a hearing pursuant to this chapter shall result in a six (6) month suspension unless the driver is currently undergoing, or has previously undergone within a five (5) year period, Driver Improvement Program suspension action, in which case the suspension period shall be for twelve (12) months.
- (5) When a driver offers valid proof that an error in record keeping has occurred, and when the correction of this error would lower his or her point accumulation to less than twelve (12), then the suspension action shall be withdrawn. When a driver requesting a hearing fails to establish proof that an error in the record keeping has occurred, then the suspension action shall stand.
- (6) Calculation of points - Each time a crash or violation is posted to the driver's record, the computer shall scan back for a period of twenty-four (24) months from the posted date to determine whether the driver has accumulated twelve (12) or more points within a twelve (12) month period to warrant a proposed suspension notice.
  - (a) Any crash or violation with an event date prior to the date of the completion of the defensive driving course shall be posted as points toward the twelve (12) points calculated as set forth in paragraph (6).
  - (b) Any crash or violation with an event date subsequent to the date of completion of the defensive driving course shall be calculated as a violation of probation and may be grounds for revocation of probation.
- (7) First Offenders

(Rule 1340-01-04-.04, continued)

- (a) Any driver not suspended entering the Driver Improvement Program who has not been involved in the program within a five (5) year period shall be treated as a first offender.
- (b) A notice of proposed suspension shall be issued to first offender drivers who accumulate between twelve (12) and twenty (20) points within a twelve (12) month period as calculated pursuant to Paragraph (6). The twelve (12) month period shall be calculated retroactively from the date each crash or violation is posted in accordance with Paragraph (6). The notice shall advise the driver that the driver has accumulated sufficient points in a twelve (12) month period to be placed in the Driver Improvement Program; that the driver shall be required to appear at an administrative hearing to contest the proposed suspension of six (6) months; and that the driver is eligible as a first offender to elect to waive the right to a hearing and may be assigned directly into a defensive driving course in lieu of suspension. The Department shall provide the driver a hearing before a hearing officer on the date and at the time specified in the notice.
- (c) Drivers entering the Driver Improvement Program for the first time with more than twelve (12) accumulated points, but fewer than twenty-one (21) points, who choose to be assigned directly into a defensive driving course in lieu of a six (6) month suspension will expressly waive their right to an administrative hearing by making this selection. They shall be notified in writing of their options and the consequences of choosing to be assigned directly into a defensive driving course. They shall also be notified in writing of the location, address and telephone number of approved defensive driving courses, and instructions for compliance.
- (d) First offender drivers who accumulate more than twenty (20) points within a twelve (12) month period shall not be offered the option to waive their right to an administrative hearing and to be assigned directly into a defensive driving course. The notice shall advise the driver that the driver has accumulated sufficient points in a twelve (12) month period to be placed in the Driver Improvement Program and that the driver may be suspended for a period of either six (6) or twelve (12) months, depending on the driver's driving record. The notice shall also provide the driver with written notice of the right to request an administrative hearing. The driver's written request for a hearing must be received within thirty (30) days from the date of the notice. Upon receipt of a timely request for a hearing, the Department shall provide the driver a hearing before a hearing officer.
- (e) Following completion of the defensive driving course and notification to the Department of such completion, the driver shall be placed on probation for a period of twelve (12) months.
- (f) A driver has ninety (90) days from the date of the letter assigning the driver to attend a defensive driving course or ninety (90) days from the date of the driver's hearing to attend a defensive driving course. Failure to complete an assigned defensive driving course shall result in the suspension of the driver license or temporary driver license for six (6) months. A driver may request an extension of time to attend the defensive driving course, provided that the request shall be made in writing at least ten (10) days before the expiration of the ninety (90) day period to attend a defensive driving course. The Department may grant an extension of time to attend the defensive driving course if the driver shows good cause. Good cause for and the length of such extension shall be determined by the Department. The Department shall notify the driver in writing of its decision.
- (g) If no certificate of completion has been received by the Department within seventy-five (75) days from the date of being assigned to attend a defensive driving course, a warning letter shall be issued to the driver advising that the driver was assigned to complete the defensive driving course to avoid suspension of driving privileges, that no

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proof of completion has been received, and that failure to comply immediately shall result in the suspension of driving privileges for six (6) months.

- (h) Violation of Probation—The first crash or violation with an event date as determined in paragraph (6) posted to the record of a driver on probation may not trigger any departmental action for violation of probation and a warning letter may be sent to the driver that advises the driver that a crash or violation has been posted to the record of the driver during the probationary period and any further crash or violation within the probationary period shall be a violation of probation. If a second crash or violation with an event date as determined in paragraph (6) is posted to the record of a driver on probation, the notice shall advise the driver that a crash or violation has been posted to the driver's record and the driver may be suspended for a period of either six (6) or twelve (12) months, depending on the driver's driving record. The notice shall also provide the driver with written notice of the right to request an administrative hearing. The driver's written request for a hearing must be received within thirty (30) days from the date of the notice and state why the proposed action should not occur. Upon receipt of a timely request for a hearing, the Department shall provide the driver a hearing before a hearing officer.
  - (i) At the discretion of the Department, a driver under Driver Improvement Program suspension may be issued a restricted driver license or temporary driver license. The Department may place conditions on the driver license or temporary driver license as the Department may determine to be appropriate to ensure the safe operation of a motor vehicle by the driver. To obtain a restricted driver license or temporary driver license, the driver must complete an application, furnish proof of SR22, pay the restricted driver license or temporary driver license fee and pass the driver examination. A driver may be issued only one (1) restricted driver license or temporary driver license in a five (5) year period.
  - (j) Administrative Probation - For good cause or in extreme circumstances (to be determined by the Department), the Department may place a first offender driver on administrative probation in lieu of suspension. In this event, no suspension of the driver license or temporary driver license shall occur, the probationary period shall be for twelve (12) months, and the driver shall carry all posted points during this time. Good cause or extreme circumstances may include, but not be limited to, drivers temporarily out of the state or country due to the military, employment or education or serious illness.
  - (k) Violation of administrative probation shall follow the same procedure as violation of probation subsequent to the completion of a defensive driving school. Placement on administrative probation is a substitute for completion of a defensive driving course and a driver who violates administrative probation shall not be eligible to attend a defensive driving course.
- (8) Second or Subsequent Offenders
- (a) A notice of proposed suspension shall be sent to second or subsequent offender drivers who accumulate twelve (12) or more points within a twelve (12) month period as calculated pursuant to Paragraph (6). The notice shall advise the driver that the driver has accumulated sufficient points in a twelve (12) month period to be placed in the Driver Improvement Program and that the driver may be suspended for a period of either six (6) or twelve (12) months, depending on the driver's driving record. The notice shall also provide the driver with written notice of the right to request an administrative hearing. The driver's written request for a hearing must be received within thirty (30) days from the date of the notice and state why the proposed action

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should not occur. Upon receipt of a timely request for a hearing, the Department shall provide the driver a hearing before a hearing officer.

- (b) Drivers who accumulate twelve (12) or more points within a twelve (12) month period and who have attended a defensive driving course in lieu of suspension within the previous five (5) year period shall have their driver license or certificate for driving suspended for a period of six (6) months.
  - (c) A driver entering the Driver Improvement Program for a second or subsequent time who has previously attended a defensive driving course in lieu of suspension within the previous five (5) year period, and who is currently undergoing, or has previously undergone within the five (5) year period, Driver Improvement Program suspension of a driver license or temporary driver license, shall have driving privileges suspended for twelve (12) months.
  - (d) A driver entering the Driver Improvement Program for a second or subsequent time, but who has not attended a defensive driving course previously within the five (5) year period may be offered the option to attend a defensive driving course in lieu of suspension of driving privileges.
  - (e) An eligible driver who elects to attend a defensive driving course in lieu of suspension shall be given ninety (90) days from the date of the letter assigning them to attend a course, or ninety (90) days from the date of their hearing to complete a defensive driving course.
  - (f) Failure to complete an assigned defensive driving course shall result in the suspension of the driver license or temporary driver license for six (6) or twelve (12) months, depending on whether the driver has previously attended a defensive driving course. A driver may request an extension of time to attend the defensive driving course, provided that the request shall be made in writing at least ten (10) days before the expiration of the ninety (90) day period to attend a defensive driving course. The Department may grant an extension of time to attend the defensive driving course if the driver shows good cause. Good cause for and the length of such extension shall be determined by the Department. The Department shall notify the driver in writing of its decision.
  - (g) If no certificate of completion has been received by the Department within seventy-five (75) days from the date of being assigned to attend a defensive driving course, a warning letter shall be issued to the driver advising that the driver was assigned to complete the defensive driving course to avoid suspension of driving privileges, that no proof of completion has been received, and that failure to comply immediately shall result in the suspension of driving privileges for six (6) or twelve (12) months, depending on whether the driver has previously attended a defensive driving course.
- (9) A hearing officer shall hold the administrative hearing. The hearing officer will explain the Driver Improvement Program, review the driver's driving record, and advise the driver of the options, e.g., whether the driver is eligible to attend a defensive driving course in lieu of suspension of driving privileges.
- (10) In any administrative hearing pursuant to T.C.A. §§ 55-12-105, 55-12-129, 55-50-502 or 55-50-505, when any driver who fails to appear at the hearing after receiving proper notice, such driver shall be defaulted. Upon default by a party, the hearing officer may enter either an initial default order or an order for an uncontested proceeding. The driver's case shall be dismissed and the driver's driver license or temporary driver license shall be revoked or suspended pursuant to the applicable statute. A default order must be in writing, with reasons given and appeal rights stated.

(Rule 1340-01-04-.04, continued)

- (11) Any driver whose driver license or temporary driver license is suspended under the Driver Improvement Program by the hearing officer is eligible to appeal the suspension through the appeals process contained in the Uniform Administrative Procedures Act (T.C.A. §4-5-101 et seq.).
- (12) Reinstatement
  - (a) Provided there is no other revocation, suspension, or cancellation action in effect, a driver will be eligible to regain driving privileges once the driver has served the period of suspension, paid a restoration fee, and filed the required proof of financial responsibility.
  - (b) A suspended driver who fails to attend the assigned defensive driving course may be permitted to reinstate driving privileges prior to the eligibility date upon furnishing proof to the Department of attendance and completion of a Department approved defensive driving course. A list of all Department approved defensive driving courses shall be provided to the driver. The driver shall be required to comply with all reinstatement requirements provided for in these rules. Upon furnishing documentation of completion of the defensive driving course, the driver shall be placed on probation for twelve (12) months and all conditions of probation shall apply.
- (13) Drivers less than eighteen (18) years of age on the event date of any crash or violation:
  - (a) Each time a crash or violation is posted to the driver's record, the computer shall scan back for a period of twenty-four (24) months from the posted date to determine whether the driver has accumulated sufficient points within a twelve (12) month period to warrant a warning letter or a proposed suspension notice.
    1. Any crash or violation with an event date prior to the date of the completion of the defensive driving course shall be posted as points calculated as set forth in subparagraph (a).
  - (b) Any driver who has accumulated fewer than six (6) points for any crash or violation shall receive a warning letter from the Department, with a copy sent to the driver's parent/guardian. The letter shall inform the driver of the point system and advise the driver of the points that the driver has accumulated and the consequences of accumulating more points.
  - (c) A notice of proposed suspension shall be sent to any first offender driver who has accumulated from six (6) to nine (9) points within a twelve (12) month period as calculated pursuant to subparagraph (a). The notice shall advise the driver and the driver's parent/guardian that the driver has accumulated sufficient points in a twelve (12) month period to be placed in the Driver Improvement Program and that the driver and the driver's parent/guardian shall be required to appear at an administrative hearing to contest the proposed suspension. The Department shall provide the driver a hearing before a hearing officer on the date and at the time specified in the notice. If the hearing officer upholds the determination of the Department, the hearing officer may suspend the driver license or temporary driver license for a period of three (3) to six (6) months and/or require the driver to attend a defensive driving course before such driver shall be eligible to reinstate such driver license or temporary driver license. However, if a driver fails to appear for a hearing or request in writing that the hearing be rescheduled, the driver license or temporary driver license shall be suspended for a period of six (6) months and the driver shall be required to attend a defensive driving course before the driver shall be eligible to reinstate the driver license or temporary driver license.

(Rule 1340-01-04-.04, continued)

- (d) A notice of proposed suspension shall be sent to first offender drivers who accumulate ten (10) or more points within a twelve (12) month period as calculated pursuant to subparagraph (a). The twelve (12) month period shall be calculated retroactively from the date each crash or violation posted in accordance with subparagraph (a). The notice shall advise the driver and the driver's parent/guardian that the driver has accumulated sufficient points in a twelve (12) month period to be placed in the Driver Improvement Program and that the driver and the driver's parent/guardian shall be required to appear at an administrative hearing to contest the proposed suspension. The Department shall provide the driver a hearing before a hearing officer on the date and at the time specified in the notice. If the hearing officer upholds the determination of the Department, the driver license or temporary driver license shall be suspended for a period of either three (3) or six (6) months, depending on the driver's driving record, and such driver shall be required to attend a defensive driving course before such driver shall be eligible to reinstate such driver license or temporary driver license. However, if a driver fails to appear for the scheduled hearing or request in writing that the hearing be rescheduled, the driver license or temporary driver license shall be suspended for a period of six (6) months and the driver shall be required to attend a defensive driving course before such driver shall be eligible to reinstate the driver license or temporary driver license.
- (e) A notice of proposed suspension shall be sent to second or subsequent offender drivers who accumulate six (6) or more points within a twelve (12) month period as calculated pursuant to subparagraph (a), with a copy of the notice sent to the driver's parent/guardian. The notice shall advise the driver and the driver's parent/guardian that the driver has accumulated sufficient points in a twelve (12) month period to be placed in the Driver Improvement Program and that the driver and the driver's parent/guardian shall be required to appear at an administrative hearing to contest the proposed suspension. The Department shall provide the driver a hearing before a hearing officer on the date and at the time specified in the notice. If the hearing officer upholds the determination of the Department, the driver license or temporary driver license shall be suspended for a period of either six (6) or twelve (12) months, depending on the driver's driving record, and the driver shall be required to attend a defensive driving course before the driver shall be eligible to reinstate the driver license or temporary driver license. However, if the driver fails to appear for a hearing or request in writing that the hearing be rescheduled, the driver license or temporary driver license shall be suspended for a period of twelve (12) months and the driver shall be required to attend a defensive driving course before the driver shall be eligible to reinstate the driver license or temporary driver license.
- (f) A driver has ninety (90) days from the date of the letter/order assigning the driver to attend a defensive driving course or ninety (90) days from the date of the driver's hearing to attend a defensive driving course. Failure to complete an assigned defensive driving course shall result in the suspension of the driver license or temporary driver license for six (6) or twelve (12) months, depending on whether the driver has previously attended a defensive driving course. A driver may request an extension of time to attend the defensive driving course, provided that the request shall be made in writing at least ten (10) days before the expiration of the ninety (90) day period to attend a defensive driving course. The Department may grant an extension of time to attend the defensive driving course if the driver shows good cause. Good cause for and the length of such extension shall be determined by the Department. The Department shall notify the driver in writing of its decision.
- (g) If no certificate of completion has been received by the Department within seventy-five (75) days from the date of being assigned to attend a defensive driving course, a warning letter shall be issued to the driver advising that the driver was assigned to complete the defensive driving course to avoid suspension of driving privileges, that no

(Rule 1340-01-04-.04, continued)

proof of completion has been received, and that failure to comply immediately shall result in the suspension of driving privileges for six (6) months.

- (h) At the discretion of the Department, a driver under Driver Improvement Program suspension pursuant to paragraph (13) of this Rule may be issued a restricted driver license or temporary driver license upon attaining the age of eighteen (18). The Department may place conditions on the driver license or temporary driver license as the Department may determine to be appropriate to ensure the safe operation of a motor vehicle by the driver. To obtain a restricted driver license or temporary driver license, the driver must complete an application, furnish proof of financial responsibility, and pay the restricted driver license or temporary driver license fee.
- (i) There shall be no limit to the number of times that the Department may require a driver to attend a defensive driving course.
- (j) Administrative Probation - For good cause or in extreme circumstances (to be determined by the Department), the Department may place a first offender juvenile driver on administrative probation in lieu of suspension. In this event, no suspension of the driver license or temporary driver license shall occur, the probationary period shall be for twelve (12) months or until the driver attains the age of eighteen (18), and the driver shall carry all posted points during this time. Good cause or extreme circumstances may include, but not be limited to, drivers temporarily out of the state or country due to the military, employment or education or serious illness.

**Authority:** T.C.A. §§ 4-5-202, 55-50-505, 55-50-331 and Public Chapter No. 194 (2007). **Administrative History:** Repeal and new rule filed March 12, 1986; effective June 14, 1986. Repeal and new rule filed August 5, 1996; effective December 27, 1996. Amendments filed April 18, 2005; effective August 26, 2005. Amendments filed March 11, 2008; effective July 29, 2008.

#### **1340-01-04-.05 DEFENSIVE DRIVING/ACCIDENT PREVENTION COURSES.**

- (1) Defensive Driving Course Provider Requirements:
  - (a) A current State or County business license.
  - (b) Must be at least twenty-one (21) years of age, a high school graduate or passed the GED, have and maintain a valid driver license that has not been revoked, suspended or cancelled for any reason in the three (3) years preceding the date of application and no conviction for a felony or any crime involving violence, dishonesty, deceit, fraud, or indecency, and not an employee of the Department.
  - (c) Submit an Application supplied by the Department, along with a certified check or money order in the amount of one hundred fifty dollars (\$150.00) for the application fee, to the Department's Driver Improvement Unit.
  - (d) Be insured in the amount(s) set forth herein.
  - (e) Provide an eight (8) hour defensive driving class.
  - (f) Issue a certificate of completion on a form supplied by the Department to each student who has successfully completed the defensive driving course. Such certificate shall have thereon the student's full name, driver license number, date of birth, course name, hours completed and the defensive driving course Provider's name and address.
  - (g) Comply with or exceed the minimum standards set forth herein.

(Rule 1340-01-04-.05, continued)

- (h) Only use instructors who meet the qualifications set forth herein.
  - (i) Maintain the following records for a period of three (3) years and ensure that such records are available for inspection by the Department during business hours:
    - 1. A roster of each class, listing the course name, location, instructor's full name, student names, driver license numbers and date of birth.
    - 2. A receipt for each student stating the student's full name, driver license number and amount paid.
    - 3. A list of students who have successfully completed the defensive driving course, with each student's full name, driver license number, date of birth, course name and class location.
    - 4. Course material, which shall include the most recent material to teach crash prevention, safety and defensive driving.
    - 5. Any other records that may be required by the Department.
  - (j) Ensure compliance with all Department rules and regulations.
  - (k) Immediately notify the Department by mail, facsimile or electronic transmission of any change(s) in information on the application or any change in ownership or instructors.
  - (l) Be open for periodic (with or without notice) on-site inspection by the Department.
  - (m) Have a minimum of one (1) instructor per fifty (50) students during classroom instruction, with a maximum of fifty (50) students in any class.
  - (n) Shall not hire any person as an instructor or otherwise who is an employee of the Department.
  - (o) Comply with the requirements of the Americans with Disabilities Act of 1990.
- (2) Defensive Driver Course Instructor Requirements:
- (a) Must be at least twenty-one (21) years of age, high school graduate or passed the GED, have and maintain a valid driver license that has not been revoked, suspended or cancelled for any reason in the three (3) years preceding the date of hire, no conviction for a felony or any crime involving violence, dishonesty, deceit, fraud, or indecency and not an employee of the Department.
  - (b) As of July 1, 2005, shall have attended and successfully completed a Defensive Drivers Instructors School operated by AAA, National Safety Council or such other certified school approved by the Department. Such school shall send a copy of the instructor's certificate of completion to the Department's Driver Improvement Unit. The instructor shall maintain current certification.
- (3) Financial Responsibility:
- (a) Each defensive driving course Provider shall attach a certificate of insurance from an insurer authorized to do business in Tennessee to its application:
    - 1. The certificate shall state that the School has liability insurance in the amount of \$300,000.00.



(Rule 1340-01-04-.05, continued)

2. The certificate shall stipulate that the insurance shall not be canceled except upon ten (10) days prior notice to the Department.
- (b) The Insurance Policy shall be available for inspection during business hours.
  - (c) For the protection of the contractual rights of students, each defensive driving course Provider shall have a continuous surety company bond in the principal sum of \$7,500.00 from a company approved by the Department that is authorized to do business in Tennessee. Provided, however, that the aggregate liability of the surety for all breaches of the condition of the bond in no event shall exceed the principal sum of \$7,500.00. The surety on any such bond may cancel such bond on giving thirty (30) days notice in writing to the Department and shall be relieved of liability for any breach of any condition of the bond which occurs after the effective date of cancellation. Proof of such surety bond shall be attached to the application.
- (4) Denial, Revocation or Suspension:
- (a) The Department may deny, revoke or suspend the defensive driving course Provider or Instructor for any violation of the law, rules or regulations relating to the operation of a defensive driving course.
  - (b) The Department may deny, revoke or suspend the defensive driving course Provider or Instructor for actions including, but not limited to the following:
    1. Conviction of a Provider or Instructor for a felony or any crime involving violence, dishonesty, deceit, fraud or indecency.
    2. Knowingly presenting false or misleading information to the Department.
    3. Failure or refusal to permit the Department to inspect, audit or investigate the defensive driving course premises, the defensive driving course class, instruction records, financial records, etc.
    4. Failure to submit the application with supporting documentation within the prescribed time limit.
    5. Failure to maintain Department approved standards in instruction, equipment or facilities.
    6. The presence of alcoholic beverages or narcotic drugs on the premises.
    7. The presence of any type of weapon on the premises, except a weapon carried by a commissioned law enforcement officer.
- (7) Hearing:
- (a) Any Provider or Instructor of a defensive driving course who has been denied, revoked or suspended shall have the right to request a hearing in writing within thirty (30) days of the date of written notification of such action.
  - (b) The hearing shall be before the Commissioner or the Commissioner's designee and held in accordance with the Uniform Administrative Procedures Act (T.C.A. §4-5-101, et seq.).

(Rule 1340-01-04-.05, continued)

- (8) The criteria set forth in this rule shall also apply to accident prevention courses for older drivers as provided for in T.C.A. §56-7-1107.

**Authority:** T.C.A. §§4-5-202, 55-50-505 and 56-7-1107. **Administrative History:** Repeal and new rule filed March 12, 1986; effective June 14, 1986. Repeal and new rule filed August 5, 1996; effective December 27, 1996. Repeal and new rule filed April 18, 2005; effective August 26, 2005. Amendment filed March 11, 2008; effective July 29, 2008.

#### **1340-01-04-.06 SUSPENSION OF DRIVER LICENSE FOR PHYSICAL OR MENTAL DISABILITIES.**

(1) Mental Standards:

- (a) Any driver who has been adjudged by a court of competent jurisdiction or has been evaluated by a psychiatrist, psychologist, or mental health facility and found to be suffering from any mental disease or substance abuse, may have the driver's driving privileges suspended until such time as the driver has been restored to competency by court order, order from the superintendent of the mental facility, or other such method provided by law. The driver must apply through the Driver Improvement Unit to receive a clearance/reinstatement order in order to recover, retain or obtain driving privileges.
- (b) If the driver claims to have been restored to competency, a certified copy of the court order or a written statement from a licensed psychiatrist or psychologist or mental health facility must first be mailed to the Driver Improvement Unit by such court, psychiatrist, psychologist or mental health facility.
- (c) After reviewing the certified court order or statement, the Department shall determine if the driver's driving privilege shall be reinstated. If approved, the driver will receive a clearance/reinstatement order from the Driver Improvement Unit.

(2) Physical Standards

- (a) When the Department receives information about the ability of a driver to safely operate a motor vehicle, that driver shall be sent notice stating that the Department received information regarding his/her ability to safely operate a motor vehicle. The notice shall state the driver's driving privileges may be suspended. It shall also state that if the driver disagrees with a suspension, the driver may request an administrative hearing within thirty (30) days from the date of the notice. No action will be taken until the conclusion of the investigation or hearing. Throughout the investigation and/or hearing process, the driver may be questioned concerning the driver's physical condition and may be requested to submit a medical report. The Department shall provide the medical report forms to the driver to be completed by the appropriate licensed medical professional.
- (b) In all cases where medical reports are needed, the complaint/data must first be reviewed by the Department. Drivers who may be physically or mentally unfit to operate a motor vehicle upon the streets or highways of Tennessee may be identified in the following manner, and the review process invoked:
1. A written complaint from law enforcement or driver license examiner;
  2. Data contained in a crash report;
  3. Data provided by any reliable individual or person within the medical profession as determined by the Department obtained through the receipt of a signed letter by that individual;

(Rule 1340-01-04-.06, continued)

4. Drivers previously suspended and requesting a re-evaluation of their record due to a purported change in the status of mental or physical health;
  5. Data obtained from courts, private citizens, newspaper stories, or information that would appear to be reliably obtained through other sources;
  6. Information from a person who has witnessed the driver's inability to drive because of a seizure or other condition through the receipt of a signed letter from that person; or
  7. Information from friends or relatives who know the driver's condition who submit information that a driver has a condition through the receipt of a signed letter.
- (c) The medical report forms must be completed by a licensed physician, physician assistant, or nurse practitioner (herein referred to as licensed medical professional) and should contain sufficient information regarding the driver's medical condition to enable the Department to determine whether the driver should be permitted to retain or obtain driving privileges. The information provided by the licensed medical professional must have been obtained within the last twelve (12) months. The licensed medical professional shall be requested to provide an opinion about the driver's ability to drive. The licensed medical professional's opinion, which is not binding on the Department, will be given consideration in conjunction with other available information.
- (d) The Department may use independent medical review boards to review and make recommendations if a driver is reported to have a mental or physical condition. The review boards will consist of licensed physicians in fields of specialized or general medicine. Physicians may serve on the medical review board in a voluntary capacity, or they may be paid by the Department if the Department deems such payment appropriate. The recommendations of the medical review board shall not be binding upon the Department.
- (e) The medical report forms completed by the licensed medical professional will be reviewed and one or more of the following actions shall take place:
1. If the licensed medical professional documents that the driver does not have a medical problem relating to the operation of a motor vehicle, the case may be closed. If the case is not closed, it may be referred to the medical review board to reconcile differences in the complaint and the medical report.
  2. If the licensed medical professional determines that the person should not be allowed to drive because of a medical condition, the driver shall have his/her driving privileges suspended. If the licensed medical professional cannot determine with certainty whether or not the person has a medical condition relating to the safe operation of a motor vehicle, the Department may refer the case to the medical review board.
  3. The medical review board may recommend that the case be closed or it may recommend the suspension of the driver's driving privileges and state the conditions for the suspension. Upon receipt of the medical review board's recommendation, the Commissioner shall determine the status of the driver's driving privileges. Such determination may be appealed pursuant to the provisions of the Uniform Administrative Procedures Act.

(Rule 1340-01-04-.06, continued)

4. At any time during the process, the Department and/or the medical review board may require additional medical information or evaluation before making a decision.
  - (f) The Department may require the driver to submit to a special driver examination in lieu of, or in addition to, the medical review process.
  - (g) Drivers who fail to furnish the Department with the required medical information or request an administrative hearing within thirty (30) days shall have their driving privileges suspended until such time as a favorable medical report is received and restoration of driving privileges is approved.
  - (h) The Department shall suspend and/or shall not issue a driver license to anyone who suffers from uncontrolled epilepsy (also known as a seizure disorder), momentary lapse of consciousness or control due to epilepsy, cardiac syncope, diabetes, or other conditions until the driver has remained seizure-free or lapse free for a period of one (1) year, and then only upon receipt of a favorable medical statement from the driver's licensed medical professional. Provided, however, the driver may be approved for driving privileges if the driver's condition has been controlled for six (6) months and the Department receives a favorable medical report or statement from the driver's licensed medical professional and the Department approves the issuance of the driver license.
  - (i) In the following cases, the driver may be immediately suspended until the driver submits the medical information required by subparagraph (c) and the medical information is reviewed in accordance with this rule:
    1. The driver admits to a history of seizures or other conditions that seriously affects driving ability; or
    2. A person practicing in the medical profession submits information that a driver has a condition that renders them unsafe to drive.
  - (j) The procedures set forth in this rule also apply to other physical or mental disabilities where the Department has good cause to believe the driver would not be able to safely operate a motor vehicle.
  - (k) Drivers who have physical disabilities that can be compensated for by the use of physical controls or mechanical devices which enable the driver to safely operate a motor vehicle may be approved for licensing if they meet all other appropriate eligibility criteria.
  - (l) Drivers who are hearing impaired shall be restricted to the operation of vehicles equipped with left and right outside rear-view mirrors.
  - (m) Vision standards, including telescopic/biopic lens use by drivers with low vision, are located in the rules of the Driver Services Division of the Department of Safety.
- (3) Any driver who is alleged to have a mental or physical disability may request an administrative hearing before a hearing officer within thirty (30) days from the date of written notification of the proposed suspension action. Any driver whose driving privileges have been suspended as a result of a physical or mental disability may appeal the decision of the Department by filing a petition pursuant to the Uniform Administrative Procedures Act (T.C.A. § 4-5-101 et seq.).

(Rule 1340-01-04-.06, continued)

**Authority:** T.C.A. §§ 55-50-202, 55-50-303, 55-50-502 and 55-50-505. **Administrative History:** Original rule filed March 12, 1986; effective June 14, 1986. Repeal and new rule filed August 5, 1996; effective December 27, 1996. Amendments filed April 18, 2005; effective August 26, 2005. Repeal and new rule filed March 26, 2014; effective August 29, 2014.

#### **1340-01-04-.07 SUSPENSION OF DRIVER LICENSE FOR FAILING TO PASS OR SUBMIT TO RE-EXAMINATION.**

- (1) Upon receiving information that a driver may be unable to safely operate a motor vehicle or is otherwise not qualified to be licensed, the Department may require the driver to submit to a driver re-examination and/or submit other information as deemed appropriate within thirty (30) days of receipt of said information. Such notice shall also inform the driver that he/she may request an administrative hearing within thirty (30) days from the date of the notice. If a driver fails to submit to re-examination, submit other appropriate information, or request a hearing within the required timeframe, the Department shall suspend the driver's driving privileges.
- (2) Periodic re-examinations may be required, such as once a year, in the case of mental or physical conditions.
- (3) A driver required to undergo re-examination by the Department may take the written and/or vision portion of the driver examination test without limitation. If the driver fails the written portion, there may be a seven (7) day waiting period between each retest.
- (4) A driver required to undergo re-examination by the Department may take the on-the-road skills portion of the driver examination test three (3) times at thirty (30) day intervals. If successful, driving privileges shall be reinstated. If the driver does not pass on-the-road skills portion in three (3) attempts or less, the driver shall not be eligible to re-test for six (6) months from the date of the third test. If the driver does not pass the re-test(s) taken after waiting the six (6) month period, the driver shall not be eligible to re-test for twelve (12) months from the date of the last driver examination.
- (5) Drivers with a commercial driver license may be required to submit to re-examination in their commercial vehicle or school bus. If the driver fails the re-examination in the driver's commercial vehicle or school bus but wishes to downgrade to a Class D license, the driver may do so after successfully passing a complete examination in their personal vehicle.
- (6) Drivers who fail to submit to re-examination within thirty (30) days of written notification as required, or who fail to pass any part of the re-examination, or who do not ask for an administrative hearing within thirty (30) days of written notification shall have their driving privileges suspended until such time as they comply with the re-examination requirement.
- (7) Any driver required by the Department to undergo re-examination shall be notified that the driver may request an administrative hearing, provided such request is submitted in writing within thirty (30) days after the date of the written notice. Upon receipt of a request for an administrative hearing, the Department shall provide the driver a hearing before a hearing officer.
- (8) Any driver whose driving privilege is suspended under the Driver Improvement Program may appeal the suspension through the appeals process contained in the Uniform Administrative Procedures Act (T.C.A. § 4-5-101 et seq.).

**Authority:** T.C.A. §§ 55-50-202, 55-50-303, 55-50-322, 55-50-502, and 55-50-505. **Administrative History:** Repeal of and new rule filed March 12, 1986; effective June 14, 1986. Repeal and new rule filed August 5, 1996; effective December 27, 1996. Amendments filed April 18, 2005; effective August 26, 2005. Amendment filed March 26, 2014; effective August 29, 2014.