

Tenn. Code Ann. § 55-50-102

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*** CURRENT THROUGH THE 2011 REGULAR SESSION ***

Title 55 Motor and Other Vehicles
Chapter 50 Uniform Classified and Commercial Driver License Act
Part 1 General Provisions

Tenn. Code Ann. § 55-50-102 (2012)

55-50-102. Chapter definitions.

As used in this chapter, unless the context otherwise requires:

(1) "Administrator" means the federal motor carrier safety administrator, the chief executive of the federal motor carrier safety administration, an agency within the department of transportation;

(2) "Alcohol or alcoholic beverage" means:

(A) Beer as defined in 26 U.S.C. § 5052(a), of the Internal Revenue Code of 1954;

(B) Wine of not less than one half of one percent (.5%) of alcohol by volume; or

(C) Distilled spirits as defined in 26 U.S.C. § 5002(a)(8);

(3) "Autocycle" means the same as defined in § 55-1-103;

(4) "Bus" means every motor vehicle designed for carrying more than fifteen (15) passengers including the driver and operated for the transportation of persons; and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation;

(5) "Cancellation of driver license" means the annulment or termination by formal action of the department of a person's driver license because of some error or defect in the license or application or because the licensee is no longer entitled to that license;

(6) "Certified driving instructor" means any person who gives driver training or who offers a course in driver training, and who is certified as a certified driving instructor by the department;

(7) "Chauffeur" means every person who is employed for the principal purpose of operating a motor vehicle and every person who drives a motor vehicle while in use as a public or common carrier of persons or property;

(8) "Chief" means the chief of the highway patrol;

(9) "Commerce" means:

(A) Trade, traffic, and transportation within the jurisdiction of the United States; between a place in a state and a place outside of the state, including a place outside the United States; and

(B) Trade, traffic, and transportation in the United States that affects any trade, traffic, and transportation in subdivision (9)(A);

(10) "Commercial driver certificate" means a document issued by the department that authorizes a driver to operate a class of motor vehicle. The certificate shall be issued in accordance with the standards contained in 49 C.F.R. part 383. A commercial driver certificate shall be issued only to persons whose state of domicile is outside the state, and does not currently issue a commercial driver license in compliance with standards contained in 49 C.F.R. part 383. The commercial driver certificate shall be considered a valid commercial driver license only when used with the individual's driver license issued by the individual's state of domicile or country;

(11) "Commercial driver license" means a license issued by the department in accordance with the standards contained in 49 C.F.R. part 383 to an individual that authorizes the individual to operate a class of commercial motor vehicle. A commercial driver certificate accompanied by a valid driver license shall be considered a valid commercial driver license;

(12) (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:

(i) Has a gross vehicle weight rating or gross combination weight rating of twenty-six thousand one (26,001) or more pounds;

(ii) Is designed to transport more than fifteen (15) passengers, including the driver; or

(iii) Is of any size and is used in the transportation of hazardous materials, as defined in this section;

(B) However, 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 as defined in this section; and

(v) Vehicles leased strictly and exclusively to transport personal possessions or family members for nonbusiness purposes;

(13) "Commissioner" means the commissioner of safety;

(14) "Controlled substance" means any substance so classified under § 102(6) of the Controlled Substances Act, 21 U.S.C. § 802(6), and includes all substances listed on Schedules I-V, of 21 C.F.R. part 1308, as they may be revised from time to time;

(15) "Conviction" means an unvacated adjudication of guilt, or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or by an authorized administrative tribunal, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, a plea of guilty or nolo contendere accepted by the court, the payment of a fine or court cost, or violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended or probated;

(16) "Department" means the department of safety acting directly or through its duly authorized officers and agents;

(17) "DHS Secretary" means the secretary of homeland security of the United States;

(18) "Domicile" means a person's fixed, permanent and principal home for legal purposes and to which the person has the intention of returning whenever the person is absent;

(19) "Driver" means every person who drives or is in actual physical control of a motor vehicle upon a highway or who is exercising control over or steering a vehicle being towed by a motor vehicle;

(20) "Driver license" means a license issued by the department to an individual that authorizes the individual to operate a motor vehicle on the highways;

(21) "Driver licenses -- Classes of" means:

(A) Class A. This license shall be issued and valid for the operation of any combination of motor vehicles with a Gross Combination Weight Rating (G.C.W.R.) in excess of twenty-six thousand pounds (26,000 lbs.), provided the vehicle or vehicles being pulled have a Gross Vehicle Weight Rating (G.V.W.R.) in excess of ten thousand pounds (10,000 lbs.). Persons holding a valid Class A license may operate vehicles in Classes B, C and D, but not Class M vehicles, or vehicles that require a special endorsement unless the proper endorsement appears on the license;

(B) Class B. This license shall be issued and valid for vehicles with a Gross Vehicle Weight Rating (G.V.W.R.) in excess of twenty-six thousand pounds (26,000 lbs.), or any such vehicle towing a vehicle not in excess of ten thousand pounds (10,000 lbs.) Gross Vehicle Weight Rating (G.V.W.R.). Persons holding a valid Class B license may operate vehicles in Classes C and D, but not vehicles in Classes A and M, or vehicles that require a special endorsement unless the proper endorsement appears on the license;

(C) Class C. This license shall be issued and valid for the operation of any single vehicle with a Gross Vehicle Weight Rating (G.V.W.R.) of twenty-six thousand pounds (26,000 lbs.) or less Gross Vehicle Weight Rating (G.V.W.R.). This group applies to vehicles that are placarded for hazardous materials, designed to transport more than fifteen (15) passengers including the driver, or used as school buses. Persons holding a valid Class C license may operate vehicles in **Class D** but not in Classes A, B or M;

(D) Class D. This license shall be issued and valid for the operation of any vehicle with a Gross Vehicle Weight Rating (G.V.W.R.) less than twenty-six thousand one pounds (26,001 lbs.), or any combination of vehicles with a Gross Combination Weight Rating (G.C.W.R.) less than twenty-six thousand one pounds (26,001 lbs.), except vehicles in Classes A, B, C or M or vehicles that require a special endorsement unless the proper endorsement appears on the license, and shall include enclosed motorcycles that weigh less than one thousand five hundred pounds (1,500 lbs.);

(E) Class H. The department may issue this class license to a minor between fourteen (14) and sixteen (16) years of age. This special class license shall be restricted to the operation of a passenger car or other similar vehicle under **Class D**, a "motor-driven cycle," or a "motorized bicycle" as defined in § 55-8-101. This class license shall be known as a hardship license or motor driven cycle license previously issued under the authority of former § 55-7-104(g) and (h). The use of this license shall

be valid for use in daylight hours only and for travel to authorized locations as specified on an attachment and by any other restriction deemed appropriate by the department and set forth in administrative rules and regulations;

(F) Class M. This license is valid for all motorcycles, including all motor-driven cycles. This license classification may be added to a license valid for any other class, or it may be issued as the only classification on a license if the applicant is not licensed for any other classification. A Class M-limited license may also be issued and is valid for all motor-driven cycles, including mopeds, but not for larger motorcycles;

(G) Class P. This class license is issued as an instructional permit and shall be valid to permit the operator to drive a particular class of vehicle on an instructional basis only. A Class P license shall be issued only in conjunction with another class indicating the class of vehicle or vehicles that the operator is legally entitled to operate. The holder of a Class P license must be accompanied at all times by a parent, stepparent, guardian, or certified driving instructor who has been licensed in this state as a driver for the type or class of vehicle being used for at least one (1) year, who is at least twenty-one (21) years of age, and who is fit and capable of exercising physical control over the vehicle and who is occupying a seat beside the driver; provided, that the requirement does not apply to motorcycles;

(i) Class P licenses will be issued to persons completing the appropriate application, paying the required fees, and successfully passing a vision and written examination for the appropriate class of license;

(ii) Applicants for a Class P license must meet all requirements of the particular class license for which they are applying;

(iii) Class P licenses will be issued for classes of vehicle or vehicles as follows:

(a) Class P-A. This is an instructional permit issued for Class A vehicles;

(b) Class P-B. This is an instructional permit issued for Class B vehicles;

(c) Class P-C. This is an instructional permit issued for Class C vehicles;

(d) Class P-D. This is an instructional permit issued for **Class D** vehicles; and

(e) Class P-M. This is an instructional permit issued for Class M vehicles;

(iv) Persons issued a Class H or hardship license, who are at least fifteen (15) years of age, shall be extended the privileges provided above for persons issued a Class P-D license, when all provisions above are met;

(22) "Driver license endorsements" means special authorizations required to be displayed on a driver license that permit the driver to operate certain types of motor vehicles or motor vehicles hauling certain types of cargo:

(A) Multiple Trailer Endorsement. This endorsement is required on a Class A license to permit the licensee to operate a vehicle authorized to pull more than one (1) trailer in accordance with chapter 7 of this title;

(B) Passenger Endorsement. This endorsement is required on a Class A, B, or C license to permit the licensee to operate a vehicle designed to transport more than fifteen (15) passengers, including the driver;

(C) Cargo Tank Endorsement. This endorsement is required on a Class A or C license to permit the licensee to operate a vehicle that is designed to transport, as its primary cargo, any liquid or gaseous material within a tank attached to the vehicle, the tank having a designed capacity of one

thousand gallons (1,000 gals.) or more;

(D) Hazardous Material Endorsement. This endorsement is required on any class license if the driver is operating a vehicle transporting a hazardous material that is required to be placarded under the Hazardous Materials Transportation Act and by rules and regulations of the United States department of transportation;

(E) School Bus Endorsement. This endorsement is required on any class license to permit the licensee to operate any vehicle being used as a school bus; and

(F) For-Hire Endorsement. This endorsement is required to permit a licensee to operate a **Class D** vehicle as a chauffeur;

(23) "Employee" means an operator of a commercial motor vehicle, including an owner-operator or other independent contractor while in the course of operating a commercial motor vehicle, who is employed by an employer;

(24) "Employer" means any person, including the United States, a state, or a political subdivision of a state, who owns or leases a commercial motor vehicle or assigns employees to operate such a vehicle;

(25) "Farm tractors" means every motor vehicle designated and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry;

(26) "Felony" means any offense under state or federal law that is punishable by death or imprisonment for a term exceeding one (1) year;

(27) "Full legal name" means an individual's first name, middle name or names and last name or surname, without use of initials or nicknames;

(28) "Gross combination weight rating (G.C.W.R.)" means the value specified by the manufacturer as the maximum loaded weight of a combination (articulated) vehicle. In the absence of a value specified by the manufacturer, G.C.W.R. will be determined by adding the G.V.W.R. of the power unit and the total weight of the towed unit and any load thereon;

(29) "Gross vehicle weight rating (G.V.W.R.)" means the value specified by the manufacturer as the maximum loaded weight of a single vehicle. In the absence of a value specified by the manufacturer, the G.V.W.R. will be determined by the actual gross weight;

(30) "Hazardous materials" means 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 CFR part 172 or any quantity of a material listed as a select agent or toxin in 42 CFR part 73;

(31) "Highway" means the entire width between the boundary lines of every way publicly maintained that is open to the use of the public for purposes of vehicular travel, or the premises of any shopping center, trailer park or apartment house complex or any other premises frequented by the public at large;

(32) "Lawful permanent resident" means the status of having been lawfully accorded the privilege of residing permanently in the United States as an immigrant in accordance with the immigration laws, such status not having changed;

(33) "Learner's permit" means a special permit that is issued allowing minors fifteen (15) years of age to drive automobiles when accompanied by a licensed parent, guardian, or certified driving instructor;

(34) "Low speed vehicle" means any four-wheeled electric vehicle whose top speed is greater than twenty miles per hour (20 mph) but not greater than twenty-five miles per hour (25 mph), including

neighborhood vehicles. Low speed vehicles must comply with the safety standards in 49 C.F.R. 571.500;

(35) "Medium speed vehicle" means any four-wheeled electric vehicle whose top speed is greater than thirty miles per hour (30 mph) but not greater than thirty-five miles per hour (35 mph), including neighborhood vehicles. Medium speed vehicles must meet or exceed the federal safety standards set forth in 49 CFR 571.500;

(36) "Motor driven cycle" means "motor driven cycle" as defined in § 55-8-101;

(37) "Motor vehicle" means a vehicle, low speed vehicle or medium speed vehicle as defined in this section, machine, tractor, trailer or semitrailer propelled or drawn by mechanical power used on highways or any other vehicle required to be registered under the laws of this state, but does not include any vehicle, machine, tractor, trailer or semitrailer operated exclusively on a rail;

(38) "Motorcycle" means "motorcycle" as defined in § 55-8-101;

(39) "Motorcycle learner's permit" means a special permit that is issued allowing minors fifteen (15) years of age to drive motorcycles after successfully passing the motorcycle operator's license examination or when enrolled in a certified motorcycle rider education program;

(40) "Motorized bicycle" means "motorized bicycle" as defined in § 55-8-101;

(41) "Motorscooter" means "motorscooter" as included in the definition of "motor-driven cycle" in § 55-8-101;

(42) "Nonresident" means every person who is not a resident of the state;

(43) "Operator" means every person, other than a chauffeur, who drives or is in actual physical control of a motor vehicle upon a highway or who is exercising control over or steering a vehicle being towed by a motor vehicle;

(44) "Owner" means a person who holds the legal title of a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then the conditional vendee or lessee or mortgagor shall be deemed the owner for the purposes of this chapter;

(45) "Person" means every natural person, firm, copartnership, association or corporation;

(46) "Recreational vehicle" means every motor vehicle primarily designed as temporary living quarters for recreational camping or travel, as defined in ANSI Standards A119.2 and A119.5. The basic entities are: travel trailer, camping trailer, truck camper, motor home and park trailer;

(47) "Resident" means every person that lives in this state for a period of time exceeding thirty (30) days, has taken employment, or who would qualify as a registered voter, or has taken action to establish Tennessee as principal place of domicile;

(48) "Revocation of driver license" means the termination by formal action of the department of a person's driver license or privilege to operate a motor vehicle on the public highways, which termination shall not be subject to renewal or restoration except that an application for a new license may be presented and acted upon by the department after the expiration of at least one (1) year after the date of revocation;

(49) "School bus" means every motor vehicle operated for the transportation of children to or from school or school-related activities and is operated for compensation;

(50) "Secretary" means the secretary of transportation of the United States;

(51) "Serious traffic violation" means:

(A) Excessive speeding, as defined by the secretary by regulation;

(B) Reckless, careless or negligent driving, as defined under § 55-10-205;

(C) A violation of any state or local law relating to motor vehicle traffic control, other than a parking violation, arising in connection with an accident or collision resulting in death or personal injury to any person, or property damage;

(D) Driving a commercial motor vehicle without obtaining a commercial driver license;

(E) Driving a commercial motor vehicle without a commercial driver license in the driver's possession;

(F) Driving a commercial motor vehicle without the proper class of commercial driver license and endorsements for the specific vehicle group being operated or for the passengers or type of cargo being transported; or

(G) Any other violation of a state or local law relating to motor vehicle traffic control, other than a parking violation, that the secretary determines by regulation to be serious;

(52) "State" means:

(A) For the purposes of commercial driver licenses, a state of the United States and the District of Columbia;

(B) For all other purposes, a state of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa and the Commonwealth of the Northern Mariana Islands;

(53) "Suspension of driver license" means the temporary withdrawal by formal action of the department of a person's driver license or privilege to operate a motor vehicle on the public highways, which temporary withdrawal shall be for a period specifically designated by the department, not to exceed six (6) months for any first offense, except as provided otherwise under law;

(54) "Temporary driver license" means a license issued by the department to an individual that authorizes the individual to operate a motor vehicle on the highways for the individual's authorized period of stay in the United States or, if there is no definite end to the period of authorized stay, a period of one (1) year;

(55) "United States" means the fifty (50) states and the District of Columbia;

(56) "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; and

(57) "Violation" means a conviction except as otherwise provided in § 55-50-504(h).

HISTORY: Acts 1937, ch. 90, § 1; 1939, ch. 205, § 2; impl. am. Acts 1939, ch. 205, §§ 2, 3; C. Supp. 1950, § 2715.9 (Williams, § 2715.14); Acts 1955, ch. 114, § 1; 1957, ch. 241, § 1; 1977, ch. 189, § 1; 1979, ch. 247, § 4; T.C.A. (orig. ed.), § 59-702; Acts 1986, ch. 804, § 2; 1987, ch. 446, § 10; 1988, ch. 584, § 2; T.C.A., § 55-7-102; Acts 1989, ch. 60, §§ 2-4; 1990, ch. 907, § 1; 1996, ch. 799, §§ 1-3; 1997, ch. 375, § 1; 1999, ch. 351, § 1; 2000, ch. 606, § 5; 2002, ch. 747, §§ 8, 9; 2004, ch. 778, § 1; 2005, ch. 235, § 2; 2007, ch. 194, §§ 1, 2; 2008, ch. 959, §§ 7, 8; 2009, ch. 321, §§ 3-14.

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