

**RULES
OF
THE TENNESSEE DEPARTMENT OF SAFETY
ADMINISTRATIVE DIVISION**

**CHAPTER 1340-02-05
DRIVER LICENSE REINSTATEMENT FEE INSTALLMENT PAYMENT PLAN**

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1340-02-05-.01 SCOPE AND CONSTRUCTION.

Pursuant to T.C.A. § 55-12-129, the Tennessee Department of Safety hereby adopts the following rules to be used in the administration of the driver license reinstatement fee installment plan. The rule is adopted to establish a uniform system for administering a payment program whereby a person whose driving privileges are revoked, suspended, or cancelled, may pay the reinstatement fee by entering into the driver license reinstatement fee installment payment plan.

Authority: T.C.A. §§ 55-12-129 and 55-50-202 as amended by Public Chapter 43 of the Public Acts of 2001. **Administrative History:** Original rule filed May 30, 2001; effective September 28, 2001.

1340-02-05-.02 PERSONS ELIGIBLE TO ENTER INTO THE DRIVER LICENSE REINSTATEMENT FEE INSTALLMENT PAYMENT PLAN.

- (1) Any person whose reinstatement fee totals seventy-five dollars (\$75.00) or more may choose to enter into the driver license reinstatement fee installment payment plan upon complying with all other requirements of law for reinstatement of driving privileges.
 - (a) A person may petition and make application to the department on a form prescribed by the commissioner for participation in the driver license reinstatement fee installation payment plan.
 - (b) The department will determine if the person is eligible to participate in the reinstatement fee installment payment plan.
 - (c) Persons eligible under this provision will be required to enter into a payment plan agreement agreeing to comply with the provisions of this rule.
 - (d) Persons entering the driver license reinstatement fee installation payment plan will be required to meet all other requirements of law for reinstatement of driving privileges.
 - (e) Payments under an approved payment plan shall be remitted on a quarterly schedule.

Authority: T.C.A. §§ 4-3-2009, 4-5-202, and 55-12-129. **Administrative History:** Original rule filed May 30, 2001; effective September 28, 2001. Amendment filed March 6, 2007; effective July 27, 2007. Amendments filed February 13, 2023; effective May 14, 2023.

1340-02-05-.03 DURATION OF THE DRIVER LICENSE INSTALLMENT PAYMENT PLAN.

Each driver license reinstatement fee installment payment plan shall be established for a period of time not to exceed sixty (60) months with payments being made pursuant to Rule No. 1340-02-05-.04.

Authority: T.C.A. §§ 4-3-2009, 55-12-129, and 55-50-202. **Administrative History:** Original rule filed May 30, 2001; effective September 28, 2001. Amendments filed February 13, 2023; effective May 14, 2023.

1340-02-05-.04 MINIMUM PAYMENT.

- (1) Each person entering the payment plan will make an initial minimum payment of at least twenty-five dollars (\$25.00) at the time of reinstatement of the driver license.
- (2) The person will be required to make minimum quarterly payments of seventy-five dollars (\$75.00).
- (3) The remainder of the reinstatement fee must be paid within the established payment plan.
- (4) When the remaining balance is less than seventy-five dollars (\$75.00), the balance will be paid at the end of the next quarter.
- (5) Nothing in this rule will prevent any person from paying the reinstatement fee in full prior to the end of the established payment plan.
- (6) Any person whose license during such a payment plan period, is again revoked, suspended, or cancelled may request to modify an existing payment plan which is in good standing in order to include the reinstatement fees for the additional revocation, suspension or cancellations with any existing unpaid balance from the prior existing plan. The person will be required to enter into an updated payment plan agreement and meet all other requirements of law for reinstatement of driving privileges.
- (7) Any person with an existing payment plan in good standing at the time of promulgation of these rules may request modification to the existing plan under these rules.
- (8) Any person with a defaulted payment plan at the time of the promulgation of these rules may request to enter into a new payment plan under these rules.

Authority: T.C.A. §§ 4-3-2009, 4-5-202, and 55-12-129. **Administrative History:** Original rule filed May 30, 2001; effective September 28, 2001. Amendment filed March 6, 2007; effective July 27, 2007. Amendments filed February 13, 2023; effective May 14, 2023.

1340-02-05-.05 METHOD OF PAYMENT.

- (1) All payments issued to the department will be by cash, certified check, or money order.
- (2) All payments will be made to the Financial Responsibility reinstatement office.

Authority: T.C.A. §§ 55-12-129 and 55-50-202. **Administrative History:** Original rule filed May 30, 2001; effective September 28, 2001. Amendment filed March 6, 2007; effective July 27, 2007.

1340-02-05-.06 FAILURE TO COMPLY WITH THE REINSTATEMENT FEE INSTALLMENT PAYMENT PLAN.

- (1) Any person who does not comply with a quarterly payment requirement as stated in Rule 1340-02-05-.04 will be sent a proposed notice of suspension. The proposed notice of

(Rule 1340-02-05-.06, continued)

suspension letter will give the person thirty (30) days from the date of such suspension notice to either pay the required quarterly payment or request an administrative hearing pursuant to Rule 1340-02-05-.09.

- (2) Any person who does not pay the full amount of the reinstatement fee within the established payment plan will be subject to suspension as provided in this rule and T.C.A. § 55-12-129.
- (3) Any person who fails to comply with the established payment plan may request a new payment plan for the defaulted balance and may include any additional reinstatement fees added since the last reinstatement. An initial payment as specified in 1340-02-05-.04 and administrative fee will apply.
- (4) The department will not refund any paid administrative fee or reinstatement fees made during the established payment plan.

Authority: T.C.A. §§ 4-3-2009, 55-12-129, and 55-50-202. **Administrative History:** Original rule filed May 30, 2001; effective September 28, 2001. Amendments filed February 13, 2023; effective May 14, 2023.

1340-02-05-.07 PERSONS NOT ELIGIBLE TO ENTER THE REINSTATEMENT FEE INSTALLMENT PAYMENT PLAN.

Any person whose reinstatement fee totals less than seventy-five dollars (\$75.00) will not be eligible to enter the reinstatement fee installment payment plan

Authority: T.C.A. §§ 4-3-2009, 55-12-129, and 55-50-202. **Administrative History:** Original rule filed May 30, 2001; effective September 28, 2001. Amendment filed March 6, 2007; effective July 27, 2007. Amendments filed February 13, 2023; effective May 14, 2023.

1340-02-05-.08 SUSPENSIONS OF LICENSE FOR FAILURE TO COMPLY WITH THE REINSTATEMENT FEE INSTALLMENT PAYMENT PLAN.

- (1) The department, upon such person's failure to comply with the department's payment plan, shall issue, by regular mail to the person's last known address, a notice of intent to suspend the license of such person in thirty (30) days. For the purposes of this subdivision, "failure to comply" means failure to pay any installment payment on the date due.
- (2) Any person who fails to make the minimum quarterly payment as established will be sent a driver license suspension notice.
 - (a) The suspension notice will advise the person that they have not complied with the reinstatement fee installment payment plan and the amount of reinstatement fee that is due for that particular quarter.
 - (b) The suspension notice will advise the person that they have thirty (30) days to either send in the required quarterly payment or request an administrative hearing, pursuant to Rule No. 1340-02-05-.09. The request for an administrative hearing will not extend the thirty- (30) day period to send in the quarterly payment.
 - (c) The notice will also advise the person that should the person decide to send in the required quarterly payment, the mailing of such payment must be postmarked within thirty (30) days from the date of the suspension notice letter sent to such person.
 - (d) The notice shall also advise the person that if the person does not elect to pay the quarterly payment or request an administrative hearing, then such person's driver

(Rule 1340-02-05-.08, continued)

license and privileges would be suspended and full payment of the reinstatement fee would be required prior to reinstatement of any driver license.

- (e) The notice will be sent to the last known address of the person according to the department of safety driver license database.
- (f) The notice shall also advise the person that if the driver license is suspended, the person's driver license status would revert back to the original driver license status prior to entering the reinstatement fee installment payment plan.

Authority: T.C.A. §§ 55-12-129 and 55-50-202 as amended by Public Chapter 43 of the Public Acts of 2001. **Administrative History:** Original rule filed May 30, 2001; effective September 28, 2001.

1340-02-05-.09 ADMINISTRATIVE HEARINGS.

- (1) Upon request of such person within thirty (30) days of the date of such notification, the department shall provide the person an opportunity for a hearing to show that such person has, in fact, complied with the department's payment plan. Failure to make such request within thirty (30) days of the date of such notification shall, without exception, constitute a waiver of such right.
- (2) Upon waiver of a hearing or determination of default at the hearing, the department shall suspend the person's driver license pending full payment of all fees authorized by this section.
- (3) The Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5, applies to the extent it is consistent with proceedings under Tennessee Code Annotated § 55-12-129.

Authority: T.C.A. §§ 55-12-129 and 55-50-202 as amended by Public Chapter 43 of the Public Acts of 2001. **Administrative History:** Original rule filed May 30, 2001; effective September 28, 2001.

1340-02-05-.10 ADMINISTRATION FEE.

Upon entering the reinstatement fee installment payment plan, the person will be required to pay a twenty-five dollar (\$25.00) administration fee to defray costs and expenses for the operation of this program.

Authority: T.C.A. §§ 55-12-129 and 55-50-202 as amended by Public Chapter 43 of the Public Acts of 2001. **Administrative History:** Original rule filed May 30, 2001; effective September 28, 2001.