S T A T E O F T E N N E S S E E
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Opinion No. 01-044

Persons Exempt from licensing under Tenn. Code Ann. 55-50-304(5)(B)

QUESTIONS

Does Tenn. Code Ann. § 55-50-304(5)(B), which authorizes non U.S. citizens who are employed in a technical or managerial capacity to operate a motor vehicle in Tennessee for a period up to six months under a license issued by another state, country or international body, apply to non U.S. citizens who are employed in the nursery industry to perform stock grafting, pruning and other related work?

OPINION

No. The exemption from drivers licensing set forth in Tenn. Code Ann. § 55-50-304(5)(B) was intended to provide an exemption for persons employed in management or in scientific and other positions requiring specialized technical training. It does not apply to persons who are employed in the nursery industry to perform stock grafting, pruning and other related work.

ANALYSIS

Tenn Code Ann § 55-50-304(5)(B) exempts certain classes of non U.S. citizens from having to obtain a Tennessee license to operate a motor vehicle in this state. It provides:

> In order to facilitate the growth of international commerce in Tennessee, an individual who is not a citizen of the United States and who is employed in a managerial or technical position in this state may, in connection with employment, operate a motor vehicle in this state for a period up to six (6) months under a valid driver's license issued by another state, county or international body.

The purpose of statutory construction is to give effect to the intent of the legislature without unduly restricting or expanding the scope of the statute beyond its intended coverage. *Premium Finance Corp. of America v. Crump Ins. Service of Memphis,* 978 S.W.2d 91 (Tenn. 1998). If the language of the statute is unambiguous, the language is to be interpreted according to its plain and ordinary meaning. *Parks*

v. Tenn. Mun. League Risk Management Pool, 974 S.W.2d 677 (Tenn. 1998).

The language of Tenn. Code Ann. § 55-50-304(5)(B) is unambiguous. The term "technical has a well established meaning. It is defined as:

> 1. Of, relating to, or derived from technique. 2. Specialized <a technical school> 3. a. Theoretical or abstract <a technical analysis> b. Scientific. 4. According to principle, esp. formal rather than practical <a technical advantage> 5. Industrial and mechanical: Technological.

Webster's II New College Dictionary (1995), at 1132.

Taken as a whole, the definition encompasses work in a scientific or some other field that requires specialized training of a technical nature. Most nursery workers do not fall within this category. Although pruning, grafting and other work tending trees, shrubs and other related nursery work may involve some level of skill and training, it does not require the same level of formal training normally associated with work in scientific, mechanical, industrial or technological fields.

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