

**STATE OF TENNESSEE**  
OFFICE OF THE  
**ATTORNEY GENERAL**  
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May 16, 2008

Opinion No. 08-110

Shelby County “Drive While You Pay” Program

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**QUESTIONS**

1. Does Tenn. Code Ann. § 55-50-802(a)(8) require a court to offer an installment plan to pay any fines or court costs that are imposed in connection with a conviction for a driving offense in Shelby County?
2. Does Tenn. Code Ann. § 55-50-802(a)(8) prohibit the suspension of a license for nonpayment of fines and costs that were imposed in connection with a conviction for a driving offense in Shelby County, so long as the licensee complies with such an installment plan?

**OPINIONS**

1. Yes. Tenn. Code Ann. § 55-50-802(a)(8) requires the court to offer an installment plan to pay any fines or court costs that are imposed in connection with a conviction for a driving offense in Shelby County.
2. Yes. Tenn. Code Ann. § 55-50-802(a)(8) prohibits the suspension of a license for nonpayment of fines and costs that were imposed in connection with a conviction for a driving offense in Shelby County, as long as the licensee continues to pay such fines and costs pursuant to an installment plan.

**ANALYSIS**

1. Tenn Code Ann. § 55-50-502 sets forth the grounds on which the Department of Safety can revoke a person’s driver license. One of these grounds is for the failure on the part of the driver to pay any imposed fines or costs assessed after conviction of a driving offense. Tenn. Code Ann. § 55-50-502(a)(8). Under Tenn. Code Ann. § 55-50-502(a)(8), a person in Shelby County who has been convicted of a driving offense must be offered the opportunity to pay fines and court costs on an installment plan before that person’s license can be suspended or revoked for nonpayment of such fees and costs.<sup>1</sup>

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<sup>1</sup>Tenn. Code Ann. § 55-50-502 (a) states, “The department is hereby authorized to suspend the license of an operator or chauffeur upon a showing by its records or other sufficient evidence that the licensee: . . . (8) Has been finally convicted of any driving offense in any court and has not paid or secured any fine or costs imposed for that

The primary objective of statutory interpretation is to ascertain and give effect to the intent of the legislature. *Gragg v. Gragg*, 12 S.W.3d 412 (Tenn. 2000). If the statute is clear and unambiguous, legislative intent is to be found in the plain meaning of the statutory text. *Bostic v. Dalton*, 160 S.W.3d 347 (Tenn. 2005). A court when reviewing a statute must assume that the Legislature used each word in the statute purposely and the use of words conveyed some intent and had a meaning or purpose. *Crow v. Ferguson*, 814 S.W.2d 721, 723 (Tenn. 1991). These words are to be given their common and ordinary meaning. *Id.*

Tenn. Code Ann. § 55-50-502(a)(8) clearly and unambiguously requires the court to afford a person who has been convicted of a driving offense in Shelby County with an opportunity to pay fines and costs that were imposed in connection with that conviction in monthly installments.

2. Likewise, the language of the statute clearly and unambiguously forbids the suspension of a person's driver license for nonpayment of Shelby County fines and costs if that person is making payments in compliance with a court-approved payment plan.

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Requested by:

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offense; provided, however, that, in any county having a population of not less than eight hundred ninety-seven thousand four hundred (897,400) nor more than eight hundred ninety-seven thousand five hundred (897,500), according to the 2000 federal census or any subsequent federal census, prior to the suspension of a license, the local court or court clerk for the jurisdiction shall offer an installment payment plan, and for so long as the licensee complies with the provisions of that plan, the department may not suspend the license pursuant to this subdivision (a)(8) . . . .”

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