

Who Has the Authority to Revoke Your Driver's License? *Dec 10, 2009*



By Jennifer Kraus

NASHVILLE, Tenn. - There are two different laws on the books in Tennessee dealing with the same issue. No one is sure just who can take away your driver's license.

Back in 1989, Tennessee lawmakers passed a law that 20 years later has some still asking an important question. The issue is who has the power to take your driver's license and the authority to give it back.

Four years ago, when Ryan Armstrong was 17 years old, he said his girlfriend told him she'd had too much to drink. She asked Ryan to drive her home. He had been drinking too and lost control of the car. His girlfriend was killed.

He said he relives that day over and over in his mind, wishing he could change what happened. "That's the biggest regret I have," said Ryan.

In court, Ryan pled guilty to a vehicular homicide charge. As part of his plea agreement, the judge revoked his driver's license for three years. Three years later, the Tennessee Department of Safety will not re-instate his license. "They told me it was impossible, that I wouldn't get it back until 2014," said Ryan.

The judge who revoked the license signed a court order re-instating Ryan's driving privileges. The Department of Safety said that does not matter.

There are two conflicting laws that both address what happens when someone is convicted of vehicular homicide. The first law passed back in 1937 says the Department of Safety revokes that person's license. A second law passed some 50 years later gives the authority to judges to ban that person from driving.

Legal expert David Raybin told NewsChannel 5 Investigates, "The law is real clear on this." Raybin was part of the group that helped write the 1989 law which he said takes precedence, meaning in Ryan's case, it should be up to the judge, not the Department of Safety. "The Department of Safety says, and, I've talked to them about this in other cases, 'We don't care what the judge says. We go by this other law,'" said Raybin.



The Department of Safety would not talk with NewsChannel 5 Investigates about the case or the problems created by having two conflicting laws. According to Safety Commissioner David Mitchell in a legal brief prepared in response to

Ryan's request for his license to be re-instated, the Safety Department maintained that a criminal court does not have the authority to revoke a driver's license, only prohibit someone from driving.

Legal experts said in courtrooms across Tennessee, judges routinely revoke drivers' licenses for various offenses, creating situations where you have two separate entities making decision on the same issue.

"I think somebody needs to get around to it and decide who's in charge," said Ryan.

Ryan walks or asks a friend for a ride to get around the MTSU campus where he is a student. He still is hoping the Department of Safety will change its mind and re-instate his license.

Others though, like Raybin, are not as optimistic. "They're [the Department of Safety] not going to give in. They say until some court tells them not to, they're going to follow this [the 1937] law," said Raybin.

Raybin said it will take a court decision to clear up the matter. Ryan Armstrong and his attorney are prepared to challenge the law, if that's what it takes. They are still waiting to hear from the Safety Department about his appeal. The Department still has another two months to respond.

The Department said, in general, it will re-instate a person's license when his or her sentence is over. Ryan got 8 years probation, so that means he still has another 5 years under the Safety Department's rules before he'll be able to drive again.

Legal experts said the case potentially could impact hundreds of thousands of people across Tennessee who lose their driver's license in court for getting in trouble for everything from DUI and implied consent violations to speeding and even failing to pay traffic tickets.

