

2010 Tennessee Code

Title 55 - Motor and Other Vehicles

Chapter 50 - Uniform Classified and Commercial Driver License Act

Part 3 - Application, Examination, and Issuance

55-50-304 - Persons exempt from licensing.

55-50-304. Persons exempt from licensing.

The following persons are exempt from licensing under this chapter:

(1) (A) Any member of the armed forces while operating a motor vehicle owned or leased by any branch of the armed services of the United States;

(B) Any individual who is operating a CMV for military purposes, including 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;

(2) Any person while driving or operating any road machine, farm tractor, or implement of husbandry temporarily operated or moved on a highway;

(3) A nonresident who is at least sixteen (16) years of age and who has in immediate possession a valid driver license issued to the person in the person's home state or country may operate a motor vehicle in this state only as a Class D driver;

(4) A nonresident who is at least twenty-one (21) years of age and who has in immediate possession a valid license equivalent to a Tennessee class license issued to the person in the person's home state or country may operate a motor vehicle of a comparable class in this state;

(5) (A) A nonresident, who establishes residency in this state, may operate a motor vehicle in the state for a period not to exceed thirty (30) days from the date of establishing the residency; provided, that the nonresident has in the nonresident's immediate possession a valid driver license issued by another state, or country; and

(B) 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 license issued by another state, country or international body;

(6) A student who is pursuing an approved driver training course in a public school or a private secondary school approved by the commissioner of education or by a recognized

regional or national accrediting agency, or in a duly licensed commercial driver training school. This exemption applies only to the operation of a motor vehicle bearing school driver training identification and only while an instructor, certified and registered by the department of education or licensed by the department of safety as a driver instructor, accompanies the student; and

(7) (A) Any active member of the armed forces assigned to a military installation or base located within this state, and the member's spouse, who have in their immediate possession a valid driver license issued to them in their home state or country; provided, that this exemption only applies if the member of the armed forces has not established Tennessee as the member's domicile.

(B) For purposes of this exemption, domicile may be inferred if the person has registered to vote in Tennessee, or was required to pay the wheel tax when registering a motor vehicle in Tennessee, has listed Tennessee as the person's state for tax purposes on the person's military leave and earnings statement (LES), or has taken action that clearly indicates the person's intent to permanently reside in Tennessee. Purchasing a home or registering a motor vehicle without being required to pay the wheel tax in Tennessee, does not alone, or in conjunction with each other, establish intent to declare Tennessee as the person's domicile. The domicile of the spouse shall be deemed to be the same as that of the active duty service member for purposes of this subdivision (7)(B). Domicile may not be inferred if the basis for the determination, without considering other relevant factors, is that the member of the armed forces or the member's spouse has obtained employment in this state or that the member or the member's spouse is enrolled in the public schools of this state.

[Acts 1937, ch. 90, § 3; C. Supp. 1950, § 2715.11 (Williams, § 2715.16); Acts 1955, ch. 114, § 2; 1957, ch. 199, §§ 1, 2; 1957, ch. 209, § 1; 1959, ch. 272, § 1; 1967, ch. 238, § 1; impl. am. Acts 1971, ch. 162, § 3; Acts 1972, ch. 467, § 1; 1974, ch. 444, §§ 1, 2; 1975, ch. 82, § 1; 1976, ch. 841, § 1; 1977, ch. 90, § 1; 1977, ch. 189, § 2; 1978, ch. 643, §§ 1, 2; 1979, ch. 247, §§ 5, 8; T.C.A. (orig. ed.), § 59-704; Acts 1986, ch. 804, § 7; 1987, ch. 446, § 11; 1988, ch. 584, § 4; T.C.A., §§ 55-7-104, 55-7-304; Acts 1990, ch. 670, § 1; 1991, ch. 101, § 1; 1995, ch. 25, § 1; 2009, ch. 321, § 17.]