

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

FRED ROBINSON et al.,)
)
Plaintiffs,)
)
v.)
)
DAVID W. PURKEY, Commissioner)
of the Tennessee Department of Safety)
and Homeland Security, in his official)
capacity, et al.,)
)
Defendants.)

**Case No. 3:17-cv-01263
Judge Aleta A. Trauger**

ORDER

For the reasons set out in the accompanying Memorandum, the Motion for Preliminary Injunction (Docket No. 25) filed by Fred Robinson, Ashley Sprague, and Johnny Gibbs is hereby **GRANTED** in part and **DENIED** in part. Tennessee Department of Safety and Homeland Security Commissioner David W. Purkey is hereby **ORDERED** to:

1. Immediately cease suspending or permitting the suspension of any driver’s license for failure to pay fines, costs, or litigation taxes related to traffic violations pursuant to Tenn. Code Ann. § 55-50-502(a)(1)(H) or (I) without one of the following:
 - a. Notice to the licensee that includes the offer of a fact-based inquiry, with participation by the licensee, as to the licensee’s ability to pay and, if such inquiry is requested, a factual determination, prior and as a prerequisite to license suspension, that the amount sought is within the licensee’s ability to pay; or
 - b. Certification from the reporting jurisdiction that notice containing such offer has been afforded and (if inquiry is requested) such factual determination has been made.

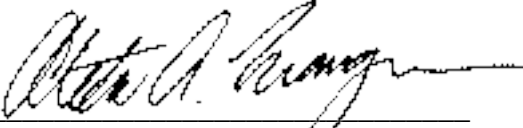
2. Waive all reinstatement fees and other reinstatement requirements related to the suspension of any driver's license for failure to pay fines, costs, or litigation taxes related to traffic violations pursuant to Tenn. Code Ann. § 55-50-502(a)(1)(H) or (I), except insofar as the applicant seeking reinstatement is provided with one of the following:
 - a. Notice to the applicant that includes the offer of a fact-based inquiry, with participation by the applicant, as to the applicant's ability to pay and, if such inquiry is requested, a factual determination, prior and as a prerequisite to the charging of reinstatement fees, that the amount sought is within the licensee's ability to pay; or
 - b. Certification from the original reporting jurisdiction that notice containing such offer has been afforded and (if inquiry is requested) such factual determination has been made; or
 - c. A combination of the notice to the applicant described in the above subsection 2.a and the opportunity for a local-level factual determination and certification to the Commissioner described in the above subsection 2.b.
3. Allow the reinstatement of the driver's license of any driver applying for reinstatement whose sole obstacle to reinstatement is a suspension of his driver's license for failure to pay fines, costs, or litigation taxes related to traffic violations pursuant to Tenn. Code Ann. § 55-50-502(a)(1)(H) or (I), or his failure to satisfy any fees or other reinstatement requirements related to that suspension, except insofar as the applicant is afforded one of the following:
 - a. Notice to the applicant that includes the offer of a fact-based inquiry, with participation by the applicant, as to the applicant's ability to pay and, if such

inquiry is requested, a factual determination, prior and as a prerequisite to refusal of reinstatement, that the amount sought is within the licensee's ability to pay;

- b. certification from the original reporting jurisdiction that notice containing such offer has been afforded and (if inquiry is requested) such factual determination has been made; or
- c. A combination of the notice to the applicant described in the above subsection 3.a and the opportunity for a local-level factual determination and certification to the Commissioner described in the above subsection 3.b.

IT IS SO ORDERED.

ENTER this 16th day of October 2018.



ALETA A. TRAUGER
United States District Judge