

STATE OF TENNESSEE
OFFICE OF THE
ATTORNEY GENERAL
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Opinion No. 09-164

Requirement for a Driver's License While Driving an Off-Highway Vehicle on the Highway

QUESTIONS

1. Whether state law requires a valid driver's license when a driver illegally operates an off-highway vehicle on the highway.
2. Whether a person unlawfully driving an off-highway vehicle on a public roadway may be charged with driving on a revoked driver's license when a driver's license is not otherwise required for lawful, off-road use.

OPINIONS

1. Yes. A valid driver's license is required for anyone operating a motor vehicle on the highway, and an off-highway vehicle qualifies as a motor vehicle.
2. Yes. A person driving an off-highway vehicle on the highway may be charged with driving on a revoked driver's license.

ANALYSIS

1. Any person driving "any motor vehicle" on a highway in Tennessee must have a valid driver's license. *See* Tenn. Code Ann. § 55-50-301(a)(1). A reading of our statutes reveals that an off-highway vehicle qualifies as a motor vehicle. State law requires every person driving "any motor vehicle upon a highway in this state" to have a valid driver's license for the type or class of vehicle being driven. Tenn. Code Ann. § 55-50-301(a)(1). "Motor vehicle" is defined as a "vehicle, low speed vehicle or medium speed vehicle as defined in this section" Tenn. Code Ann. § 55-50-102(34). "Vehicle" is defined as "every device, in, upon, or by which any person . . . is or may be transported . . . upon a public highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks" Tenn. Code Ann. § 55-50-102(53). A Class D license is required for the operation of any vehicle weighing less than twenty-six thousand one pounds. *See* Tenn. Code Ann. § 55-50-102(19)(D). Because "motor vehicle" and "vehicle" are broadly defined in the statute, an off-highway vehicle such as a four-wheeler is a "motor vehicle" under Tenn. Code Ann. § 55-50-301(a)(1). For this reason, any person operating an off-highway vehicle upon a highway in Tennessee is required to have a valid driver's license.

2. Based on the analysis above, the State may charge a person with driving on a revoked driver's license when that person operated an off-highway vehicle on the highway. As stated above,

when a driver operates an off-highway vehicle upon the highway, state law requires a valid driver's license. Following from that analysis, when a person drives an off-highway vehicle on the highway while his or her license is suspended or revoked, the State may charge that person with driving on a revoked license. It is a Class B misdemeanor for any person to drive "a motor vehicle within the entire width between the boundary lines of every way publicly maintained that is open to the use of the public for purposes of vehicular travel . . . when the person's privilege to do so is cancelled, suspended, or revoked . . ." Tenn. Code Ann. § 55-50-504(a)(1). Because an off-highway vehicle such as a four-wheeler is a motor vehicle, when a driver operates a four-wheeler upon the highway, and that person's license is revoked or suspended, the State may charge the driver with driving on a revoked or suspended license.

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