

STATE OF TENNESSEE

PUBLIC CHAPTER NO. 324

HOUSE BILL NO. 355

By Representatives Hackworth, Coley, Hardaway, Stewart, Bell

Substituted for: Senate Bill No. 534

By Senators McNally, Faulk, Burks

AN ACT to amend Tennessee Code Annotated, Title 55, Chapter 10, Part 4, relative to testing to determine the alcohol or drug content of a person's blood.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 55-10-406, is amended by adding the following new subsection:

(f)

(1) If a law enforcement officer has probable cause to believe that the driver of a motor vehicle involved in an accident resulting in the injury or death of another has committed a violation of §§ 55-10-401, 39-13-213(a)(2) or 39-13-218, the officer shall cause the driver to be tested for the purpose of determining the alcohol or drug content of such driver's blood. Such test shall be performed in accordance with the procedure set forth in this section and shall be performed regardless of whether the driver does or does not consent to such test.

(2) The results of a test performed in accordance with this subsection may be offered as evidence by either the state or the driver of the vehicle in any court or administrative hearing relating to such accident or offense subject to the Tennessee rules of evidence.

SECTION 2. This act shall take effect July 1, 2009, the public welfare requiring it.

PASSED: May 18, 2009



KENT WILLIAMS, SPEAKER
HOUSE OF REPRESENTATIVES



RON RAMSEY
SPEAKER OF THE SENATE

APPROVED this 29th day of May 2009



PHIL BREDESEN, GOVERNOR