

PUBLIC CHAPTER NO. 1096

HOUSE BILL NO. 3282

**By Representatives Coleman, Rich, Bass, Lundberg, Watson, Coley,
Matheny, Todd, Fincher, Dean**

Substituted for: Senate Bill No. 3121

By Senator Faulk

AN ACT to amend Tennessee Code Annotated, Title 55, Chapter 10, relative to driving offenses.

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

SECTION 1. Tennessee Code Annotated, Section 55-10-406(a)(4)(A) is amended by deleting from the second sentence the language "made at the same time and by the same court as the court disposing of the offense for which the driver was placed under arrest" and by substituting instead the language "made at the driver's first appearance or preliminary hearing in the general sessions court, but no later than the case being bound over to the grand jury, unless the refusal is a misdemeanor offense in which case the determination shall be made by the court which determines whether the driver committed the offense; however, upon the motion of the state, the determination may be made at the same time and by the same court as the court disposing of the offense for which the driver was placed under arrest".

SECTION 2. Tennessee Code Annotated, Section 55-10-406, is amended by adding the following new subsection:

(g)

(1) The period of license suspension for a violation of subsection (a) of this section shall run consecutive to the period of license suspension imposed following a conviction for § 55-10-401 if:

(A) The general sessions court or trial court judge determines that the driver violated subsection (a) of this section; and

(B) The judge determining the violation of subsection (a) finds that the driver has a conviction or juvenile delinquency adjudication for a violation that occurred within five (5) years of the violation of subsection (a), for:

(i) Implied consent under § 55-10-406;

(ii) Underage driving while impaired under § 55-10-415;

(iii) The open container law under § 55-10-416; or

(iv) Reckless driving under § 55-10-205, if the charged offense was § 55-10-401.

(2) In all other instances in which the same course of conduct results in a driver license being suspended for a violation of subsection (a) and for a violation of § 55-10-401, the suspension period shall run concurrently.

SECTION 3. Tennessee Code Annotated, Section 55-10-406(a) is amended by adding the following new subdivision (7):

(7) If a person's driver license is suspended for a violation of subsection (a) prior to the time the offense for which the driver was arrested is disposed of, the court disposing of such offense may order the department of safety to reinstate the license if:

(i) The implied consent violation and the offense for which the driver was arrested result from the same incident; and

(ii) The offense for which the person was arrested is dismissed by the court upon a finding that the law enforcement officer lacked sufficient cause to make the initial stop of the driver's vehicle.

SECTION 4. Tennessee Code Annotated, Section 55-10-406, is amended by adding the following new subsection:

(g) If a driver's violation of subsection (a) of this section and § 55-10-401 occur as part of the same incident, the period of driver license suspension for the two (2) violations shall not exceed the period of suspension imposed by the court for the violation of § 55-10-401.

SECTION 5. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 6. This act shall take effect January 1, 2011, the public welfare requiring it.

PASSED: June 8, 2010



KENT WILLIAMS, SPEAKER
HOUSE OF REPRESENTATIVES



RON RAMSEY
SPEAKER OF THE SENATE

APPROVED this 23rd day of June 2010



PHIL BREDESEN, GOVERNOR