

SENATE BILL 2689

By Barnes

AN ACT to amend Tennessee Code Annotated, Title 55, Chapter 10, relative to tests for alcoholic or drug content of a person's blood or breath.

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

SECTION 1. Tennessee Code Annotated, Section 55-10-406, is amended by deleting subsection (f) in its entirety and substituting instead the following:

(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 within two (2) hours from such accident occurring for the purpose of determining the alcohol or drug content of the driver's blood. The 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 the test.

(2) The results of a test performed in accordance with subdivision (f)(1) may be offered as evidence by either the state or the driver of the vehicle in any court or administrative hearing relating to the accident or offense subject to the Tennessee rules of evidence.

SECTION 2. This act shall take effect July 1, 2010, the public welfare requiring it.