

HOUSE BILL 1863

By Spivey

AN ACT to amend Tennessee Code Annotated, Title 55,
relative to the enforcement of certain traffic
offense by municipalities.

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

SECTION 1. Tennessee Code Annotated, Section 55-10-308, is amended by deleting the section in its entirety and by substituting instead the following language:

(a) For purposes of this section:

(1) "Interstate highway" means a portion of any highway designated and known as part of the national system of interstate and defense highways; and

(2) "Marked law enforcement vehicle" means a law enforcement vehicle equipped with:

(A) At least one (1) light bar assembly designed to display more than one (1) steady burning, flashing, or revolving beam of light with three hundred sixty degrees (360°) visibility;

(B) A horn, siren, electronic device, or exhaust whistle from which audible signals may sound; and

(C) Graphics, markings, or decals clearly identifying the agency or department on at least three (3) of the following four (4) sides:

- (i) Front;
- (ii) Rear;
- (iii) Left side; or
- (iv) Right side.

(b) Where chapter 8 of this title and §§ 55-10-101 — 55-10-310 apply to territory within the limits of a municipality, the primary responsibility for enforcing the sections shall be on the municipality which shall be further authorized to enforce the additional ordinances for the regulation of the operation of vehicles as it deems proper.

(c) Notwithstanding subsection (b), any municipality having a population of ten thousand (10,000) or less, according to the 2000 federal census or any subsequent federal census, and with at least two (2) entrance ramps to and at least two (2) exit ramps from an interstate highway within the limits of a municipality, may regulate enforcement of chapter 8 of this title and §§ 55-10-101 — 55-10-310, on the portions of any interstate highway lying within the territorial limits of the municipalities exercise if:

(1) The local legislative body of the municipality authorizes such enforcement of the rules of the road;

(2) Any ordinance or resolution authorizing the enforcement of rules of the road is submitted to the commissioner of the department of safety; and

(3) The municipality enforces the rules of the road in full compliance with the rules promulgated by the commissioner of safety; provided, that this restriction shall not apply to drug interdiction officers employed by the municipality while the officers are actively serving with any judicial district drug force.

(d) Any municipal law enforcement agency enforcing rules of the road on interstate highways pursuant to subsection (c) shall use only marked law enforcement vehicles. Graphics, markings, or decals that are transparent, translucent, or create a holographic effect do not clearly identify the agency or department for purposes of this subsection (d).

(e)

(1) The commissioner may refuse to issue or may suspend for up to three (3) years the authorization of a municipality, having a population of ten

thousand (10,000) or less, according to the 2010 federal census or any subsequent federal census, to enforce the rules of the road on the interstate highways, if the commissioner determines that the municipality is not complying with the requirements set forth in this section or the rules promulgated by the department.

(2) Suspension of authorization shall be made in writing and sent by certified mail, return receipt requested, to both the chief law enforcement officer and the mayor of the municipality no less than thirty (30) days prior to the effective date of the suspension of authority.

(3) The municipal law enforcement agency shall have twenty (20) days from receipt of the suspension notice to provide proof to the department that the municipal law enforcement agency is complying with the rules promulgated by the department. Timely submission of proof to the department shall stay a suspension until the department makes a determination regarding the suspension of authority of the municipality to enforce the rules of the road on the interstate highways.

(4) If the proof submitted pursuant to subdivision (e)(3) is acceptable to the department, the commissioner shall inform in writing the chief law enforcement officer and mayor that the suspension is being rescinded.

(5) If the proof submitted pursuant to subdivision (e)(3) is not acceptable to the department, the commissioner shall inform the chief law enforcement officer and the mayor and the suspension of authorization shall be reinstated.

(f) Nothing in this section shall be construed to authorize any municipality having a population of ten thousand (10,000) or less, according to the 2010 federal census or any subsequent federal census, and without at least two (2) entrance ramps to and at

least two (2) exit ramps from an interstate highway within the limits of a municipality, from exercising the authority to enforce chapter 8 of this title and §§ 55-10-101 – 55-10-310 on the portions of any interstate highway lying within the territorial limits of the municipalities.

(g) Nothing in this section shall be construed to authorize any municipality having a population of ten thousand (10,000) or less, according to the 2010 federal census or any subsequent federal census, and with at least two (2) entrance ramps to and at least two (2) exit ramps from an interstate highway from exercising the authority to enforce chapter 8 of this title and §§ 55-10-101 – 55-10-310 when the contiguous stretch of the interstate highway between such entrance and exit ramps does not lie solely within the territorial limits of the municipalities.

SECTION 2. For purposes of promulgating rules, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect July 1, 2014, the public welfare requiring it.