

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL NOTE**

**HB 761 - SB 1342**

February 28, 2019

**SUMMARY OF BILL:** Adds blood tests as a test that a driver is deemed to have given implied consent for the purposes of determining the alcohol and/or drug content of a motor vehicle operator's blood. Makes further changes to implied consent law regarding blood tests and the administration of such test. Requires, prior to the administering of a test, the operator to sign a standardized waiver created by the Department of Safety (DOS). Deletes the Class A misdemeanor offense for intentional refusal, prevention, or obstruction of the administration of a breath or blood test.

**ESTIMATED FISCAL IMPACT:**

**NOT SIGNIFICANT**

Assumptions:

- Pursuant to Tenn. Code Ann. § 55-10-406, the operator of a motor vehicle in this state is deemed to have given implied consent to a breath test for the purpose of determining the alcohol and/or drug content of that operator's blood. Any law enforcement officer who requests that the operator of a motor vehicle submit to a breath test shall, prior to conducting the test, advise the operator that refusal to submit to the breath test will result in the suspension of the operator's driver license by the court.
- Under this same statute, blood tests are already established as a method to determine the alcohol and/or drug content of a person's blood.
- Further establishing that the operator of a motor vehicle in this state is deemed to have given implied consent to a blood test for the purpose of determining the alcohol and/or drug content of that operator's blood will not cause a significant increase in the total number of convictions for driving under the influence (DUI).
- Implied consent violations will still be subject to penalties, including but not limited to, suspended or revoked driving privileges, restricted driver license, ignition interlock, incarceration, and various fines and fees. Any impact on the number of licenses suspended or the number of restricted licenses issued is estimated to be not significant.
- Any impact on local revenue related to implied consent or DUI violations is estimated to be not significant.
- Based on information provided by the Administrative Office of the Courts, any change in caseload to the state court system under this legislation can be accommodated within existing resources and personnel; therefore, the fiscal impact is not significant.

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- DOS can create the required standardized waiver within existing resources and personnel.

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

/jmg