



State of Tennessee

PUBLIC CHAPTER NO. 137

HOUSE BILL NO. 412

By Representative Lamberth

Substituted for: Senate Bill No. 362

By Senator Massey

AN ACT to amend Tennessee Code Annotated, Section 40-32-101 and Section 55-10-407, relative to expunction.

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

SECTION 1. Tennessee Code Annotated, Section 40-32-101(a)(1)(A), is amended by designating the current language as subdivision (a)(1)(A)(i) and adding the following new subdivision (a)(1)(A)(ii):

(ii)

(a) Except as provided in subdivision (a)(1)(A)(ii)(b), all public records of a person who has been charged with an implied consent violation under § 55-10-406 must, upon petition by that person to the court having jurisdiction in the previous action, be removed and destroyed without cost to the person if the violation was dismissed without cost.

(b) A person is not eligible for expunction under subdivision (a)(1)(A)(ii)(a) if, at the time of the offense of the implied consent violation, the person held:

(1) A commercial driver license or a commercial learner permit, as defined in § 55-50-102, and the offense was committed within a motor vehicle, as defined in § 55-50-102; or

(2) Any driver license and the offense was committed within a commercial motor vehicle, as defined in § 55-50-102.

SECTION 2. Tennessee Code Annotated, Section 40-32-101, is amended by adding the following as a new subsection:

() For purposes of this section, and as the context requires, "offense" or "criminal offense" includes an implied consent violation under § 55-10-406.

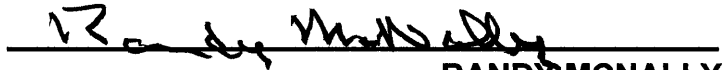
SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it.

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PASSED: March 16, 2023



CAMERON SEXTON, SPEAKER
HOUSE OF REPRESENTATIVES



RANDY MCNALLY
SPEAKER OF THE SENATE

APPROVED this 6th day of April 2023



BILL LEE, GOVERNOR