

**STATE OF TENNESSEE**

OFFICE OF THE  
ATTORNEY GENERAL  
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November 25, 2003

Opinion No. 03-152

Officer's authority to stop an individual who he knows is driving on a revoked or suspended license

**QUESTION**

Whether a police officer, who has probable cause to believe that the operator of a motor vehicle is driving on a suspended or revoked license, is authorized to stop the vehicle?

**OPINION**

It is the opinion of this Office that an officer, who has probable cause to believe that the operator of a motor vehicle is driving on a suspended or revoked license, is authorized to stop the vehicle.

**ANALYSIS**

In *State v. Yeargan*, 958 S.W.2d 626 (Tenn. 1997), our Supreme Court addressed this particular issue. In *Yeargan*, an officer observed an individual driving a pickup truck on a public street. Previously, the officer had arrested the individual for driving under the influence of an intoxicant and had been present in general sessions court approximately six months earlier when the individual pleaded guilty to the offense and had his driver's license revoked for one year from the date of the judgment. *State v. Yeargan*, 958 S.W.2d 626, 627 (Tenn. 1997).

In *Yeargan*, our Supreme Court found that because the officer's stop "was a temporary detention for a limited purpose, the stop of the defendant's vehicle in this case, without question, constitutes a seizure and implicates the protection of both the state and federal constitutions." *Yeargan*, at 630. Since the stop was not conducted pursuant to a warrant, the investigatory stop was presumptively unreasonable. *Id.*

However, the Court concluded "that the officer's decision to initiate the investigatory stop was based upon reasonable suspicion, supported by specific and articulable facts, that the defendant was driving on a revoked license. The officer had previously arrested Yeargan, so he was acquainted with the defendant and could identify the defendant by sight. In addition, the officer had personal knowledge that Yeargan's license had been revoked for a period of one year, and that only six months had passed since revocation." *Id.*

While your request is couched in terms of probable cause, it is the opinion of this office, based on the analysis and holding of the supreme court, that an officer, who has reasonable suspicion, based on specific and articulable facts, of an individual's status as having a revoked or suspended license, has the authority to stop a vehicle being operated by that individual.

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