



State:

Tennessee

Statute/Law:

§ 55-10-401: *Driving under the influence of intoxicant, drug or drug producing stimulant is Prohibited.*

Per Se Law?:

No

Statute/Law Language:

It is unlawful for any person to drive or to be in physical control of any automobile or other motor driven vehicle on any of the public roads and highways of the state, or on any streets or alleys, or while on the premises of any shopping center, trailer park, or apartment house complex, or any other premises that is generally frequented by the public at large, while:

(1) Under the influence of any intoxicant, marijuana, controlled substance, controlled substance analogue, drug, substance affecting the central nervous system, or combination thereof that impairs the driver's ability to safely operate a motor vehicle by depriving the driver of the clearness of mind and control of oneself that the driver would otherwise possess;

(2) The alcohol concentration in the person's blood or breath is eight-hundredths of one percent (0.08%) or more; or

(3) With a blood alcohol concentration of four-hundredths of one percent (0.04%) or more and the vehicle is a commercial motor vehicle as defined in § 55-50-102.

Penalties Following Conviction:

1) First offense: Fine of not less than \$350, nor more than \$1,500; driver's license suspended for 1 year.

(2) Second offense (within 10 years): Fine of not less than \$600, nor more than \$3,500; imprisonment for not less than 45 days, nor more than 11 months and 29 days; driver's license suspended for 2 years; court may mandate participation in a drug treatment program.

(3) Third offense (within 10 years): Fine of not less than \$1,100 nor more than \$10,000; imprisonment for not less than 120 days, nor more than 11 months and 29 days; driver's license suspended not less than 3 years, nor more than 10 years.





(4) Fourth and subsequent offense Class E Felony: Fine of not less than \$3,000, nor more than \$15,000; imprisonment for a term of not less than 150 consecutive days; driver's license suspended not less than 5 years.

(5) As of 2009, at the time of offense if the person was accompanied by a child under 18 years of age the person shall be punished by mandatory incarceration of 30 days and a mandatory minimum fine of \$1000.

Discretionary Court-Ordered Penalties:

The court may order a 2nd offender to serve not more than 28 days of his/her jail sentence in an inpatient drug treatment program and the balance of the sentence in jail. The court may also order work release, community service, restitution directly to a victim, and must order defendant to pay a BAC test fee.

For more information:

<http://www.lexisnexis.com/hottopics/tncode/>

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