

SENATE BILL 1 of the Second Extraordinary Session

By Norris

AN ACT to amend Tennessee Code Annotated, Section 55-10-409; Section 55-10-415 and Chapter 1030 of the Public Acts of 2016, relative to underage driving while impaired.

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

SECTION 1. Section 1 of Chapter 1030 of the Public Acts of 2016, as codified in Tennessee Code Annotated, Section 55-10-415, is amended by deleting the section in its entirety and substituting instead the following:

(a) A person under twenty-one (21) years of age shall not drive or be in physical control of an automobile or other motor-driven vehicle 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 self-control that the driver would otherwise possess; or

(2) The alcohol concentration in the person's blood or breath is two-hundredths of one percent (0.02%) or more.

(b) The fact that a person who drives while under the influence of narcotic drugs or barbitol drugs is or has been lawfully entitled to use the drugs does not constitute a defense to a violation of this section.

(c) This section establishes the offense of underage driving while impaired for a person under twenty-one (21) years of age. The offense of underage driving while impaired is a lesser included offense of driving while intoxicated.

(d) The offense of underage driving while impaired by a person eighteen (18) years of age or older but under twenty-one (21) years of age is a Class A misdemeanor punishable by:

- (1) Driver license suspension of one (1) year;
- (2) A fine of two hundred fifty dollars (\$250); and
- (3) Public service work, in the discretion of the court.

(e) The act of underage driving while impaired by a person under eighteen (18) years of age is a delinquent act punishable by:

- (1) Driver license suspension of one (1) year;
- (2) A fine of two hundred fifty dollars (\$250); and
- (3) Public service work, in the discretion of the court.

SECTION 2. Section 2 of Chapter 1030 of the Public Acts of 2016, is amended by deleting the section in its entirety.

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