State of Tennessee

PUBLIC CHAPTER NO. 1030

SENATE BILL NO. 1317

By McNally

Substituted for: House Bill No. 622

By Lamberth, Farmer

AN ACT to amend Tennessee Code Annotated, Title 55, Chapter 10, Part 4, relative to certain alcohol-related offenses.

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

SECTION 1. Tennessee Code Annotated, Section 55-10-415, is amended by deleting the section in its entirety and substituting instead the following:

(a) A person sixteen (16) years of age or older but less than eighteen (18) 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 is more than two-hundredths of one percent (0.02%);

(b) The fact that a person, who drives while under the influence of narcotic drugs or barbital 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 sixteen (16) years of age or older but less than eighteen (18) years of age. The offense of underage driving while impaired is a lesser included offense of driving while intoxicated.

(d)(1) Underage driving while impaired for a person sixteen (16) years of age or older but less than eighteen (18) years of age is punishable by:

(A) Driver license suspension of one (1) year;

(B) A fine of two hundred fifty dollars ($250); and

(C) Public service work, in the discretion of the court.

(2) Any person found to have violated this section and whose driver license has been suspended or revoked, may apply to the judge hearing the case for a restricted driver license. A judge having jurisdiction over the violation shall have the same authority to order the issuance of a restricted license in accordance with § 55-10-409, and all other options, including requiring use of a functioning interlock device, as are available to a judge under § 55-10-409.

SECTION 2. Tennessee Code Annotated, Section 55-10-409, is amended by deleting from subdivision (b)(1)(a) the language "§ 55-10-404 or § 55-10-406," and substituting instead the language "§ 55-10-404, § 55-10-406, or § 55-10-415,".

SECTION 3. This act shall take effect July 1, 2016, the public welfare requiring it.

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PASSED: April 20, 2016

RON RAMSEY
SPEAKER OF THE SENATE

BETH HARWELL, *SPEAKER*
HOUSE OF REPRESENTATIVES

APPROVED this 28th **day of** April **2016**

BILL HASLAM, *GOVERNOR*