

HOUSE BILL 1264

By Evans

AN ACT to amend Tennessee Code Annotated, Title 55, Chapter 10, Part 4, relative to the offense of driving under the influence of an intoxicant.

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

SECTION 1. Tennessee Code Annotated, Section 55-10-401, is amended by deleting subsection (a) and substituting instead the following:

(a) 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 any apartment house complex, or any other premises which is generally frequented by the public at large, while:

(1) Under the influence of any intoxicant, marijuana, narcotic drug, or drug producing stimulating effects on the central nervous system;

(2) The alcohol concentration in such person's blood or breath is eight-hundredths of one percent (.08 %) or more if the person has no convictions for a violation of this section occurring prior to the instant violation; or

(3) The alcohol concentration in such person's blood or breath is two-hundredths of one percent (.02 %) or more if the person has one (1) or more convictions for a violation of this section occurring prior to the instant violation.

SECTION 2. Tennessee Code Annotated, Section 55-10-408, is amended by deleting the section in its entirety and substituting instead the following:

(a) For the purpose of proving a violation of § 55-10-401(a)(1), where the defendant has no convictions for a violation § 55-10-401, occurring prior to the instant

violation, evidence that there was, at the time alleged, eight-hundredths of one percent (.08%) or more by weight of alcohol in the defendant's blood shall create a presumption that the defendant's ability to drive was sufficiently impaired thereby to constitute a violation of § 55-10-401(a)(1).

(b) For the purpose of proving a violation of § 55-10-401(a)(1), where the defendant has one (1) or more violations of § 55-10-401 prior to the instant violation, evidence that there was, at the time alleged, two-hundredths of one percent (.02%) or more by weight of alcohol in the defendant's blood shall create a presumption that the defendant's ability to drive was sufficiently impaired thereby to constitute a violation of § 55-10-401(a)(1).

SECTION 2. This act shall take effect July 1, 2009, the public welfare requiring it.