

### 3. Alcohol BAC .08

#### **55-10-401. Driving under the influence of intoxicant, drug or drug producing stimulant prohibited - Alcohol concentration in blood or breath.**

(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; or

(2) [Amended effective July 1, 2003 to .08. See the Compiler's Notes.] The alcohol concentration in such a person's blood or breath is ten-hundredths of one percent (.10%) or more.

(b) For the purpose of this section, "drug producing stimulating effects on the central nervous system" includes the salts of barbituric acid, also known as malonyl urea, or any compound, derivatives, or mixtures thereof that may be used for producing hypnotic or somnifacient effects, and includes amphetamine, desoxyephedrine or compounds or mixtures thereof, including all derivatives of phenylethylamine or any of the salts thereof, except preparations intended for use in the nose and unfit for internal use.

[Acts 1953, ch. 202, § 1 (Williams, § 10830.2); Acts 1961, ch. 63, § 1; 1977, ch. 420, § 1; 1979, ch. 265, § 1; T.C.A. (orig. ed.), § 59-1031; Acts 1980, ch. 623, § 1; 1980, ch. 635, § 1; 1986, ch. 842, § 12; 1996, ch. 915, § 1.;2002, ch.855, § 7.]