S T A T E O F T E N N E S S E E
OFFICE OF THE
ATTORNEY GENERAL
PO BOX 20207
NASHVILLE, TENNESSEE 37202

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Opinion No. 02-102

DUI prosecution of drivers of motorized riding lawnmowers

QUESTION

Whether a driver of a motorized riding lawnmower may be prosecuted for DUI under Tenn. Code Ann. §55-10-401.

OPINION

Yes, a driver of a motorized riding lawnmower may be prosecuted for driving under the influence under Tenn. Code Ann. §55-10-401.

ANALYSIS

Tenn. Code Ann. §55-10-401 makes it "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 under the influence. Tenn. Code Ann. §§55-10-405(4) and 55-8-101(30) define "motor vehicle" as "every vehicle which is self-propelled." Because a motorized riding lawnmower has a motor and is capable of being self-propelled, a driver of a motorized lawnmower may be prosecuted for DUI under Tenn. Code Ann. §55-10-401. *See* Op. Tenn. Att'y. Gen. 84-343 (Dec. 21, 1984) (observing that a "motorized bicycle" has, by definition, a "motor" and is capable of being self propelled; therefore, Tenn. Code Ann. §55-10-401(a) applicable to drivers of motorized bicycles).

Application of the foregoing definitions of "motor vehicle" leads this Office to conclude that a driver of a motorized riding lawnmower would be subject to the prohibitions of Tenn. Code Ann. §55-10-401(a).

PAUL G. SUMMERS
Attorney General and Reporter

MICHAEL E. MOORE
Solicitor General

ELIZABETH B. MARNEY
Assistant Attorney General

Requested by:

Honorable J. Roland Reid, Judge
General Sessions & Juvenile Court
Haywood County Courthouse
1 North Washington Avenue
Brownsville, TN 38012