

HOUSE BILL 1566

By Holsclaw

AN ACT to amend Tennessee Code Annotated, Title 55, Chapter 8, relative to the use of certain electronic communication devices while operating a motor vehicle.

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

SECTION 1. Tennessee Code Annotated, Title 55, Chapter 8, Part 2, is amended by adding the following as a new section:

55-8-201.

(a) As used in this section:

(1) "Hands-free device" means a device that is designed to allow two-way communication via mobile telephone without the necessity of holding the mobile telephone, such as a speakerphone or headset; and

(2) "Mobile telephone" means a cellular, analog, wireless, or digital device that provides for voice communication or for both voice and data communication.

(b)

(1) It is an offense for a person to knowingly operate a motor vehicle on any road or highway in this state and talk on a hand-held mobile telephone while the vehicle is in motion.

(2) It is a delinquent act for a person under eighteen (18) years of age to knowingly operate a motor vehicle on any road or highway in this state and talk on a mobile telephone that is equipped with a hands-free device while the vehicle is in motion.

(3) This section does not prohibit a person eighteen (18) years of age or older from operating a motor vehicle on any road or highway in this state and talking on a mobile telephone that is equipped with a hands-free device while the vehicle is in motion.

(c) This section shall not apply to the following persons:

(1) Officers of the state or of any county, city, or town charged with the enforcement of the laws of the state, when in the actual discharge of their official duties;

(2) Campus police officers and public safety officers, as defined by § 49-7-118, when in the actual discharge of their official duties;

(3) Emergency medical technicians, emergency medical technician-paramedics, and firefighters, both volunteer and career, when in the actual discharge of their official duties;

(4) Emergency management agency officers of the state or of any county, city, or town, when in the actual discharge of their official duties; and

(5) Persons using a mobile telephone to communicate with law enforcement agencies, medical providers, fire departments, or other emergency service agencies while driving a motor vehicle; provided, that the use is necessitated by a bona fide emergency, including a natural or human occurrence that threatens human health, life, or property.

(d)

(1) A violation of subdivision (b)(1) is a Class C misdemeanor punishable only by a fine not to exceed fifty dollars (\$50.00).

(2) A violation of subdivision (b)(2) shall be punishable only by a fine not to exceed fifty dollars (\$50.00).

(e) Any person violating this section shall be subject to the imposition of court costs, including any statutory fees of officers; provided, that the court costs, including

any statutory fees of officers, shall not exceed ten dollars (\$10.00). No state or local litigation taxes shall be applicable to a case prosecuted under this section.

(f) A traffic citation that is based solely upon a violation of this section shall be considered a nonmoving traffic violation and no points shall be added to a driver record for the violation.

SECTION 2. Tennessee Code Annotated, Section 55-8-199(a), is amended adding the following as a new subdivision (1) and renumbering the existing subdivisions accordingly:

(1) "Hands-free device" means a device that is designed to allow communication via mobile telephone or personal digital assistant without the necessity of holding the mobile telephone or personal digital assistant, such as a speakerphone or headset;

SECTION 3. Tennessee Code Annotated, Section 55-8-199(b), is amended by designating the existing language as subdivision (1) and adding the following as new subdivisions (2) and (3):

(2) It is a delinquent act for a person under eighteen (18) years of age to knowingly operate a motor vehicle on any road or highway in this state and use a mobile telephone or personal digital assistant that is equipped with a hands-free device to transmit or read a written message.

(3) This section does not prohibit a person eighteen (18) years of age or older from operating a motor vehicle on any road or highway in this state and using a mobile telephone or personal digital assistant that is equipped with a hands-free device to transmit or read a written message.

SECTION 4. Tennessee Code Annotated, Section 55-8-199(e), is amended by adding the following as a new subdivision:

(5) Persons using a mobile telephone or personal digital assistant to communicate with law enforcement agencies, medical providers, fire departments, or

other emergency service agencies while driving a motor vehicle; provided, that the use is necessitated by a bona fide emergency, including a natural or human occurrence that threatens human health, life, or property.

SECTION 5. This act shall take effect January 1, 2017, the public welfare requiring it.