

SENATE BILL 1178

By Hensley

AN ACT to amend Tennessee Code Annotated, Title 49  
and Title 55, Chapter 8, relative to using a hand-  
held mobile telephone in a school zone.

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 language as a new section:

(a) For the purpose of this section, "mobile telephone" means a cellular, analog, wireless, or digital device that provides for voice communication and for data communication other than by voice.

(b) It is an offense to use a hand-held mobile telephone to make or receive a phone call while driving a motor vehicle in a marked school zone if:

(1) Proper signs are posted with a warning flasher or flashers in operation; or

(2) The use of a hand-held mobile telephone occurs during a period of ninety (90) minutes before the opening hour of a school or a period of ninety (90) minutes after the closing hour of a school.

(c) This section shall only apply to a person driving a motor vehicle that is in motion.

(d) A violation of this section is a Class C misdemeanor, subject only to imposition of a fine not to exceed fifty dollars (\$50.00) and court costs not to exceed ten dollars (\$10.00), including, but not limited to, any statutory fees of officers. No state or local litigation taxes shall be applicable to a case prosecuted under this section.

(e) This section shall not apply to use of a hands-free device, such as an internal feature of a vehicle or an external attachment that allows a driver to make or receive a phone call without use of hands.

(f) 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 official duties;

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

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

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

(5) A driver who, while using the mobile telephone device, reports to local authorities a fire, traffic accident, road hazard, reckless or unsafe driving of another, or a criminal act believed to be perpetuated against the driver or another person.

(f) A traffic citation that is based solely upon a violation of this section shall be considered a moving traffic violation.

(g) The department of transportation is directed to utilize the department's permanent electronic overhead informational displays located throughout this state to provide periodic messages to the motoring public as to the provisions of this section.

SECTION 2. This act shall take effect July 1, 2017, the public welfare requiring it.