

SENATE BILL 1751

By Lundberg

AN ACT to amend Tennessee Code Annotated, Title 55,
Chapter 8, relative to electronic devices.

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

SECTION 1. Tennessee Code Annotated, Section 55-8-199, is amended by deleting the section and substituting instead the following:

(a) For the purpose of this section, unless the context otherwise requires:

(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;

(2) "Mobile telephone" means a cellular, analog, wireless, or digital device that provides for voice communication and for data communication other than by voice; and

(3) "Personal digital assistant" means a wireless electronic communication device that provides for data communication other than by voice.

(b)

(1) No person while driving a motor vehicle on any public road or highway shall use a hand-held mobile telephone or a hand-held personal digital assistant to transmit or read a written message; provided, that a driver does not transmit or read a written message for the purpose of this subsection (b) if the driver reads, selects, or enters a telephone number or name in a hand-held mobile telephone or a personal digital assistant for the purpose of making or receiving a telephone call.

(2) A person under eighteen (18) years of age shall not knowingly operate a motor vehicle on any road or highway in this state and use a mobile telephone or personal digital assistant to transmit or read a written message regardless of whether such item is equipped with a hands-free device.

(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 hands-free device to transmit or read a written message on a mobile telephone or personal digital assistant.

(c) This section only applies to a person driving a motor vehicle that is in motion at the time a written message from a mobile telephone or hand-held personal digital assistant is transmitted or read by the person.

(d)

(1) 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.

(2) In addition to any fine imposed pursuant to subdivision (d)(1), a person who violates this section as a first offense shall be required to attend and complete a driver education course pursuant to § 55-10-301.

(e) This section does not apply to the following persons:

(1) Officers of the state or of any county or municipality 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 or municipality, when in the actual discharge of their official duties; and

(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, if the use is necessitated by a bona fide emergency, including a natural or human occurrence that threatens human health, life, or property.

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

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

(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. "Mobile telephone" does not include a two-way radio or push-to-talk device.

(b)

(1) It is an offense for a person to knowingly operate a motor vehicle in any marked school zone in this state, when a warning flasher or flashers are in operation, and talk on a hand-held mobile telephone while the vehicle is in motion.

(2) It is an offense 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 while the vehicle is in motion regardless of whether the telephone is equipped with a hands-free device.

(3) This section does not prohibit a person eighteen (18) years of age or older from operating a motor vehicle in any marked school zone in this state, when a warning flasher or flashers are in operation, 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 or municipality 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 or municipality, 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, if the use is necessitated by a bona fide emergency, including a natural or human occurrence that threatens human health, life, or property.

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

(e) Any person violating this section is 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 are applicable to a case prosecuted under this section.

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

SECTION 3. This act shall take effect July 1, 2020, the public welfare requiring it.