

STATE OF TENNESSEE

PUBLIC CHAPTER NO. 201

SENATE BILL NO. 393

By Tracy, Ketron, Ford

Substituted for: House Bill No. 107

By Lundberg, Shipley, Harrison, Rich, Hensley, Jim Cobb, Armstrong, Harwell, Mike Turner, McDaniel, Faulkner, Ty Cobb, Fraley, Kevin Brooks, Roach, Ford, Hardaway, Todd, Bone, Shaw, Eldridge, Sontany, Towns, Coleman, Brown

AN ACT to amend Tennessee Code Annotated, Title 55, relative to using text messaging services 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 1, is amended by adding the following language as a new section:

Section 55-8-19\_.

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

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

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

(b) 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 such 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.

(c) The provisions of this section shall only apply 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 such person.

(d) A violation of any provision 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) The provisions of 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; and

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

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

SECTION 2. 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 act.

SECTION 3. This act shall take effect July 1, 2009, the public welfare requiring it.

**PASSED: April 30, 2009**

  
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RON RAMSEY  
SPEAKER OF THE SENATE

  
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KENT WILLIAMS, SPEAKER  
HOUSE OF REPRESENTATIVES

APPROVED this 13th day of May 2009



PHIL BREDESEN, GOVERNOR