

SENATE BILL 2740
By Burchett

AN ACT to amend Tennessee Code Annotated, Title 55,
Chapter 8, relative to prohibiting cell phone use
while driving.

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

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

§ 55-8-196.

(a) No driver shall operate a motor vehicle on any highway while using a hand
held mobile telephone while such vehicle is in motion.

(b) For the purposes of this section, unless the context otherwise requires,
"mobile telephone" means a cellular, analog, wireless or digital telephone.

(c) A violation of this section is a Class C misdemeanor punishable only by a fine
of fifty dollars (\$50.00).

(d) It is an affirmative defense to prosecution under this section, which must be
proven by a preponderance of the evidence, that the driver's use of a mobile telephone
was necessitated by a bona fide emergency.

SECTION 2. This act shall take effect July 1, 2006, the public welfare requiring it.