

Amendment No. 5 to SB0393

**Tracy
Signature of Sponsor**

AMEND Senate Bill No. 393

House Bill No. 107*

by deleting all language after the enacting clause and by substituting instead the following:

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 driver shall operate a motor vehicle on any highway while using a hand held mobile telephone or a hand held personal digital assistant to transmit or read a written message while such vehicle is in motion; 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) 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.

(d) The provisions of subsections (b) and (c) do 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.

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.