

HOUSE BILL 2301

By Coley

AN ACT to amend Tennessee Code Annotated, Title 55, Chapter 8, relative to the use of a mobile telephone under certain circumstances.

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:

55-8-199.

(a) For the purposes of 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 telephone.

(b)

(1) It is an offense for a person to knowingly operate a motor vehicle on any road or highway in this state and talk on a handheld mobile telephone while the vehicle is in motion.

(2) Nothing in this section shall be construed to prohibit the use of a mobile telephone that is equipped with a hands free device for use while operating a motor vehicle.

(c) 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.

(d) A violation of this section is a Class C misdemeanor and the person's mobile telephone shall be seized and forfeited.

SECTION 2. This act shall take effect January 1, 2015, the public welfare requiring it.