

HOUSE BILL 1653

By Matlock

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 16, Part 3; Title 55, Chapter 9, Part 2 and Title 55, Chapter 9, Part 4, relative to warning equipment on motor vehicles.

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

SECTION 1. Tennessee Code Annotated, Section 55-9-201, is amended by adding the following as a new subsection (d) and by redesignating existing subsection (d) as a new subsection (e):

(d)

(1) The prohibition in subsection (a) does not apply to any privately-owned motor vehicle that is primarily operated for business purposes by any salesperson, service representative, employee, lessee, or duly authorized agent of an emergency equipment company; provided, that the vehicle is marked with the lettering required by subdivision (d)(3).

(2) Any person operating a motor vehicle pursuant to this subsection shall carry a copy of the company's business license or the person's or owner of the company's professional or occupational license, certification or registration issued by this state and appropriate identification issued by the owner of the company.

(3) Lettering shall be displayed on the left and right sides of the vehicle identifying the name of the company for which the vehicle is operated and on the front and rear of the vehicle designating it a "Demonstration Vehicle". The lettering shall be painted or affixed on, or attached to, the vehicle in a permanent manner, and shall be at least three inches (3") in size.

(4) Nothing in this subsection imposes any duty or obligation on a manufacturer of motor vehicles used by or sold to emergency equipment companies to equip the audible warning devices allowed in this subsection at the time of manufacture or sale.

(5) As used in this section, “emergency equipment company” or “company” means any entity licensed as required by this state to sell or repair bells, sirens, or exhaust, compression or spark plug whistles, or other audible warning devices or equipment designed for use on motor vehicles that are operated for authorized law enforcement, emergency response, or other public safety activities.

SECTION 2. Tennessee Code Annotated, Section 55-9-402, is amended by adding the following language as a new subsection (g) and by redesignating existing subsection (g) as a new subsection (h):

(g)

(1) The prohibitions in subdivision (a)(1), subdivision (b)(1), and subsection (d) do not apply to any privately-owned motor vehicle that is primarily operated for business purposes by any salesperson, service representative, employee, lessee, or duly authorized agent of an emergency equipment company; provided, that the vehicle is marked with the lettering required by subdivision (g)(3).

(2) Any person operating a motor vehicle pursuant to this subsection shall carry a copy of the company’s business license or the person’s or owner of the company’s professional or occupational license, certification or registration issued by this state and appropriate identification issued by the owner of the company.

(3) Lettering shall be displayed on the left and right sides of the vehicle identifying the name of the company for which the vehicle is operated and on the

front and rear of the vehicle designating it a "Demonstration Vehicle". The lettering shall be painted or affixed on, or attached to, the vehicle in a permanent manner, and shall be at least three inches (3") in size.

(4) Nothing in this subsection imposes any duty or obligation on a manufacturer of motor vehicles used by or sold to emergency equipment companies to install, maintain or exhibit the lighting system allowed in this subsection at the time of manufacture or sale.

(5) As used in this section, "emergency equipment company" or "company" means any entity licensed as required by this state to sell or repair lighting equipment designed for use on motor vehicles that are operated for authorized law enforcement, emergency response, or other public safety activities.

SECTION 3. Tennessee Code Annotated, Section 55-9-402(d)(1), is amended by deleting the subdivision in its entirety and by substituting instead the following:

(d)

(1)

(A) Except as provided in this section, no vehicle operated in this state shall be equipped with any flashing white or amber lights or any combination of white and amber lights that display to the front of the vehicle except a motor vehicle operated for purposes of an emergency equipment company pursuant to subsection (g), or a passenger motor vehicle operated by an organ procurement organization or a person under an agreement with an organ procurement organization when transporting an organ for human transplantation.

(B) No vehicle operated in this state shall be equipped with any flashing red or white light or any combination of red or white lights that displays to the front of the vehicle except a motor vehicle operated for purposes of an emergency equipment company pursuant to subsection (g), school buses, a passenger motor vehicle operated by a rural mail carrier of the United States postal service while performing the duties of a rural mail carrier, authorized law enforcement vehicles or motor vehicles operated for purposes of emergency equipment companies pursuant to subsection (g) only when used in combination with a flashing blue light, and emergency vehicles used in firefighting, including ambulances, emergency vehicles used in firefighting that are owned or operated by the division of forestry, firefighting vehicles, rescue vehicles, privately owned vehicles of regular or volunteer firefighters certified in § 55-9-201(c), or other emergency vehicles used in firefighting owned, operated, or subsidized by the governing body of any county or municipality.

SECTION 4. Tennessee Code Annotated, Section 55-9-402(d)(2), is amended by deleting the following language:

and any ambulance or vehicle equipped to provide emergency medical services properly licensed as required in the state and displaying the proper markings,

and by substituting instead the following new language:

any ambulance or vehicle equipped to provide emergency medical services properly licensed as required in the state and displaying the proper markings, and any motor vehicle operated for purposes of an emergency equipment company pursuant to subsection (g),

SECTION 5. Tennessee Code Annotated, Section 55-9-402(d)(3), is amended by deleting the subdivision in its entirety and by substituting instead the following:

(d)

(3) Any vehicle that displays any flashing white or amber lights or white and amber lights, flashing red or red/white lights, or red, white, and blue lights in combination, shall be considered in violation of this subsection (d), except for the following vehicles:

(A) A highway maintenance or utility vehicle, a motor vehicle operated for purposes of an emergency equipment company pursuant to subsection (g), or a passenger motor vehicle operated by an organ procurement organization or a person under an agreement with an organ procurement organization when transporting an organ for human transplantation, authorized by this section to display flashing white or amber lights or white and amber lights;

(B) A school bus, a motor vehicle operated for purposes of an emergency equipment company pursuant to subsection (g), a passenger motor vehicle operated by a rural mail carrier of the United States postal service while performing the duties of a rural mail carrier, or an emergency vehicle, authorized by this section to display flashing red or red/white lights; and

(C) Authorized law enforcement vehicles or motor vehicles operated for purposes of emergency equipment companies pursuant to subsection (g), authorized by this section to display red, white, and blue lights in combination.

SECTION 6. Tennessee Code Annotated, Section 55-9-414, is amended by adding the following as a new subsection (f):

(f)

(1) The prohibition in subsection (a) does not apply to any privately-owned motor vehicle that is primarily operated for business purposes by any salesperson, service representative, employee, lessee, or duly authorized agent of an emergency equipment company; provided, that the vehicle is marked with the lettering required by § 55-9-402(g)(3). Any person operating a motor vehicle pursuant to this subsection shall comply with the requirements of § 55-9-402(g)(2).

(2) Nothing in this subsection imposes any duty or obligation on a manufacturer of motor vehicles used by or sold to emergency equipment companies to install, maintain or exhibit the lighting system allowed in this subsection at the time of manufacture or sale.

(3) As used in this section, the terms “emergency equipment company” or “company” have the same meaning as defined in § 55-9-402.

SECTION 7. Tennessee Code Annotated, Section 55-9-414(a)(1), is amended by deleting the language “Except as provided in subsections (b)-(e), it is unlawful” and by substituting instead the language “Except as provided in subsections (b)-(f), it is an offense”.

SECTION 8. Tennessee Code Annotated, Section 39-16-301(c)(1), is amended by adding the following sentence at the end of the subdivision:

If any person commits the offense of criminal impersonation under subsection (a) while pretending to be a firefighter, medical fire responder, paramedic, emergency medical technician or any other first responder and while operating a

motor vehicle pursuant to § 55-9-201(d), § 55-9-402(g) or § 55-9-414(f), then the offense is a Class A misdemeanor.

SECTION 9. Tennessee Code Annotated, Section 39-16-301(c)(2), is amended by adding the following sentence at the end of the subdivision:

However, if any person commits criminal impersonation of a law enforcement officer under subsection (b) while operating a motor vehicle pursuant to § 55-9-201(d), § 55-9-402(g) or § 55-9-414(f), then the maximum fine for the offense shall be five thousand dollars (\$5,000).

SECTION 10. This act shall take effect July 1, 2014, the public welfare requiring it.