

HOUSE BILL 322
By Gilmore

SENATE BILL 581

By Henry

AN ACT to amend Tennessee Code Annotated, Title 55, Chapter 8, relative to the operation of motor vehicles.

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 language as a new, appropriately designated section:

55-8-____.

(a) Except as provided in §§ 55-8-192 and 55-50-311, no driver shall operate a motor vehicle in a school zone established pursuant to § 55-8-152(d), when proper signs are posted and a warning flasher or flashers in operation, while using a wireless telephone while the vehicle is in motion, unless such wireless telephone is designed and configured to allow hands-free listening and talking operation, and is used in such manner while driving.

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

(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 wireless telephone was necessitated by a bona fide emergency.

SECTION 2. This act shall take effect July 1, 2011, the public welfare requiring it; provided, however, that until November 1, 2011, only warning citations shall be issued for violations of Section 1.