

**West's Tennessee Code Annotated**

**Title 55. Motor and Other Vehicles (Refs & Annos)**

**Chapter 8. Operation of Vehicles--Rules of the Road (Refs & Annos)**

**Part 2. Operation of Vehicles--Rules of the Road-Continued**

T. C. A. § 55-8-207

Formerly cited as 55-8-201

§ 55-8-207. Mobile device use

Effective: January 1, 2018

Currentness

<Text of section effective Jan. 1, 2018.>

(a) As used in 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 device that provides for voice communication or for both voice and data communication. "Mobile telephone" does not include a two-way radio or push-to-talk device.

(b)(1) It is an offense for a person to knowingly operate a motor vehicle in any marked school zone in this state, when a warning flasher or flashers are in operation, and talk on a hand-held mobile telephone while the vehicle is in motion.

(2) It is a delinquent act for a person under eighteen (18) years of age to knowingly operate a motor vehicle on any road or highway in this state and talk on a mobile telephone that is equipped with a hands-free device while the vehicle is in motion.

(3) This section does not prohibit a person eighteen (18) years of age or older from operating a motor vehicle in any marked school zone in this state, when a warning flasher or flashers are in operation, and talking on a mobile telephone that is equipped with a hands-free device while the vehicle is in motion.

(c) This section shall 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;

(4) Emergency management agency officers of the state or of any county, city, or town, when in the actual discharge of their

official duties; and

(5) Persons using a mobile telephone to communicate with law enforcement agencies, medical providers, fire departments, or other emergency service agencies while driving a motor vehicle, if the use is necessitated by a bona fide emergency, including a natural or human occurrence that threatens human health, life, or property.

(d)(1) A violation of subdivision (b)(1) is a Class C misdemeanor punishable only by a fine not to exceed fifty dollars (\$50.00); and

(2) A violation of subdivision (b)(2) is punishable only by a fine not to exceed fifty dollars (\$50.00).

(e) Any person violating this section is subject to the imposition of court costs, including any statutory fees of officers; provided, that the court costs, including any statutory fees of officers, shall not exceed ten dollars (\$10.00). No state or local litigation taxes are applicable to a case prosecuted under this section.

(f) A traffic citation that is based solely upon a violation of this section is a nonmoving traffic violation and no points shall be added to a driver record for the violation.

#### **Credits**

[2017 Pub.Acts, c. 416, § 1, eff. Jan. 1, 2018.](#)

**Formerly** § 55-8-201.

T. C. A. § 55-8-207, TN ST § 55-8-207

Current through end of the 2017 First Regular Session of the 110th Tennessee General Assembly.

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