

Dear All,

Public Chapter 416 took effect as Tennessee law on January 1, 2018. This public chapter deals with the use of hands-free devices and mobile telephones while driving. There are several items to note:

1. The public chapter creates a new code section which was numbered as Tennessee Code Annotated, §55-8-201. **However, please note, the official code section for the new law is found under Tennessee Code Annotated, §55-8-207.**

2. What conduct is addressed under the new statute, Tennessee Code Annotated, §55-8-207?
 - Defines a “hands-free device” to mean a device that allows for two-way communication by a mobile telephone without the need to hold the mobile phone, such as a speakerphone or headset.
 - Defines a “mobile telephone” to mean a cellular, analog, wireless, or digital device, i.e. a cell phone. For the purposes of the law, a mobile telephone would not include a two-way radio or push-to-talk device.
 - Creates a C misdemeanor offense for a person to knowingly operate a vehicle in any marked school zone, when warning flashers are in operation, and talk on a hand-held mobile telephone while the vehicle is in motion. The offense would be punished only by fine not to exceed \$50.00.
 - Creates a separate delinquent act for a person under 18 years old to knowingly operate a vehicle on any road or highway and talk on a mobile telephone that is equipped with a hands-free device while the vehicle is in motion. The violation is punishable only as a fine not to exceed \$50.00.
 - In addition to the fine, a person may be charged court costs not to exceed \$10.00. No state or local litigation taxes would be assessed for these cases.
 - Allows a person 18 years of age or older to operate a vehicle in a marked school zone, when the warning flashers are in operation, and talk on a mobile telephone that is equipped with a hands-free device while the vehicle is in motion.
 - Creates exceptions for law enforcement and emergency personnel, as well as for limited emergency situations.
 - Violations under this statute are not moving violations (no points on record).

3. Also, the public chapter amends Tennessee Code Annotated, §55-8-199, which is commonly called the texting statute. The amendments to the existing law are summarized below:
 - Defines a “hands-free device” to mean a device that allows for two-way communication by mobile telephone or personal digital assistant without the need to hold the mobile telephone or personal digital assistant, such as a speakerphone or headset. Please note that the definition is not exactly the same as the definition for a hands-free device under Tennessee Code Annotated, §55-8-207. Also, a personal digital assistant would be a device that pre-dates the current smartphones.
 - Creates a delinquent act for a person under 18 years old to knowingly operate a vehicle on any road or highway and use a mobile phone or personal digital assistant that is equipped with a hands-free device to transmit or read a written message, i.e. a text message.

- Allows a person 18 years of age or older to operate a vehicle on a road or highway and use a mobile telephone or personal digital assistant that is equipped with hands-free device to transmit or read a written message. This new provision does not change the current law, which prohibits the use of a handheld mobile telephone or digital assistant for texting purposes.
- Creates exceptions for limited emergency situations.

The MTAS online resource (MORe) will be updated to add Tennessee Code Annotated, §55-8-207. This statute will be added to the model “rules of the road” ordinance. (See attached). This ordinance violation should be adopted for enforcement purposes under your city’s “rules of the road” ordinance. See, Tennessee Code Annotated, §16-18-302 and §55-10-307.

Also, Public Chapter 378 is attached. This new law amends the existing light law for vehicles and went into effect on January 1, 2018. Please note the statutory requirements for vehicle lights and flashing lights as well as the exceptions to the law.

If you have any questions about these new laws, feel free to contact me.

Thank you,



Paige Edwards
Municipal Court Clerks Specialist
Municipal Technical Advisory Service

Attachments:

Public Chapter 416

Tennessee Code Annotated, §55-8-207

MTAS 1484 (Sample Rules of the Road Ordinance)

Public Chapter 378

Tennessee Code Annotated, §55-9-402 (2 versions-effective before and after 1/1/18)