

CHAPTER NO. 515

HOUSE BILL NO. 2326

By Representative McDonald

Substituted for: Senate Bill No. 2453

By Senator Graves

AN ACT to amend Tennessee Code Annotated, Title 55, Chapter 8, Part 1, relative to excessive noise from motor vehicles.

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

SECTION 1. Tennessee Code Annotated, Title 55, Chapter 8, Part 1, is amended by adding a new section thereto, as follows:

Section 55-8-193.

(a) No person operating or occupying a motor vehicle on any public street, highway, alley, parking lot, or driveway shall operate or permit the operation of any sound amplification system, including, but not limited to, any radio, tape player, compact disc player, loud speaker, or any other electrical device used for the amplification of sound from within the motor vehicle so that the sound is plainly audible at a distance of fifty (50) or more feet from the vehicle. For the purpose of this section, "plainly audible" means any sound which clearly can be heard, by unimpaired auditory senses based on a direct line of sight of fifty (50) or more feet, however, words or phrases need not be discernible and such sound shall include bass reverberation.

(b) This section shall not be applicable to emergency or public safety vehicles, vehicles owned and operated by a municipal or county government or any utility company, for sound emitted unavoidably during a job-related operation, school or community sponsored activities, auctioneers or auctioning activities, boats or other watercrafts operated on waters or any motor vehicle used in an authorized public activity for which a permit has been granted by the appropriate agency of a municipal or county government.

(c) A violation of this act is a Class C misdemeanor punishable by a fine only of up to fifty dollars (\$50.00).

SECTION 2. It is not the intent of this section to prohibit any right guaranteed by the United States Constitution and state constitution including freedom of speech and freedom of religion.

SECTION 3. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 4. This act shall take effect July 1, 2004, the public welfare requiring it.

PASSED: March 31, 2004

APPROVED this 12th day of April 2004



JIMMY RAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES



JOHN S. WILDER
SPEAKER OF THE SENATE



PHIL BREDESEN, GOVERNOR