

ARKANSAS SENATE
87th General Assembly - Regular Session, 2009
Amendment Form

Subtitle of House Bill No. 1119

"TO IMPROVE THE SAFETY OF THE ROADS AND HIGHWAYS BY LIMITING
WIRELESS TELEPHONE USE BY YOUNG DRIVERS."

Amendment No. 2 to House Bill No. 1119.

Amend House Bill No. 1119 as engrossed, S2/3/09 (version: 02-03-2009 14:07):

Add the following Senators as cosponsors of the bill:

Senator Hendren

AND

Delete the title in its entirety and substitute:

"AN ACT TO PROHIBIT WIRELESS TELEPHONE USE BY DRIVERS WHO ARE UNDER EIGHTEEN YEARS OF AGE; TO PROHIBIT DRIVERS WHO ARE AT LEAST EIGHTEEN BUT UNDER TWENTY-ONE YEARS OF AGE FROM USING HANDHELD WIRELESS TELEPHONES; TO ALLOW DRIVERS WHO ARE AT LEAST EIGHTEEN BUT UNDER TWENTY-ONE YEARS OF AGE TO USE HANDS-FREE WIRELESS TELEPHONES OR DEVICES; AND FOR OTHER PURPOSES."

AND

Delete all language after the enacting clause and substitute:

"SECTION 1. Arkansas Code Title 27, Chapter 51 is amended to add an additional subchapter to read as follows:

27-51-1501. Title.

This subchapter shall be known and may be cited as the "Fewer Distractions Mean Safer Driving Act".

27-51-1502. Definitions.

As used in this subchapter:

(1) "Emergency purpose" means the reason for contacting any of the following is to report an emergency:

(A) Law enforcement personnel;

(B) Fire department personnel;

(C) Public safety personnel;

(D) Emergency medical personnel; or



(E) A 911 public safety communications center;

(2)(A) "Handheld wireless telephone" means a wireless interactive communication device with which a user engages in a call or text-based communication using at least one (1) hand.

(B) "Handheld wireless telephone" does not include:

(i) A hands-free wireless telephone or device;

(ii) Citizens band radio; or

(iii) Citizens band radio hybrid; and

(3)(A) "Hands-free wireless telephone or device" means a wireless telephone or other wireless communication device that allows a user to engage in text-based communication without the use of either hand with:

(i) An internal feature or function; or

(ii) An attachment or additional device.

(B) A hands-free wireless telephone or device may be a permanent or temporary part of the wireless telephone or other wireless communication device.

(C) A hands-free wireless telephone or device may require the use of either hand to activate, deactivate, or initiate a function of the wireless telephone or other communication device;

(4) "Wireless interactive communication" means talking, typing, text messaging, emailing, or accessing information on the Internet with a wireless telephone; and

(5)(A) "Wireless telephone" means a wireless interactive communication device.

(B) "Wireless telephone" includes a handheld wireless telephone and a hands-free wireless telephone or device.

27-51-1503. Restrictions on drivers under 18 years of age.

(a) Except as provided under subsection (b) of this section, a driver of a motor vehicle who is under eighteen (18) years of age shall not use a wireless telephone for wireless interactive communication while operating a motor vehicle.

(b) A driver of a motor vehicle who is under eighteen (18) years of age may use a wireless telephone for wireless interactive communication while operating a motor vehicle for an emergency purpose only.

27-51-1504. Restrictions on drivers at least 18 but under 21 years of age.

(a)(1) Except as otherwise provided in this section, the driver of a motor vehicle who is at least eighteen (18) but under twenty-one (21) years of age shall not use a handheld wireless telephone for wireless interactive communication while operating a motor vehicle.

(2) The driver of a motor vehicle who is at least eighteen (18) but under twenty-one (21) years of age may use a hands-free wireless telephone or device for wireless interactive communication while operating a motor vehicle.

(b) A driver of a motor vehicle who is at least eighteen (18) but under twenty-one (21) years of age may use a handheld wireless telephone for wireless interactive communication while operating a motor vehicle for an emergency purpose only.

27-51-1505. Enforcement.

A driver of a motor vehicle is not to be stopped or detained solely to determine compliance with this section.

27-51-1506. Preemption.

This section supersedes and preempts all county or municipal ordinances regarding wireless telephone use by persons under twenty-one (21) years of age.

27-51-1507. Penalties.

(a)(1) For a first offense under this subchapter, a person shall be issued a citation that is a warning citation and no court appearance is required and no penalty shall be imposed by the court.

(2) A record of each warning citation issued shall be maintained.

(b) A person who pleads guilty or nolo contendere to or has been found guilty of violating this subchapter for a second or subsequent offense is guilty of a violation under § 5-1-108 and shall be fined fifty dollars (\$50.00).

27-51-1508. Applicability.

This act applies to all violations committed on and after October 1, 2009."

The Amendment was read the first time, rules suspended and read the second time and _____

By: Senator D. Johnson
JSE/JSE - 02-05-2009 15:11
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Secretary