

Department of Finance and Administration

Legislative Impact Statement

Bill: SB66

As Engrossed: 2/11/2019

Bill Subtitle: TO CLARIFY THE LAW CONCERNING DISTRACTED DRIVING; AND TO MAKE A VIOLATION OF THE DISTRACTED DRIVING LAW A SECONDARY OFFENSE.

Basic Change :

Sponsor: Sen. A. Clark

SB66 as engrossed (2/11/19) following Senate Amendment No. 1 --- Senate Amendment No. 1 to SB66 adds the interchangeable definitions of "operate a motor vehicle" and "operating a motor vehicle" under proposed § 27-51-1802 as follows:

(2)(A) "Operate a motor vehicle" or "operating a motor vehicle" means driving a motor vehicle on a public road, street, or highway

(B) "Operate a motor vehicle" or "operating a motor vehicle" does not mean driving or operating a motor vehicle:

(i) That is temporarily stationary because of the driver's or the operator's response to traffic, a traffic light, a stop sign, or yield sign; or

(ii) That has been pulled over to the side or off of a public road, street, or highway and stopped by the driver in a location where the motor vehicle may safely remain stationary.

The bill as amended would also provide that a law enforcement officer may stop a person aged 18 to 21 to determine compliance with § 27-51-1805; however, it appears that this change was intended to apply to drivers under the age of 18 in § 27-51-1804.

Original Bill --- SB66 repeals several Arkansas Code provisions pertaining to distracted driving, including:

- § 27-16-804(g)(1)(D), pertaining to the use of a cellular telephone by a driver with an intermediate license;
- Paul's Law: To Prohibit Drivers from Using a Wireless Communications Device While Operating a Motor Vehicle, § 27-15-1501, et seq; and
- Fewer Distractions Mean Safer Driving Act, § 27-51-1601, et seq.

SB66 will add a new subchapter titled "Paul's Law: Fewer Distractions Mean Safer Driving", § 24-51-1801, et seq, to consolidate the Arkansas Code provisions repealed above and clarify the restrictions for use of a wireless telecommunications device while driving and the prohibition against engaging in wireless interactive communication while driving. The bill contains broader restrictions for drivers aged under 21 years of age to 18 years of age and drivers under 18 years of age. The bill also contains restrictions on the use of wireless telecommunications devices in construction and school zones.

Revenue Impact :

None.

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Taxpayer Impact :

This bill will provide clarification regarding distracted driving.

Resources Required :

None.

Time Required :

Adequate time is provided.

Procedural Changes :

In-house training and additional State Revenue Office personnel training.

Other Comments :

This bill makes a violation of the distracted driving law a secondary offense, except for drivers 18-21 as provided in § 27-51-1805.

CFR §1300.26 prohibits the learner's permit holder from using a personal wireless communications device while driving (as defined in §1300.24(b)), except as permitted under §1300.24(c)(2)(iii), provided that the State's statute does not include an exemption that specifically allows a driver to text through a personal wireless communication device while stopped in traffic.

CFR § 1300.24 states violation of the statute must be a primary offense for a state to be eligible for a grant under Graduated Driver Licensing Incentive and CFR § 1300.24 Distracted Driving.

Legal Analysis :

SB66 as originally introduced consolidated existing code provisions that addressed distracted driving by the use of wireless communication devices into one new subchapter, § 27-51-1801, et seq. As engrossed with Amendment S1, adds the definition of "operate a motor vehicle" and "operating a motor vehicle" to this new subchapter, § 27-51-1801, et seq.

As engrossed, SB66 makes distracted driving for drivers aged 18-21 a primary offense; however, it appears that this change was intended to apply to drivers under the age of 18. For all other drivers, distracted driving would be a secondary offense.

There are also a few apparent clerical errors in SB66, as engrossed, as follows:

- Page 9, Line 28: the quotation mark after "center" should be a period (.) and all text on Line 28 should be underlined.
- Page 13, Line 5: the reference to § 27-51-1804 should instead be to -1805 because § 27-51-1805 is the only offense that is classified as a primary offense in the bill.

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