

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009
4

As Engrossed: H1/23/09

A Bill

HOUSE BILL 1119

5 By: Representatives Kerr, *English, J. Burris*
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For An Act To Be Entitled

9 AN ACT TO PROHIBIT *WIRELESS* TELEPHONE USE BY
10 DRIVERS WHO ARE UNDER EIGHTEEN YEARS OF AGE; TO
11 REQUIRE DRIVERS WHO ARE EIGHTEEN TO TWENTY YEARS
12 OF AGE TO USE HANDS-FREE *WIRELESS* TELEPHONES; TO
13 PROHIBIT DRIVERS WHO ARE EIGHTEEN TO TWENTY YEARS
14 OF AGE FROM USING HANDHELD *WIRELESS* TELEPHONES;
15 AND FOR OTHER PURPOSES.
16

Subtitle

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18 *TO IMPROVE THE SAFETY OF THE ROADS AND*
19 *HIGHWAYS BY LIMITING WIRELESS TELEPHONE*
20 *USE BY YOUNG DRIVERS.*
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
23

24 SECTION 1. Arkansas Code Title 27, Chapter 51, Subchapter 1 is amended
25 to add additional sections to read as follows:

26 27-51-105. *Wireless* telephone use by minors prohibited while driving.

27 (a) As used in this section:

28 (1) "*Wireless* telephone" means a wireless interactive communication
29 device; and

30 (2) "*Wireless* interactive communication" means talking, typing,
31 text messaging, emailing, or accessing information on the Internet with a
32 *wireless* telephone.

33 (b) A driver of a motor vehicle shall not use a *wireless* telephone for
34 *wireless* interactive communication while operating a motor vehicle if the
35 driver is under eighteen (18) years of age.

36 (c) A driver of a motor vehicle may use a *wireless* telephone for



1 wireless interactive communication for emergency purposes only.

2 (d) A person who pleads guilty or nolo contendere to or has been found
3 guilty of violating this section commits a violation.

4 (e) This section supersedes and preempts all county or municipal
5 ordinances regarding wireless telephone use by a minor who is operating a
6 motor vehicle.

7 27-51-106. Handheld wireless telephone use prohibited by drivers who
8 are eighteen to twenty (18-20) years of age.

9 (a) As used in this section:

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

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

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

15 (ii) Citizens band radio; or

16 (iii) Citizens band radio hybrid; and

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

20 (i) An internal feature or function; or

21 (ii) An attachment or additional device.

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

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

28
29 (3) "Wireless interactive communication" means talking, typing,
30 text messaging, emailing, or accessing information on the Internet with a
31 handheld wireless telephone.

32 (b) Except as otherwise provided in this section, the driver of a motor
33 vehicle who is eighteen to twenty (18-20) years of age shall not use a
34 handheld wireless telephone for wireless interactive communication while
35 operating a motor vehicle.

36 (c) A driver of a motor vehicle who is eighteen to twenty (18-20) years

1 of age may use a handheld wireless telephone for wireless interactive
2 communication for emergency purposes only.

3 (d) A person who pleads guilty or nolo contendere to or has been found
4 guilty of violating this section commits a violation.

5 (e) This section supersedes and preempts all county or municipal
6 ordinances regarding the use of a handheld wireless telephone by a driver who
7 is eighteen (18) to twenty (20) years of age.

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9 SECTION 2. This act applies to all violations committed on and after
10 October 1, 2009.

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12 /s/ Kerr
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