

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 S2/3/09

A Bill

HOUSE BILL 1119

5 By: Representatives Kerr, English, J. Burris
6 By: Senator D. Johnson
7

For An Act To Be Entitled

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

Subtitle

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19 *TO IMPROVE THE SAFETY OF THE ROADS AND*
20 *HIGHWAYS BY LIMITING WIRELESS TELEPHONE*
21 *USE BY YOUNG DRIVERS.*
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
24

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

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

28 (a) As used in this section:

29 (1) "*Emergency purpose*" means a person is contacting:

30 (A) *Law enforcement personnel;*

31 (B) *Fire department personnel;*

32 (C) *Public safety personnel;*

33 (D) *Emergency medical personnel; or*

34 (E) *A 911 public safety communications center to report an*
35 *emergency situation;*

36 (2) "*Wireless telephone*" means a wireless interactive



1 communication device; and

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

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

8 (c) A driver of a motor vehicle who is under eighteen (18) years of
9 age may use a wireless telephone for wireless interactive communication for
10 an emergency purpose only.

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

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

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17 27-51-106. Handheld wireless telephone use prohibited by drivers who
18 are eighteen to twenty (18-20) years of age.

19 (a) As used in this section:

20 (1) "Emergency purpose" means a person is contacting:

21 (A) Law enforcement personnel;

22 (B) Fire department personnel;

23 (C) Public safety personnel;

24 (D) Emergency medical personnel; or

25 (E) A 911 public safety communications center to report an
26 emergency situation;

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

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

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

32 (ii) Citizens band radio; or

33 (iii) Citizens band radio hybrid; and

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

1 (i) An internal feature or function; or

2 (ii) An attachment or additional device.

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

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

9 (4) "Wireless interactive communication" means talking, typing,
10 text messaging, emailing, or accessing information on the Internet with a
11 handheld wireless telephone.

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

16 (c) A driver of a motor vehicle who is eighteen to twenty (18-20) years
17 of age may use a handheld wireless telephone for wireless interactive
18 communication for an emergency purpose only.

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

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

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

27
28 /s/ Kerr
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