

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

A Bill

HOUSE BILL 1119

5 By: Representative Kerr
6
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For An Act To Be Entitled

9 AN ACT TO PROHIBIT CELLULAR 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 CELLULAR TELEPHONES; TO
13 PROHIBIT DRIVERS WHO ARE EIGHTEEN TO TWENTY YEARS
14 OF AGE FROM USING HANDHELD CELLULAR TELEPHONES;
15 AND FOR OTHER PURPOSES.
16

Subtitle

17 TO IMPROVE THE SAFETY OF THE ROADS AND
18 HIGHWAYS BY LIMITING CELLULAR TELEPHONE
19 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. Cellular telephone use by minors prohibited while driving.

28 (a) As used in this section:

29 (1) "Cellular telephone" means a wireless interactive
30 communication device; and

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

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



1 (c) A driver of a motor vehicle may use a cellular telephone for
2 wireless interactive 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
6 27-51-106. Handheld cellular telephone use prohibited by drivers who
7 are eighteen to twenty (18-20) years of age.

8 (a) As used in this section:

9 (1)(A) "Handheld cellular telephone" means a wireless
10 interactive communication device that requires the operator to dial numbers
11 or perform other functions with his or her fingers or hands in order to
12 communicate with another person.

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

14 (i) A hands-free cellular telephone or other
15 communication device that uses voice-recognition software and voice-
16 recognition commands;

17 (ii) Citizens band radio; or

18 (iii) Citizens band radio hybrid; and

19 (2) "Wireless interactive communication" means talking, typing,
20 text messaging, emailing, or accessing information on the Internet with a
21 handheld cellular telephone.

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

26 (c) A driver of a motor vehicle who is eighteen to twenty (18-20)
27 years of age may use a handheld cellular telephone for wireless interactive
28 communication for emergency purposes only.

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

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