

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: H3/19/09

A Bill

SENATE BILL 826

5 By: Senator J. Key
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For An Act To Be Entitled

9 AN ACT TO PLACE REASONABLE RESTRICTIONS ON
10 YOUTHFUL DRIVERS GRANTED A HARDSHIP LICENSE; TO
11 IMPROVE THE SAFETY OF ROADS AND HIGHWAYS IN THE
12 STATE BY ADDRESSING ISSUES RELATED TO THE
13 LICENSING OF BEGINNING OR YOUTHFUL DRIVERS; AND
14 FOR OTHER PURPOSES.

Subtitle

16 TO PLACE REASONABLE RESTRICTIONS ON
17 YOUTHFUL DRIVERS GRANTED A HARDSHIP
18 LICENSE.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 *SECTION 1. Arkansas Code § 27-16-804(b) is amended to read as follows:*

25 *(b)(1) The office may either issue a special restricted license or may*
26 *set forth such restrictions upon the usual license form.*

27 *(2)(A)(i) ~~The office may, upon showing of need,~~ Upon the showing*
28 *of need, the office may waive any age restriction set forth in this chapter.*

29 *(ii) However, every driver under eighteen (18) years*
30 *of age is at a minimum subject to the restrictions set out in subdivision*
31 *(b)(2)(B) of this section.*

32 *(B)(i) A license shall be issued only to an applicant with*
33 *a valid instruction permit or learner's license who:*

34 *(a) Is at least fourteen (14) years of age;*

35 *and*

36 *(b) Has remained free of a serious accident*



1 and conviction of a serious traffic violation for at least the previous six
2 (6) months.

3 (ii) A driver shall operate the motor vehicle on the
4 public streets and highways only when each passenger in the vehicle wears his
5 or her seat belts.

6 (iii) The driver shall not use a cellular telephone
7 device or other interactive wireless communication device while operating a
8 motor vehicle except for an emergency purpose. As used in this subdivision
9 (b)(2)(B)(iii), "emergency purpose" means the driver:

10 (a) Has reason to fear for his or her life,
11 safety, or property;

12 (b) Reasonably believes that a criminal act
13 may be perpetrated against him or her, his or her property, another person,
14 or another person's property; or

15 (c) Is reporting:

16 (1) A fire;

17 (2) A traffic accident;

18 (3) A serious road hazard;

19 (4) A medical emergency;

20 (5) A hazardous materials emergency;

21 (6) Another driver who is recklessly,
22 carelessly, or unsafely driving; or

23 (7) Another driver who appears to be
24 driving under the influence of drugs or alcohol.

25 (iv) A driver shall not operate a motor vehicle on
26 public streets or highways with any unrelated minor passengers in the motor
27 vehicle unless the driver is accompanied by a licensed driver who is twenty-
28 one (21) years of age or older and who is occupying the front passenger seat
29 of the motor vehicle. As used in this subsection, "unrelated minor
30 passenger" means a passenger who is under twenty-one (21) years of age and
31 who is not:

32 (a) A sibling of the driver;

33 (b) A step-sibling of the driver; or

34 (c) A child who resides in the same household
35 as the driver.

36 (v) The driver shall not operate a motor vehicle on

1 public streets or highways between the hours of 11:00 p.m. and 4:00 a.m.
2 unless the driver is:

3 (a) Accompanied by a licensed driver who is
4 twenty-one (21) years of age or older;

5 (b) Driving to or from a school activity,
6 church-related activity, or job; or

7 (c) Driving due to an emergency.”

8 ~~(B)~~(C) The waiver of the age restrictions for need is
9 subject to review upon a complaint from certain officials under subsection
10 (d) of this section.

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14 /s/ J. Key
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