

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.

Act 247 of the Regular Session

1 State of Arkansas

As Engrossed: S1/29/09 H2/6/09

2 87th General Assembly

A Bill

3 Regular Session, 2009

SENATE BILL 28

4  
5 By: Senators Hendren, D. Johnson, Faris

6 By: Representatives Kerr, Barnett, English, J. Burris

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8  
9 **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 *PROHIBIT DRIVERS WHO ARE AT LEAST EIGHTEEN BUT*  
13 *UNDER TWENTY-ONE YEARS OF AGE FROM USING HANDHELD*  
14 *WIRELESS TELEPHONES; TO ALLOW DRIVERS WHO ARE AT*  
15 *LEAST EIGHTEEN BUT UNDER TWENTY-ONE YEARS OF AGE*  
16 *TO USE HANDS-FREE WIRELESS TELEPHONES OR DEVICES;*  
17 *AND FOR OTHER PURPOSES.*

18 **Subtitle**

19 *TO IMPROVE THE SAFETY OF THE ROADS AND*  
20 *HIGHWAYS BY LIMITING WIRELESS TELEPHONE*  
21 *USE BY YOUNG DRIVERS.*

22  
23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

24  
25 *SECTION 1. Arkansas Code Title 27, Chapter 51 is amended to add an*  
26 *additional subchapter to read as follows:*

27 *27-51-1501. Title.*

28 *This subchapter shall be known and may be cited as the "Fewer*  
29 *Distractions Mean Safer Driving Act".*

30  
31 *27-51-1502. Definitions.*

32 *As used in this subchapter:*

33 *(1) "Emergency purpose" means the reason for contacting any of*  
34 *the following is to report an emergency:*

35 *(A) Law enforcement personnel;*



1 (B) Fire department personnel;

2 (C) Public safety personnel;

3 (D) Emergency medical personnel; or

4 (E) A 911 public safety communications center;

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

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

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

10 (ii) Citizens band radio; or

11 (iii) Citizens band radio hybrid; and

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

15 (i) An internal feature or function; or

16 (ii) An attachment or additional device.

17 (B) A hands-free wireless telephone or device may be a  
18 permanent or temporary part of the wireless telephone or other wireless  
19 communication device.

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

23 (4) "Wireless interactive communication" means talking, typing,  
24 text messaging, emailing, or accessing information on the Internet with a  
25 wireless telephone; and

26 (5)(A) "Wireless telephone" means a wireless interactive  
27 communication device.

28 (B) "Wireless telephone" includes a handheld wireless  
29 telephone and a hands-free wireless telephone or device.

30 27-51-1503. Restrictions on drivers under 18 years of age.

31 (a) Except as provided under subsection (b) of this section, a driver  
32 of a motor vehicle who is under eighteen (18) years of age shall not use a  
33 wireless telephone for wireless interactive communication while operating a  
34 motor vehicle.

35 (b) A driver of a motor vehicle who is under eighteen (18) years of  
36

1 age may use a wireless telephone for wireless interactive communication while  
2 operating a motor vehicle for an emergency purpose only.

3  
4 27-51-1504. Restrictions on drivers at least 18 but under 21 years of  
5 age.

6 (a)(1) Except as otherwise provided in this section, the driver of a  
7 motor vehicle who is at least eighteen (18) but under twenty-one (21) years  
8 of age shall not use a handheld wireless telephone for wireless interactive  
9 communication while operating a motor vehicle.

10 (2) The driver of a motor vehicle who is at least eighteen (18)  
11 but under twenty-one (21) years of age may use a hands-free wireless  
12 telephone or device for wireless interactive communication while operating a  
13 motor vehicle.

14 (b) A driver of a motor vehicle who is at least eighteen (18) but  
15 under twenty-one (21) years of age may use a handheld wireless telephone for  
16 wireless interactive communication while operating a motor vehicle for an  
17 emergency purpose only.

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19 27-51-1505. Enforcement.

20 A driver of a motor vehicle is not to be stopped or detained solely to  
21 determine compliance with this section.

22  
23 27-51-1506. Preemption.

24 This section supersedes and preempts all county or municipal ordinances  
25 regarding wireless telephone use by persons under twenty-one (21) years of  
26 age.

27  
28 27-51-1507. Penalties.

29 (a)(1) For a first offense under this subchapter, a person shall be  
30 issued a citation that is a warning citation and no court appearance is  
31 required and no penalty shall be imposed by the court.

32 (2) A record of each warning citation issued shall be  
33 maintained.

34 (b) A person who pleads guilty or nolo contendere to or has been found  
35 guilty of violating this subchapter for a second or subsequent offense is  
36 guilty of a violation under § 5-1-108 and shall be fined fifty dollars

1 (\$50.00).

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3 27-51-1508. Applicability.

4 This act applies to all violations committed on and after October 1,

5 2009.

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/s/ Hendren

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**APPROVED: 2/26/2009**

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