

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 807 of the Regular Session

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

As Engrossed: H3/19/09

A Bill

SENATE BILL 826

4  
5 By: Senator J. Key  
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8 **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.

15  
16 **Subtitle**

17 TO PLACE REASONABLE RESTRICTIONS ON  
18 YOUTHFUL DRIVERS GRANTED A HARDSHIP  
19 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*



1 (b) Has remained free of a serious accident  
2 and conviction of a serious traffic violation for at least the previous six  
3 (6) months.

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

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

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

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

16 (c) Is reporting:

17 (1) A fire;

18 (2) A traffic accident;

19 (3) A serious road hazard;

20 (4) A medical emergency;

21 (5) A hazardous materials emergency;

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

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

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

33 (a) A sibling of the driver;

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

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

1                                   (v) The driver shall not operate a motor vehicle on  
2 public streets or highways between the hours of 11:00 p.m. and 4:00 a.m.  
3 unless the driver is:

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

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

8                                   (c) Driving due to an emergency.”

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

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15                                   /s/ J. Key

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17                                   **APPROVED: 4/3/2009**