

Department of Finance and Administration

Legislative Impact Statement

Bill: SB66

Bill Subtitle: CLARIFY THE LAW CONCERNING DISTRACTED DRIVING; AND MAKE A VIOLATION OF THE DISTRACTED DRIVING LAW A SECONDARY OFFENSE.

Basic Change :

Sponsor: Sen. A. Clark

SB66 repeals several Arkansas Code provisions pertaining to distracted driving, including:

- § 27-16-804(g)(1)(D), pertaining to the use of a cellular telephone by a driver with an intermediate license;
- Paul's Law: To Prohibit Drivers From Using a Wireless Communications Device While Operating a Motor Vehicle, § 27-15, 1501, et seq; and
- Fewer Distractions Mean Safer Driving Act, § 27-51-1601, et seq.

SB66 will add a new subchapter titled "Paul's Law: Fewer Distractions Mean Safer Driving", § 24-51-1801, et seq, to consolidate the Arkansas Code provisions repealed above and clarify the restrictions for use of a wireless telecommunications device while driving and the prohibition against engaging in wireless interactive communication while driving. The bill contains broader restrictions for drivers aged under 21 years of age to 18 years of age and drivers under 18 years of age. The bill also contains restrictions on the use of wireless telecommunications devices in construction and school zones.

Revenue Impact :

None.

Taxpayer Impact :

This bill will provide clarification regarding distracted driving.

Resources Required :

None.

Time Required :

Adequate time is provided.

Procedural Changes :

In-house training and additional State Revenue Office personnel training.

Other Comments :

This bill makes a violation of the distracted driving law a secondary offense. Federal Law Statue CFR §1300.26 6) Prohibits the learner's permit holder from using a personal wireless communications device while driving (as defined in §1300.24(b)), except as permitted under

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§1300.24(c)(2)(iii), provided that the State's statute does not include an exemption that specifically allows a driver to text through a personal wireless communication device while stopped in traffic. CFR § 1300.24 states violation of the statute must be a primary offense for a state to be eligible for a grant under Graduated Driver Licensing Incentive and CFR § 1300.24 Distracted Driving.

Legal Analysis :

SB66 takes existing code provisions that address distracted driving by the use of wireless communication devices and consolidates them into one new subchapter, § 27-51-1801, et seq.

First, the bill repeals § 27-16-804(b)(1)(D) which provides that a driver with intermediate driver's license shall not use a cell phone or other interactive wireless communication device while operating a motor vehicle except in the case of an emergency. The proposed new Subchapter 18 contains a section that addresses drivers under 18, so the restriction is not actually removed, but instead is recodified.

The existing "Paul's Law", currently codified at § 27-51-1501 et seq. and "Fewer Distractions Mean Safer Driving Act", currently codified at § 27-51-1601 et seq. are repealed and then re-enacted into new combined § 27-51-1801, et seq, titled, "Paul's Law: Fewer Distractions Mean Safer Driving". The purpose has been expanded slightly from the original Paul's Law. Previously, Paul's Law was created to address accidents caused by drivers distracted by texts. SB66 expands it to include potentially distracting use of any wireless telecommunications devices. This bill also adds an additional statement of legislative purpose, which explains the bill is intended as a clear and concise statement of law concerning the use of wireless interactive communication for drivers, passengers, and law enforcement.

SB66 contains two typographical errors as follows:

Page 9, Line 4: A comma after the word "devices" is required and a comma following "phones" is recommended.

Page 9, Line 35: The word "or" is not required before "send" in the phrase "talk, type, or send, or read text".