

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 *As Engrossed: H1/23/09 H1/28/09 S2/10/09*

2 87th General Assembly

A Bill

3 Regular Session, 2009

HOUSE BILL 1013

4

5 By: Representatives Kidd, Blount, Carroll, Cook, Everett, J. Rogers, L. Smith, Stewart, Wills, Allen,
6 Dale, J. Edwards, Glidewell, Hall, Hoyt, Lovell, Patterson, Reep, Reynolds, Rice, Sample, Shelby,
7 Wagner, B. Wilkins, Word, *McLean, Nix*

8 By: Senators Laverty, D. Wyatt, *Altes, Bookout*

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For An Act To Be Entitled

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AN ACT TO IMPROVE THE SAFETY OF ROADS FOR ALL
13 DRIVERS AND PASSENGERS BY PROHIBITING DRIVERS OF
14 MOTOR VEHICLES FROM USING HANDHELD *WIRELESS*
15 *TELEPHONES TO ENGAGE IN TEXT MESSAGING*; AND FOR
16 OTHER PURPOSES.

17

Subtitle

18

PAUL'S LAW: TO PROHIBIT DRIVERS OF MOTOR
19 *VEHICLES FROM USING HANDHELD WIRELESS*
20 *TELEPHONES TO ENGAGE IN TEXT MESSAGING.*

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

23

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

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27 27-51-1501. Title.

28 This subchapter is known and may be cited as "Paul's Law: To Prohibit
29 Drivers of Motor Vehicles from Using Handheld Wireless Telephones to Engage
30 in Text Messaging.

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32 27-51-1502. Purpose.

33 The purpose of this subchapter is to:

34 (1) Improve the safety of the roads for all drivers and
35 passengers by prohibiting drivers of motor vehicles from *engaging in text*
36 *messaging*;



1 (2) Prevent accidents caused by the distractive practice of
2 text messaging while operating a motor vehicle;

3 (3) Preserve human life and maintain the safety of the citizens
4 of the State of Arkansas and visitors to our state by taking steps to reduce
5 motor vehicle accidents, injuries, and deaths;

6 (4) Reduce health care costs, health insurance rates, and
7 automobile insurance rates by attempting to reduce the number of motor
8 vehicle accidents that cause injury, death, and property damage; and

9 (5) Reduce the amount of time that law enforcement and the
10 court system work on accidents and offenses arising out of motor vehicle
11 accidents caused by drivers who are distracted by sending or reading text
12 messages.

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14 27-51-1503. Definitions.

15 As used in this subchapter:

16 (1)(A) "Handheld wireless telephone" means a wireless
17 interactive communication device with which a user can engage in a text-based
18 communication using at least one hand or by reading a text-based
19 communication.

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

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

22 (ii) Citizens band radio; or

23 (iii) Citizens band radio hybrid; and

24 (2)(A) "Hands-free wireless telephone or device" means a wireless
25 telephone or other wireless communication device that allows a user to engage
26 in text-based communication without the use of either hand either with:

27 (i) An internal feature or function; or

28 (ii) An attachment or additional device.

29 (B) A hands-free wireless telephone or device may be a permanent
30 or temporary part of the wireless telephone or other wireless communication
31 device.

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

35 (3) "Wireless interactive communication" means typing, text
36 messaging, emailing, or accessing information on the Internet with a handheld

1 wireless telephone.

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3 27-51-1504. Handheld wireless telephone use when driving.

4 (a) Except as otherwise provided in this section, the driver of a
5 motor vehicle shall not use a handheld wireless telephone for wireless
6 interactive communication while operating a motor vehicle.

7 (b) A driver of a motor vehicle may use a handheld wireless telephone
8 for wireless interactive communication in emergencies.

9 (c) A person performing his or her official duties as a certified law
10 enforcement officer, firefighter, ambulance driver, or emergency medical
11 technician is exempt from the requirements of this section.

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13 27-51-1505. Preemption.

14 This subchapter supersedes and preempts all county or municipal
15 ordinances regarding the use of a handheld wireless telephone for wireless
16 interactive communication while operating a motor vehicle.

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18 27-51-1506. Penalties.

19 A person who pleads guilty or nolo contendere to, or has been found
20 guilty of, violating this section commits a violation.

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

24
25 /s/ Kidd
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