

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 88th General Assembly  
3 Regular Session, 2011  
4

As Engrossed: H1/24/11 H1/26/11

# A Bill

HOUSE BILL 1049

5 By: Representative Allen  
6

## For An Act To Be Entitled

8 AN ACT TO IMPROVE THE SAFETY OF HIGHWAYS AND ROADS BY  
9 PROHIBITING WIRELESS TELEPHONE USE IN SCHOOL ZONES;  
10 AND FOR OTHER PURPOSES.  
11

## Subtitle

12 TO IMPROVE THE SAFETY OF HIGHWAYS AND  
13 ROADS BY PROHIBITING WIRELESS TELEPHONE  
14 USE IN SCHOOL ZONES.  
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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21 SECTION 1. Arkansas Code § 27-51-1602 is amended to read as follows:  
22 27-51-1602. Definitions.

23 As used in this subchapter:

24 (1) "Emergency purpose" means the reason for contacting any of  
25 the following to report an emergency:

26 (A) Law enforcement personnel;

27 (B) Fire department personnel;

28 (C) Public safety personnel;

29 (D) Emergency medical personnel; or

30 (E) A 911 public safety communications center;

31 (2)(A) "Handheld wireless telephone" means a wireless  
32 interactive communication device with which a user engages in ~~a call~~ wireless  
33 interactive communication ~~or text-based communication~~ using at least one (1)  
34 hand.

35 (B) "Handheld wireless telephone" does not include a:

36 (i) ~~A hands-free~~ Hands-free wireless telephone or



1 device;

2 (ii) Citizens band radio; ~~or~~

3 (iii) Citizens band radio hybrid; or

4 (iv) Global positioning or navigation device or  
5 system;

6 (3)(A) "Hands-free wireless telephone or device" means a  
7 wireless telephone or other wireless communication device that allows a user  
8 to engage in ~~text-based~~ wireless interactive communication without the use of  
9 either hand with:

10 (i) An internal feature or function; or

11 (ii) An attachment or additional device.

12 (B) A hands-free wireless telephone or device may be a  
13 permanent or temporary part of the wireless telephone or other wireless  
14 communication device.

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

18 (4) "Wireless interactive communication" means talking, typing,  
19 ~~text messaging~~, emailing, or accessing information on the Internet with a  
20 wireless telephone; and

21 (5)(A) "Wireless telephone" means a wireless interactive  
22 communication device.

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

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26 *SECTION 2. Arkansas Code § 27-51-1605 is amended to read as follows:*

27 *27-51-1605. Enforcement.*

28 *A driver of a motor vehicle is not to be stopped or detained solely to*  
29 *determine compliance with this ~~section~~ subchapter.*

30

31 *SECTION 3. Arkansas Code § 27-51-1606 is amended to read as follows:*

32 *27-51-1606. Preemption.*

33 *This ~~section~~ subchapter supersedes and preempts all county or municipal*  
34 *ordinances regarding wireless telephone use by ~~persons under twenty-one (21)~~*  
35 *~~years of age~~ drivers of motor vehicles.*

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*SECTION 4. Arkansas Code § 27-51-1608 is repealed.*

*SECTION 5. Arkansas Code Title 27, Chapter 51, Subchapter 16 is amended to add an additional section to read as follows:*

27-51-1609. Restrictions in school zones.

(a) Except as provided under subsection (b) of this section, a driver of a motor vehicle shall not use a handheld wireless telephone while operating a motor vehicle when passing a school building or school zone during school hours when children are present and outside the building.

(b) A driver of a motor vehicle who is passing a school building or school zone during school hours when children are present and outside the building may use a handheld wireless telephone while operating a motor vehicle for an emergency purpose.

*SECTION 6. NOT TO BE CODIFIED. This act applies to all violations committed on and after October 1, 2011.*

/s/Allen