

**Hall of the House of Representatives**  
89th General Assembly - Regular Session, 2013  
**Amendment Form**

---

**Subtitle of House Bill No. 1394**

TO MAKE OUR ROADS SAFER BY PROVIDING FOR EDUCATION AND TESTING CONCERNING  
DISTRACTED DRIVING; AND TO ENSURE DETERRENCE FROM TEXTING WHILE DRIVING BY  
INCREASING THE RELATED PENALTIES.

---

**Amendment No. 1 to House Bill No. 1394**

Amend House Bill No. 1394 as originally introduced:

Delete SECTIONS 7, 8, 9, and 10, in their entirety and substitute the following:

"SECTION 7. Arkansas Code § 27-51-1503(1)(B), concerning definitions under Paul's Law: To Prohibit Drivers of Motor Vehicles from Using Handheld Wireless Telephones to Engage in Text Messaging, § 27-51-1501 et seq., is amended to add an additional subdivision to read as follows:

- (B) "Handheld wireless telephone" does not include a:
  - (i) Hands-free wireless telephone or device;
  - (ii) Citizens band radio; ~~or~~
  - (iii) Citizens band radio hybrid; or
  - (iv) Global positioning system device;

SECTION 8. Arkansas Code § 27-51-1504, concerning use of a handheld wireless telephone when driving, is amended to add an additional subsection to read as follows:

(c) A person violating subsection (a) of this section while driving or operating a vehicle in such a careless manner as to evidence a failure to keep a proper lookout for other traffic, vehicular or otherwise, or in such a manner as to evidence a failure to maintain proper control on the public thoroughfares or private property in the State of Arkansas, is subject to the penalties in § 27-51-1506.

SECTION 9. Arkansas Code § 27-51-1506 is amended to read as follows:

(a) A person who pleads guilty or nolo contendere to or has been found guilty of violating ~~this section~~ § 27-51-1504(a) commits a violation.

(b) A person who pleads guilty or nolo contendere to or has been found guilty of violating § 27-51-1504(c) shall:

- (1) For a first offense:
  - (A) Pay a fine of two hundred dollars (\$200); and
  - (B) Have his or her driver's license suspended by the



court for a period of not more than thirty (30) days;

(2) For a second offense occurring within five (5) years of the first offense:

(A) Pay a fine of three hundred dollars (\$300); and

(B) Have his or her driver's license suspended by the court for a period of not more than ninety (90) days; and

(3) For a third and subsequent offense occurring within five (5) years of the first offense:

(A) Pay a fine of five hundred dollars (\$500); and

(B) Have his or her driver's license suspended by the court for a period of not more than one (1) year.

(c) Upon request of a person whose privilege to drive has been suspended under this section the Office of Driver Services may modify the suspension under § 5-65-120.

SECTION 10. Arkansas Code Title 27, Chapter 51, Subchapter 15 is amended to add an additional section to read as follows:

27-51-1507. Applicability.

This subchapter does not apply to a person operating a commercial motor vehicle as defined by 49 C.F.R. § 390.5, as in effect on January 1, 2013.

SECTION 11. Arkansas Code § 27-51-1605 is repealed.

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

SECTION 12. Arkansas Code § 27-51-1607 is amended to read as follows:

(a)(1) For a first offense under ~~this subchapter § 27-51-1603 or § 27-51-1604~~, a person shall be issued a warning citation ~~that is a warning citation~~, and no court appearance is required and no penalty shall be imposed by the court.

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

(b) A person who pleads guilty or nolo contendere to or has been found guilty of violating ~~this subchapter § 27-51-1603 or § 27-51-1604~~ for a second or subsequent offense is guilty of a violation under § 5-1-108 and shall be fined fifty dollars (\$50.00).

(c) A person who pleads guilty or nolo contendere to or has been found guilty of violating § 27-51-1609, § 27-51-1610, or § 27-51-1611 shall:

(1) For a first offense:

(A) Pay a fine of two hundred dollars (\$200); and

(B) Have his or her driver's license suspended by the court for a period of not more than thirty (30) days;

(2) For a second offense occurring within five (5) years of the first offense:

(A) Pay a fine of three hundred dollars (\$300); and

(B) Have his or her driver's license suspended by the court for a period of not more than ninety (90) days; and

(3) For a third and subsequent offense occurring within five (5) years of the first offense:

(A) Pay a fine of five hundred dollars (\$500); and

(B) Have his or her driver's license suspended by the court for a period of not more than one (1) year.

(d) Upon request of a person whose privilege to drive has been suspended under this section the Office of Driver Services may modify the suspension under § 5-65-120.

SECTION 13. Arkansas Code Title 27, Chapter 51, Subchapter 16, is amended to add additional sections to read as follows:

27-51-1611. Proper lookout and proper control.

A person violating this subchapter while driving or operating a vehicle in such a careless manner as to evidence a failure to keep a proper lookout for other traffic, vehicular or otherwise, or in such a manner as to evidence a failure to maintain proper control on the public thoroughfares or private property in the State of Arkansas, shall be subject to the penalties in § 27-51-1607(c).

27-51-1612. Applicability

This subchapter does not apply to a person operating a commercial motor vehicle as defined by 49 C.F.R. § 390.5, as in effect on January 1, 2013."

The Amendment was read \_\_\_\_\_  
By: Representative Fielding  
GAR/GAR - 04-02-2013 14:46:03  
GAR264

\_\_\_\_\_  
Chief Clerk