

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011
4

A Bill

SENATE BILL 154

5 By: Senator J. Taylor
6 By: Representative Allen
7

For An Act To Be Entitled

9 AN ACT TO IMPROVE THE SAFETY OF HIGHWAYS AND ROADS BY
10 PROHIBITING WIRELESS TELEPHONE USE IN SCHOOL ZONES
11 AND HIGHWAY WORK ZONES; AND FOR OTHER PURPOSES.
12
13

Subtitle

15 TO IMPROVE THE SAFETY OF HIGHWAYS AND
16 ROADS BY PROHIBITING WIRELESS TELEPHONE
17 USE IN SCHOOL ZONES AND HIGHWAY WORK
18 ZONES.
19
20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
22

23 SECTION 1. Arkansas Code § 27-51-1602 is amended to read as follows:
24 27-51-1602. Definitions.

25 As used in this subchapter:

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

- 28 (A) Law enforcement personnel;
- 29 (B) Fire department personnel;
- 30 (C) Public safety personnel;
- 31 (D) Emergency medical personnel; or
- 32 (E) A 911 public safety communications center;

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

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



- 1 (i) ~~A hands-free~~ Hands-free wireless telephone or
- 2 device;
- 3 (ii) Citizens band radio; ~~or~~
- 4 (iii) Citizens band radio hybrid; or
- 5 (iv) Global positioning or navigation device or
- 6 system;

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

- 11 (i) An internal feature or function; or
- 12 (ii) An attachment or additional device.

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

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

19 (4) "Highway worker" means an employee of any of the following
 20 who is present in a highway work zone:

21 (A) The Arkansas State Highway and Transportation
 22 Department;

23 (B) A county;

24 (C) A municipality; or

25 (D) A contractor or subcontractor of the State Highway
 26 Commission or a county or municipality that is performing duties related to
 27 the highway work zone;

28 (5) "Highway work zone" means any area upon or adjacent to a
 29 highway, road, or street of this state where construction, reconstruction,
 30 maintenance, or any other type of work is being performed or is in progress;

31 ~~(4)(6)~~ (6) "Wireless interactive communication" means talking,
 32 typing, ~~text messaging,~~ emailing, or accessing information on the Internet
 33 with a wireless telephone; and

34 ~~(5)(A)(7)(A)~~ (7)(A) "Wireless telephone" means a wireless interactive
 35 communication device.

36 (B) "Wireless telephone" includes a handheld wireless

1 telephone and a hands-free wireless telephone or device.

2
3 SECTION 2. Arkansas Code § 27-51-1605 is amended to read as follows:
4 27-51-1605. Enforcement.

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

7
8 SECTION 3. Arkansas Code § 27-51-1606 is amended to read as follows:
9 27-51-1606. Preemption.

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

13
14 SECTION 4. Arkansas Code § 27-51-1608 is repealed.
15 ~~27-51-1608. Applicability.~~

16 ~~This subchapter applies to all violations committed on and after~~
17 ~~October 1, 2009.~~

18
19 SECTION 5. Arkansas Code Title 27, Chapter 51, Subchapter 16 is
20 amended to add additional sections to read as follows:

21 27-51-1609. Restrictions in school zones.

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

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

30 (c) This section does not apply to law enforcement officers.

31
32 27-51-1610. Restrictions in highway work zones.

33 (a) Except as provided under subsection (b) of this section, the
34 driver of a motor vehicle shall not use a handheld wireless telephone while
35 operating a motor vehicle in a highway work zone when a highway worker is
36 present.

1 (b) The driver of a motor vehicle who is in a highway work zone when a
2 highway worker is present may use a handheld wireless telephone while
3 operating a motor vehicle for an emergency purpose.

4 (c) This section does not apply to law enforcement officers.

5
6 SECTION 6. NOT TO BE CODIFIED. This act applies to all violations
7 committed on and after October 1, 2011.

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36