

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4

A Bill

HOUSE BILL 1373

5 By: Representative Fielding
6 By: Senator B. Pierce
7

For An Act To Be Entitled

10 AN ACT TO PROHIBIT THE USE OF HANDHELD WIRELESS
11 DEVICES WHILE DRIVING A MOTOR VEHICLE; TO MAKE
12 TECHNICAL CORRECTIONS; AND FOR OTHER PURPOSES.
13

Subtitle

14
15 TO PROHIBIT THE USE OF HANDHELD WIRELESS
16 DEVICES WHILE DRIVING A MOTOR VEHICLE;
17 AND TO MAKE TECHNICAL CORRECTIONS.
18
19

20
21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
22

23 SECTION 1. Arkansas Code § 27-51-1602(2)-(3), concerning the
24 definition of a handheld wireless telephone and a hands-free wireless
25 telephone or device, are amended to read as follows:

26 (2)(A) “Handheld wireless telephone or device” means a wireless,
27 ~~interactive~~ communication device with which a user engages in wireless
28 ~~interactive~~ communication using at least one (1) hand.

29 ~~(B) “Handheld wireless telephone or device” does not~~
30 ~~include a:~~

- 31 ~~(i) Hands-free wireless telephone or device;~~
- 32 ~~(ii) Citizens band radio;~~
- 33 ~~(iii) Citizens band radio hybrid; or~~
- 34 ~~(iv) Global positioning or navigation device or~~

35 ~~system;~~

36 (3)(A) “Hands-free wireless telephone or device” means a



1 wireless telephone or other wireless communication device that allows a user
 2 to engage in wireless ~~interactive~~ communication without the use of either
 3 hand with:

4 ~~(i)~~(A) An internal feature or function; or

5 ~~(ii)~~(B) An attachment or additional device.

6 ~~(B) A hands-free wireless telephone or device may be a~~
 7 ~~permanent or temporary part of the wireless telephone or other wireless~~
 8 ~~communication device.~~

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

12
 13 SECTION 2. Arkansas Code § 27-51-1602(6)-(7), concerning the
 14 definition of a wireless interactive communication and a wireless telephone,
 15 are repealed:

16 ~~(6) "Wireless interactive communication" means talking, typing,~~
 17 ~~emailing, or accessing information on the Internet with a wireless telephone;~~
 18 ~~and~~

19 ~~(7)(A) "Wireless telephone" means a wireless interactive~~
 20 ~~communication device.~~

21 ~~(B) "Wireless telephone" includes a handheld or hands-free~~
 22 ~~wireless telephone or device.~~

23
 24 SECTION 3. Arkansas Code § 27-51-1603 is amended to read as follows:
 25 27-51-1603. Restrictions on drivers under 18 years of age.

26 (a) Except as provided under subsection (b) of this section, a driver
 27 of a motor vehicle who is under eighteen (18) years of age shall not use a
 28 handheld wireless telephone or device or a hands-free wireless telephone or
 29 device, for wireless interactive communication while operating a motor
 30 vehicle.

31 (b) A driver of a motor vehicle who is under eighteen (18) years of
 32 age may use a handheld wireless telephone or device or hands-free wireless
 33 telephone or device for wireless interactive communication while operating a
 34 motor vehicle for an emergency purpose only.

35
 36 SECTION 4. Arkansas Code § 27-51-1604 is amended to read as follows:

1 27-51-1604. Restrictions on use of a wireless telephone or device
 2 generally drivers at least 18 but under 21 years of age.

3 ~~(a)(1) Except as otherwise provided in this section, the driver of a~~
 4 ~~motor vehicle who is at least eighteen (18) but under twenty one (21) years~~
 5 ~~of age shall not use a handheld wireless telephone for wireless interactive~~
 6 ~~communication while operating a motor vehicle.~~

7 ~~(2) The driver of a motor vehicle who is at least eighteen (18)~~
 8 ~~but under twenty one (21) years of age may use a hands free wireless~~
 9 ~~telephone or device for wireless interactive communication while operating a~~
 10 ~~motor vehicle.~~

11 ~~(b) A driver of a motor vehicle who is at least eighteen (18) but~~
 12 ~~under twenty one (21) years of age may use a handheld wireless telephone for~~
 13 ~~wireless interactive communication while operating a motor vehicle for an~~
 14 ~~emergency purpose only.~~

15 (a) A driver shall not operate a motor vehicle on the traveled portion
 16 of a public street or roadway while using a handheld telephone or wireless
 17 device.

18 (b) It is not a violation to use a handheld wireless telephone or
 19 device:

20 (1) For an emergency purpose;

21 (2) While temporarily pulled over to the shoulder or safe area
 22 that is not within the flow of traffic or a traveled portion of a public
 23 street or roadway, if the motor vehicle has come to a complete stop.

24 (c) For purposes of this section, "roadway" means that portion of a
 25 highway improved, designed, or ordinarily used for vehicular travel.

26 (d) A person performing his or her official duties as a certified law
 27 enforcement officer, firefighter, emergency medical personnel or other public
 28 safety personnel is exempt from the requirements of this section.

29
 30 SECTION 5. Arkansas Code § 27-51-1605 is amended to read as follows:
 31 27-51-1605. Enforcement.

32 A driver of a motor vehicle ~~is not to~~ may be stopped or detained solely
 33 to determine compliance with this subchapter.
 34

35 SECTION 6. Arkansas Code § 27-51-1607 is amended to read as follows:
 36 27-51-1607. Penalties.

1 ~~(a)(1) For a first offense under this subchapter, a person shall be~~
 2 ~~issued a citation that is a warning citation, and no court appearance is~~
 3 ~~required and no penalty shall be imposed by the court.~~

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

6 A driver who pleads guilty or nolo contendere or has been found guilty
 7 of a moving traffic violation in this subchapter is subject to the following:

8 (1) First violation, fifty dollar (\$50.00) fine;

9 (2) Second violation within two (2) years, A person a driver who
 10 pleads guilty or nolo contendere to or has been found guilty of violating
 11 this subchapter for a second or subsequent offense is guilty of a violation
 12 under § 5-1-108 and shall be fined fifty dollars (\$50.00) one hundred and
 13 fifty dollar (\$150) fine; and

14 (3) Third or subsequent violation, within two (2) years of most
 15 recent violation, two hundred dollar (\$200) fine and an order of suspension
 16 of driver's license for up to one (1) year.

17
 18 SECTION 7. Arkansas Code § 27-51-1610, concerning the restrictions on
 19 the use of a handheld wireless telephone while operating a motor vehicle in a
 20 highway work zone, is amended to add an additional subsection to read as
 21 follows:

22 (d) A violation of this section is punishable as a moving traffic
 23 violation in a highway work zone under § 27-50-408.