

1 State of Arkansas  
2 91st General Assembly  
3 Regular Session, 2017  
4

# A Bill

SENATE BILL 374

5 By: Senator Bond  
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## For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW CONCERNING DISTRACTED  
9 DRIVING; AND FOR OTHER PURPOSES.

### Subtitle

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12 TO AMEND THE LAW CONCERNING DISTRACTED  
13 DRIVING.  
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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19 SECTION 1. Arkansas Code § 27-51-1501 is amended to read as follows:  
20 27-51-1501. Title.

21 This subchapter is known and may be cited as “Paul’s Law: To Prohibit  
22 Drivers of Motor Vehicles from Using Handheld Wireless Telephones to Engage  
23 in Text Messaging” a Wireless Communications Device while Operating a Motor  
24 Vehicle.

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26 SECTION 2. Arkansas Code § 27-51-1503 is amended to read as follows:  
27 7-51-1503. Definitions.

28 As used in this subchapter:

29 (1)(A) ~~“Handheld wireless telephone” means a wireless~~  
30 ~~interactive communication device with which a user can engage in a text-based~~  
31 ~~communication using at least one (1) hand or by reading a text-based~~  
32 ~~communication.~~

33 (B) ~~“Handheld wireless telephone” does not include a:~~  
34 ~~(i) Hands-free wireless telephone or device;~~  
35 ~~(ii) Citizens band radio; or~~  
36 ~~(iii) Citizens band radio hybrid;~~



1           ~~(2)(A) "Hands free wireless telephone or device" means a~~  
2 ~~wireless telephone or other wireless communication device that allows a user~~  
3 ~~to engage in text based communication without the use of either hand with an~~

4                     ~~(i) Internal feature or function; or~~

5                     ~~(ii) 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 device; and~~

12           ~~(3) "Wireless interactive communication" means typing, text~~  
13 ~~messaging, emailing, or accessing information on the Internet with a handheld~~  
14 ~~wireless telephone.~~

15           "Access, read, or post to a social networking site" means using a  
16 wireless telecommunications device to interact with a web-based service that  
17 allows a person to:

18                     (A) Construct a profile within a bounded system;

19                     (B) Articulate a list of other members with whom the  
20 person shares a connection; and

21                     (C) Communicate with other members of the site;

22           (2)(A) "Wireless telecommunications device" means a cellular  
23 telephone, a text-messaging device, a personal digital assistant, a stand-  
24 alone computer, or a substantially similar wireless device that is readily  
25 removable from the vehicle and is used to write, send, or read text or data  
26 through manual input.

27           (B) "Wireless telecommunications device" does not include  
28 a:

29                     (i) Citizens band radio;

30                     (ii) Citizens band radio hybrid;

31                     (iii) Commercial two-way radio communication device;

32                     (iv) Two-way radio transmitter or receiver used by a  
33 licensee of the Federal Communication Commission in the Amateur Radio  
34 Service; or

35                     (v) Hands-free wireless telephone or device; and

36           (3) "Write, send, or read a text-based communication" means

1 using a wireless telecommunications device to manually communicate with a  
 2 person by using a text-based communication commonly referred to as a text  
 3 message, instant message, or electronic mail.

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 5 SECTION 3. Arkansas Code § 27-51-1504 is amended to read as follows:

6 27-51-1504. Use of a ~~handheld wireless telephone~~ telecommunications  
 7 device when driving.

8 (a)(1) Except as otherwise provided in subsection (b) of this section,  
 9 a driver of a motor vehicle shall not operate a motor vehicle while use using  
 10 a handheld wireless telephone for wireless interactive communication wireless  
 11 telecommunications device to:

12 (A) Write, send, or read a text-based communication; or

13 (B) Access, read, or post to a social networking site  
 14 while operating a motor vehicle.

15 (2) A driver of a motor vehicle is not in violation of  
 16 subdivision (a)(1) of this section if he or she reads, selects, or enters a  
 17 telephone number or name in a wireless telecommunications device for the  
 18 purpose of making a telephone call.

19 (b)(1) ~~A driver of a motor vehicle may use a handheld wireless~~  
 20 ~~telephone for wireless interactive communication in emergencies.~~

21 (2) A person is exempt from the requirements of this section if  
 22 he or she is:

23 (1) ~~performing his or her~~ Performing official duties as a  
 24 certified law enforcement officer, firefighter, ambulance driver, or  
 25 emergency medical technician;

26 (2) Operating a motor vehicle while using a wireless  
 27 telecommunications device to:

28 (A) Report illegal activity;

29 (B) Summon medical or other emergency assistance;

30 (C) Prevent injury to a person or property;

31 (D) Relay information between a transit or for-hire  
 32 operator dispatcher, if the wireless telecommunication device is permanently  
 33 affixed to the motor vehicle; or

34 (E) Navigate using a global positioning system; or

35 (3) A physician or healthcare provider using a wireless  
 36 telecommunications device to communicate with a hospital, health clinic, or

1 the office of the physician, or to provide for the health care or medical  
2 emergency of a person is exempt from the requirements of this section.

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4 SECTION 4. Arkansas Code § 27-51-1506 is amended to read as follows:  
5 27-51-1506. Penalties.

6 ~~A person who pleads guilty or nolo contendere to or has been found~~  
7 ~~guilty of violating this section commits a violation.~~

8 (a)(1) A violation of this subchapter is punishable by a fine of not  
9 more than two hundred fifty dollars (\$250) for the first offense.

10 (2) Each subsequent violation of this subchapter is punishable  
11 by a fine of not more than five hundred dollars (\$500).

12 (b)(1) If a person pleads guilty or nolo contendere to or the finder of  
13 fact determines that the person was involved in a collision or accident while  
14 in violation of this subchapter, a court shall in addition to any other  
15 sentence, assess an additional fine of double the amount of the standard fine  
16 imposed under subdivisions (a)(1) and (2) of this section.

17 (2) The law enforcement officer investigating the collision or  
18 accident shall indicate on the written accident form that the driver of the  
19 motor vehicle was using a wireless telecommunications device at the time of  
20 the collision or accident.

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22 SECTION 5. Arkansas Code § 27-51-1607 is amended to read as follows:  
23 27-51-1607. Penalties.

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

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

29 ~~(b) A person who pleads guilty or nolo contendere to or has been found~~  
30 ~~guilty of violating this subchapter for a second or subsequent offense is~~  
31 ~~guilty of a violation under § 5-1-108 and shall be fined fifty dollars~~  
32 ~~(\$50.00).~~

33 A violation of this subchapter is punishable by a fine of not more than  
34 two hundred fifty dollars (\$250) for the first offense.

35 (2) Each subsequent violation of this subchapter is punishable  
36 by a fine of not more than five hundred dollars (\$500).

1       (b) If a person pleads guilty or nolo contendere to or the finder of  
2 fact determines that the person was involved in a collision or accident while  
3 in violation of this subchapter, a court shall in addition to any other  
4 sentence, assess an additional fine of double the amount of the standard fine  
5 imposed under subdivisions (a)(1) and (2) of this section.

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