

ARKANSAS SENATE
85th General Assembly - Regular Session, 2005
Amendment Form

Subtitle of Senate Bill No. 45

"TO REQUIRE DRIVERS OF MOTOR VEHICLES TO USE HANDS-FREE CELLULAR
TELEPHONE DEVICES WHILE DRIVING."

Amendment No. 1 to Senate Bill No. 45.

Amend Senate Bill No. 45 as originally introduced:

Page 1, delete the title entirely and substitute:
"AN ACT TO REQUIRE A DRIVER OF A MOTOR VEHICLE TO POSSESS A HANDS-FREE
CELLULAR TELEPHONE DEVICE WHILE DRIVING; AND FOR OTHER PURPOSES."

Delete the subtitle in its entirety and substitute:
"TO REQUIRE A DRIVER OF A MOTOR VEHICLE TO
POSSESS A HANDS-FREE CELLULAR TELEPHONE
DEVICE WHILE DRIVING."

AND

Delete everything after the enacting clause and substitute the following:

"SECTION 1. Arkansas Code Title 27, Chapter 51, Subchapter 14 is amended to add an additional section to read as follows:

27-51-1408. Operation of a motor vehicle while using a cellular telephone allowed under limited circumstances.

(a)(1) Except as provided under subdivision (a)(2) of this section, any person operating a motor vehicle while using a cellular telephone shall have in his or her possession a hands-free cellular device.

(2) A person performing his or her official duties as a certified law enforcement officer, firefighter, ambulance driver, or emergency medical technician is exempt from the requirements of this section.

(b) A person who violates subsection (a)(1) of this section shall be subject to:

(1)(A) The issuance of a citation as a warning for the first offense.

(B) No penalty shall be imposed and no court appearance shall be required for a first offense unless the person wishes to contest the offense; and

(2) A fine not to exceed fifty dollars (\$50.00) for a second or subsequent offense.



(d) Possession of a hands-free cellular device as required under this section shall be a secondary offense and the operator of a motor vehicle shall not be stopped or detained solely to determine compliance with this section.

(e) A violation of this section shall not be admissible into evidence in a civil action.”

AND

If appropriate, renumber the remaining sections of the bill

The Amendment was read the first time, rules suspended and read the second time and _____

By: Senator Hendren
JSE/JSE - 02-10-2005 11:08
JSE217

Secretary