Hall of the House of Representatives

87th General Assembly - Regular Session, 2009 **Amendment Form**

Subtitle of Senate Bill No. 28

"TO PROHIBIT A DRIVER UNDER EIGHTEEN (18) YEARS OF AGE FROM OPERATING A MOTOR VEHICLE WHILE USING A WIRELESS TELEPHONE DEVICE."

Amendment No. 1 to Senate Bill No. 28.

Amend Senate Bill No. 28 as engrossed, S1/29/09 (version: 01-29-2009 09:47):

Add the following Senators as cosponsors of the bill:

Senators D. Johnson, Faris

AND

Add the following Representatives as cosponsors of the bill:

Representatives Kerr, Barnett, English, J. Burris

AND

Delete the title in its entirety and substitute:

"AN ACT TO PROHIBIT WIRELESS TELEPHONE USE BY DRIVERS WHO ARE UNDER EIGHTEEN YEARS OF AGE; TO PROHIBIT DRIVERS WHO ARE AT LEAST EIGHTEEN BUT UNDER TWENTY-ONE YEARS OF AGE FROM USING HANDHELD WIRELESS TELEPHONES; TO ALLOW DRIVERS WHO ARE AT LEAST EIGHTEEN BUT UNDER TWENTY-ONE YEARS OF AGE TO USE HANDS-FREE WIRELESS TELEPHONES OR DEVICES; AND FOR OTHER PURPOSES."

AND

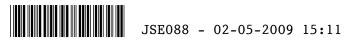
Delete the subtitle in its entirety and substitute:

"TO IMPROVE THE SAFETY OF THE ROADS AND HIGHWAYS BY LIMITING WIRELESS TELEPHONE USE BY YOUNG DRIVERS."

AND

Delete all language after the enacting clause and substitute:

"SECTION 1. Arkansas Code Title 27, Chapter 51 is amended to add an



additional subchapter to read as follows: <u>27-51-1501. Title.</u> <u>This subchapter shall be known and may be cited as the "Fewer</u> <u>Distractions Mean Safer Driving Act".</u>

27-51-1502. Definitions. As used in this subchapter: (1) "Emergency purpose" means the reason for contacting any of the following is to report an emergency: (A) Law enforcement personnel; (B) Fire department personnel; (C) Public safety personnel; (D) Emergency medical personnel; or (E) A 911 public safety communications center; (2)(A) "Handheld wireless telephone" means a wireless interactive communication device with which a user engages in a call or textbased communication using at least one (1) hand. (B) "Handheld wireless telephone" does not include: (i) A hands-free wireless telephone or device; (ii) Citizens band radio; or (iii) Citizens band radio hybrid; and (3)(A) "Hands-free wireless telephone or device" means a wireless telephone or other wireless communication device that allows a user to engage in text-based communication without the use of either hand with: (i) An internal feature or function; or (ii) An attachment or additional device. (B) A hands-free wireless telephone or device may be a permanent or temporary part of the wireless telephone or other wireless communication device. (C) A hands-free wireless telephone or device may require the use of either hand to activate, deactivate, or initiate a function of the wireless telephone or other communication device; (4) "Wireless interactive communication" means talking, typing, text messaging, emailing, or accessing information on the Internet with a wireless telephone; and (5)(A) "Wireless telephone" means a wireless interactive communication device. (B) "Wireless telephone" includes a handheld wireless telephone and a hands-free wireless telephone or device. 27-51-1503. Restrictions on drivers under 18 years of age. (a) Except as provided under subsection (b) of this section, a driver of a motor vehicle who is under eighteen (18) years of age shall not use a wireless telephone for wireless interactive communication while operating a motor vehicle.

(b) A driver of a motor vehicle who is under eighteen (18) years of age may use a wireless telephone for wireless interactive communication while operating a motor vehicle for an emergency purpose only.

27-51-1504. Restrictions on drivers at least 18 but under 21 years of age.

(a)(1) Except as otherwise provided in this section, the driver of a

motor vehicle who is at least eighteen (18) but under twenty-one (21) years of age shall not use a handheld wireless telephone for wireless interactive communication while operating a motor vehicle.

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

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

27-51-1505. Enforcement.

<u>A driver of a motor vehicle is not to be stopped or detained solely to</u> <u>determine compliance with this section.</u>

27-51-1506. Preemption.

This section supersedes and preempts all county or municipal ordinances regarding wireless telephone use by persons under twenty-one (21) years of age.

27-51-1507. Penalties.

(a)(1) For a first offense under this subchapter, a person shall be issued a 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 for a second or subsequent offense is guilty of a violation under § 5-1-108 and shall be fined fifty dollars (\$50.00).

27-51-1508. Applicability.

This act applies to all violations committed on and after October 1, 2009."

The Amendment was read _ By: Representative Barnett JSE/JSE - 02-05-2009 15:11 JSE088

Chief Clerk