

Department of Finance and Administration

Legislative Impact Statement

Bill: SB144

Bill Subtitle: TO ENHANCE THE PENALTIES FOR ENGAGING IN WIRELESS INTERACTIVE COMMUNICATION WHILE OPERATING A MOTOR VEHICLE IN CERTAIN CIRCUMSTANCES.

Basic Change :

SB144 amends current Arkansas laws that prohibit drivers of motor vehicles from driving while using a wireless telephone to engage in texting, other wireless interactive communication, or other prohibited use of a handheld telephone by adding additional penalties in the event the driver causes a collision or accident resulting in property damage, physical injury, or death. In addition to any other sentence imposed, the bill mandates additional fines of:

1. No less than \$150 or more than \$1,000 for first offense;
2. No less than \$400 or more than \$3,000 for second offense occurring within 5 years of the first offense; and
3. No less than \$900 or more than \$5,000 for third or subsequent offense occurring within 5 years of the first offense.

The bill orders a suspension of the driver's license for a period of twelve months. In the case of extreme or unusual hardship, the court may provide for DFA to issue a restricted driving permit to allow driving to and from work or school.

Revenue Impact :

There is no revenue impact to the state if this bill is passed.

Taxpayer Impact :

Taxpayers will have their driver's license suspended for 12 months and pay additional fines as stated in this bill if texting while driving and a collision or accident occurs.

Resources Required :

No additional resources are required if this bill is passed.

Time Required :

No additional time is required if this bill is passed.

Procedural Changes :

Procedures will be developed and additional training will be required if this bill is passed.

Other Comments :

None.

Legal Analysis :

SB144 enhances the penalties for engaging in wireless interactive communication while operating a

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motor vehicle, particularly when resulting in a collision. Enhanced penalties include increased fines and suspension of the defendant's driving privileges.

The restricted permit allowed under SB144 for situations of "extreme or unusual hardship" is ambiguous and may benefit from clarification. In Arkansas law, restricted driving permits can also include the following allowable driving purposes: a mandatory court appearance; as required in the scope of employment; a scheduled session or meeting of a support or counseling organization; or to a doctor, hospital, or clinic appointment or admission for medical treatment or care for an illness, disease, or other medical condition of the person or a family member.

SB144 appears to conflict with § 27-51-1607(a)(1), which requires that for a first offense for a violation of this subchapter, a person shall be issued a warning, and no court appearance is required and no penalty shall be imposed by the court. SB144 assesses an additional fine for a first offense.