

1 INTERIM STUDY PROPOSAL 2011-220

2
3 REQUESTING THAT THE INTERIM HOUSE COMMITTEE ON PUBLIC
4 TRANSPORTATION STUDY THE LAWS RELATED TO PENALTIES FOR TEXTING
5 WHILE DRIVING TO ENSURE THAT THE PENALTY IS A SUFFICIENT
6 DETERRENT TO MOTORISTS TO STOP THEM FROM TEXTING AND DRIVING AND
7 STUDY POSSIBLE CHANGES TO THE CURRENT PENALTIES.
8

9 WHEREAS, there are several laws that prohibit noncommercial drivers of
10 motor vehicles from typing, text messaging, emailing, or accessing
11 information on the Internet with a handheld telephone; and
12

13 WHEREAS, under Paul's Law, Arkansas Code § 27-51-1506, the penalties
14 for a noncommercial driver for typing, text messaging, emailing, or accessing
15 information on the Internet with a handheld telephone is a violation with an
16 unspecified fine; and
17

18 WHEREAS, under the Fewer Distractions Mean Safer Driving Act, Arkansas
19 Code § 27-51-1607(a), the penalties for the first offense for the applicable
20 noncommercial driver offenders who type, text message, email, or access
21 information on the Internet with a wireless telephone while driving in
22 violation of this subchapter result in a warning with no penalty or court
23 appearance; and
24

25 WHEREAS, under the Fewer Distractions Mean Safer Driving Act, Arkansas
26 Code § 27-51-1607(b), the penalties for the second or subsequent offense for
27 the applicable noncommercial offenders who type, text message, email, or
28 access information on the Internet with a wireless telephone while driving in
29 violation of this subchapter result in a fine of fifty dollars (\$50.00); and
30

31 WHEREAS, under laws applying to minors applying for restricted
32 licenses, learner's licenses, and intermediate licenses, Arkansas Code § 27-
33 16-701(d)(7) and § 27-16-804, drivers under eighteen (18) years of age are
34 prohibited from using a cellular telephone or other interactive wireless
35 communication device while operating a motor vehicle except for an emergency

1 purpose and there does not appear to be an independent penalty for violating
2 this law; and

3
4 WHEREAS, in response to the increasing number of motor vehicle
5 fatalities that have been caused by distracted drivers who were typing, text
6 messaging, emailing, or accessing information on the Internet with a wireless
7 telephone, there has been a recent nationwide public outcry for increased
8 penalties for this type of distracted driver,

9
10 NOW THEREFORE,

11 BE IT PROPOSED BY THE INTERIM HOUSE COMMITTEE ON PUBLIC TRANSPORTATION OF THE
12 EIGHTY-EIGHTH GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

13
14 THAT the Interim House Committee on Public Transportation study the
15 laws related to penalties for texting while driving to ensure that the
16 penalty is a sufficient deterrent to motorists to stop them from texting
17 while driving.

18
19 BE IT FURTHER PROPOSED, that the committee study whether to change the
20 penalties to add substantially more fines, community service, and a driver's
21 license suspension penalty for offenses related to texting while driving.

22
23
24 Respectfully submitted,

25
26
27
28 Representative David Fielding
29 District 5

30
31 By: JSE/CEH
32
33
34
35
36