

## INTERIM STUDY PROPOSAL 2011-220

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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.  
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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  
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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  
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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  
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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  
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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,

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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:

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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.

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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.

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24 Respectfully submitted,

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28 Representative David Fielding  
29 District 5

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31 By: JSE/CEH  
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