

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005

A Bill

SENATE BILL 45

4
5 By: Senator Hendren
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For An Act To Be Entitled

9 AN ACT TO REQUIRE DRIVERS OF MOTOR VEHICLES TO
10 USE HANDS-FREE CELLULAR TELEPHONE DEVICES WHILE
11 DRIVING; TO PRESCRIBE CERTAIN LIMITATIONS FOR THE
12 USE OF A CELLULAR TELEPHONE BY THE DRIVER OF A
13 MOTOR VEHICLE ON A PUBLIC HIGHWAY; AND FOR OTHER
14 PURPOSES.

Subtitle

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17 TO REQUIRE DRIVERS OF MOTOR VEHICLES TO
18 USE HANDS-FREE CELLULAR TELEPHONE
19 DEVICES WHILE DRIVING.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. Arkansas Code Title 27, Chapter 51, Subchapter 14 is
25 amended to add an additional section to read as follows:

26 27-51-1408. Operation of a motor vehicle while using a cellular
27 telephone allowed under limited circumstances.

28 (a) A person shall only operate a motor vehicle while using a cellular
29 telephone and driving on a public highway under one (1) or more of the
30 following circumstances:

31 (1)(A) The person's motor vehicle is equipped with a hands-free
32 cellular device;

33 (B) The person is using the hands-free cellular device;
34 and

35 (C) The person has both hands on the vehicle's steering
36 mechanism;



1 (2) The motor vehicle is parked;

2 (3) The person is contacting:

3 (A) Law enforcement officials;

4 (B) Fire department personnel;

5 (C) Public safety personnel;

6 (D) Emergency medical personnel; or

7 (E) A 911 public safety communications center to report an
8 emergency situation; or

9 (4) The person is performing his or her official duties as a
10 certified law enforcement officer, firefighter, ambulance driver, or
11 emergency medical technician.

12 (b) It is unlawful for a person to operate a motor vehicle while using
13 a cellular telephone and driving on a public highway except as provided in
14 subsection (a) of this section.

15 (c) A person who violates subsection (b) of this section shall be
16 subject to:

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

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

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

24 (d) If a person or entity engages in the business of selling cellular
25 telephones in the State of Arkansas, then the person or entity shall offer
26 for sale a hands-free cellular device that is compatible with each cellular
27 telephone that is sold by the person or entity.

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