

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  
4

As Engrossed: S2/15/05

# A Bill

SENATE BILL 45

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

8  
9 AN ACT TO REQUIRE A DRIVER OF A MOTOR VEHICLE TO  
10 POSSESS A HANDS-FREE CELLULAR TELEPHONE DEVICE  
11 WHILE DRIVING; AND FOR OTHER PURPOSES.  
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### Subtitle

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15 TO REQUIRE A DRIVER OF A MOTOR VEHICLE  
16 TO POSSESS A HANDS-FREE CELLULAR  
17 TELEPHONE DEVICE WHILE DRIVING.  
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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23 SECTION 1. Arkansas Code Title 27, Chapter 51, Subchapter 14 is  
24 amended to add an additional section to read as follows:

25 27-51-1408. Operation of a motor vehicle while using a cellular  
26 telephone allowed under limited circumstances.

27 (a)(1) Except as provided under subdivision (a)(2) of this section,  
28 any person operating a motor vehicle while using a cellular telephone shall  
29 have in his or her possession a hands-free cellular device.

30 (2) A person performing his or her official duties as a  
31 certified law enforcement officer, firefighter, ambulance driver, or  
32 emergency medical technician is exempt from the requirements of this section.

33 (b) A person who violates subsection (a)(1) of this section shall be  
34 subject to:

35 (1)(A) The issuance of a citation as a warning for the first  
36 offense.



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

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

6 (d) Possession of a hands-free cellular device as required under this  
7 section shall be a secondary offense and the operator of a motor vehicle  
8 shall not be stopped or detained solely to determine compliance with this  
9 section.

10 (e) A violation of this section shall not be admissible into evidence  
11 in a civil action.

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13 /s/ Hendren  
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