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	As Engrossed: S2/15/05 S2/24/05		
2	85th General Assembly	A Bill		
3	Regular Session, 2005		SENATE BILL	45
4				
5	By: Senator Hendren			
6				
7				
8		For An Act To Be Entitled		
9	AN ACT	T TO REQUIRE A DRIVER OF A MOTOR VEHICLE T	70	
10	POSSES	SS A HANDS-FREE CELLULAR TELEPHONE DEVICE		
11	$W\!HILE$	DRIVING; AND FOR OTHER PURPOSES.		
12				
13				
14		Subtitle		
15	TO	REQUIRE A DRIVER OF A MOTOR VEHICLE		
16	TO	POSSESS A HANDS-FREE CELLULAR		
17	TEI	LEPHONE DEVICE WHILE DRIVING.		
18				
19				
20				
21	BE IT ENACTED BY THE	GENERAL ASSEMBLY OF THE STATE OF ARKANSA	S:	
22				
23	SECTION 1. Ar	kansas Code Title 27, Chapter 51, Subchap	ter 14 is	
24	amended to add an ad	ditional section to read as follows:		
25	<u>27-51-1408.</u> 0	peration of a motor vehicle while using a	cellular	
26	telephone allowed un	der limited circumstances.		
27	<u>(a)(l) Except</u>	as provided under subdivision (a)(2) of	this section,	
28	any person operating	a motor vehicle while using a cellular t	elephone shall	<u>L</u>
29	have in his or her v	rehicle a hands-free cellular device.		
30	<u>(2) A p</u>	erson performing his or her official duti	<u>es as a</u>	
31	certified law enforc	ement officer, firefighter, ambulance dri	<u>ver, or</u>	
32	emergency medical te	chnician is exempt from the requirements	of this sectio	<u>on.</u>
33	(b) A person	who violates subsection (a)(1) of this se	<u>ction shall be</u>	<u> </u>
34	subject to:			
35	<u>(1)(A)</u>	The issuance of a citation as a warning for	or the first	
36	offense.			

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1	(b) No penaity 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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