

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 86th General Assembly  
3 Regular Session, 2007  
4

# A Bill

SENATE BILL 6

5 By: Senator Hendren  
6  
7

## 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.  
12

## Subtitle

13  
14 TO REQUIRE A DRIVER OF A MOTOR VEHICLE  
15 TO POSSESS A HANDS-FREE CELLULAR  
16 TELEPHONE DEVICE WHILE DRIVING.  
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18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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21 SECTION 1. Arkansas Code Title 27, Chapter 51, Subchapter 14 is  
22 amended to add an additional section to read as follows:

23 27-51-1408. Operation of a motor vehicle while using a cellular  
24 telephone device allowed under limited circumstances.

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

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

31 (b) A person who violates subdivision (a)(1) of this section shall be  
32 subject to:

33 (1) For a first offense:

34 (A) The issuance of a citation as a warning;

35 (B) No penalty shall be imposed; and

36 (C) No court appearance shall be required unless the



1 person wishes to contest the offense; and

2 (2) For a second or subsequent offense, a fine not to exceed  
3 fifty dollars (\$50.00).

4 (c) A violation of subdivision (a)(1) of this section shall be a  
5 secondary offense and the operator of a motor vehicle shall not be stopped or  
6 detained solely to determine compliance with this section.

7 (d) The Office of Driver Services of the Revenue Division of the  
8 Department of Finance and Administration shall not:

9 (1) Include in the traffic violation report of any person any  
10 conviction arising out of a violation of this section;

11 (2) Use or accumulate a violation of this section to suspend or  
12 revoke the driver's license of any person as a habitual violator of traffic  
13 laws; or

14 (3) Use a violation of this section in any other way under the  
15 administrative authority of the office to suspend or revoke a driver's  
16 license.

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

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