

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

A Bill

SENATE BILL 7

4
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 USE A HANDS-FREE CELLULAR TELEPHONE DEVICE WHILE
11 DRIVING ON A PUBLIC HIGHWAY; TO PRESCRIBE CERTAIN
12 LIMITATIONS FOR THE USE OF A CELLULAR TELEPHONE
13 DEVICE BY THE DRIVER OF A MOTOR VEHICLE ON A
14 PUBLIC HIGHWAY; AND FOR OTHER PURPOSES.
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Subtitle

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17 TO REQUIRE A DRIVER OF A MOTOR VEHICLE
18 TO USE A HANDS-FREE CELLULAR TELEPHONE
19 DEVICE WHILE DRIVING ON A PUBLIC
20 HIGHWAY.
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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25 SECTION 1. Arkansas Code Title 27, Chapter 51, Subchapter 14 is
26 amended to add an additional section to read as follows:

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

29 (a) A person shall only use a cellular telephone device while
30 operating a motor vehicle on a public highway under one (1) or more of the
31 following circumstances:

32 (1) The person is driving and:

33 (A) Is operating a motor vehicle that is equipped with a
34 hands-free cellular telephone device;

35 (B) Is using the hands-free cellular telephone device; and

36 (C) Has both hands on the vehicle's steering mechanism;



1 (2) The person is contacting:

2 (A) Law enforcement officials;

3 (B) Fire department personnel;

4 (C) Public safety personnel;

5 (D) Emergency medical personnel; or

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

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

11 (4) The motor vehicle is parked.

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

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

17 (1) For a first offense:

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

19 (B) No penalty shall be imposed; and

20 (C) No court appearance shall be required unless the
21 person wishes to contest the offense; and

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

24 (d) A violation of subsection (b) of this section shall be a secondary
25 offense and the operator of a motor vehicle shall not be stopped or detained
26 solely to determine compliance with this section.

27 (e) The Office of Driver Services of the Revenue Division of the
28 Department of Finance and Administration shall not:

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

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

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

1 (f) A violation of this section shall not be admissible into evidence
2 in a civil action.

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