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: H1/23/09<br>A Bill                   |                        |             |
|--------|------------------------------|--|------------------------|-------------|
| 2      | 87th General Assembly        | A DIII   |                        | 1012        |
| 3      | Regular Session, 2009        |  | HOUSE BILL             | 1013        |
| 4      | Dev. Dermonstations Vidd Dl  | and Consult Cool Frank I Decour I Swith            | <b>C</b> 4             |             |
| 5      | •                            | ount, Carroll, Cook, Everett, J. Rogers, L. Smith, | Stewart                |             |
| 6<br>7 | By: Senators Laverty, D. Wyc |  |                        |             |
| 7<br>8 |                              |  |                        |             |
| 9      |                              | For An Act To Be Entitled                          |                        |             |
| 10     | ΑΝ ΑΩΤ Ί                     | TO IMPROVE THE SAFETY OF ROADS FOR AL              | .т.                    |             |
| 11     |                              | AND PASSENGERS BY PROHIBITING DRIVER               |                        |             |
| 12     |                              | CHICLES FROM USING HANDHELD WIRELESS               |                        |             |
| 13     |                              | NES TO ENGAGE IN TEXT MESSAGING; AN                | D FOR                  |             |
| 14     | OTHER PL                     |  |                        |             |
| 15     |                              | Subtitle   |                        |             |
| 16     | PAUL                         | 'S LAW: TO PROHIBIT DRIVERS OF MOTOR               |                        |             |
| 17     | VEHIC                        | CLES FROM USING HANDHELD WIRELESS                  |                        |             |
| 18     | TELEI                        | PHONES.  |                        |             |
| 19     |                              |  |                        |             |
| 20     | BE IT ENACTED BY THE G       | ENERAL ASSEMBLY OF THE STATE OF ARKA               | NSAS:                  |             |
| 21     |                              |  |                        |             |
| 22     | SECTION 1. Arkansas C        | ode Title 27, Chapter 51 is amended                | to add an              |             |
| 23     | additional subchapter        | to read as follows:                                |                        |             |
| 24     | <u>27-51-1501. Tit</u>       | <u>le.</u>   |                        |             |
| 25     | <u>This</u> subchapter       | is known and may be cited as "Paul's               | Law: To Prohi          | <u>bit</u>  |
| 26     | Drivers of Motor Vehic       | les from Using Handheld Wireless Tel               | ephones to Enga        | ge          |
| 27     | <u>in Text Messaging.</u>    |  |                        |             |
| 28     |                              |  |                        |             |
| 29     | <u>27-51-1502.</u> Pur       | pose.  |                        |             |
| 30     |                              | <u>his subchapter is to:</u>                       |                        |             |
| 31     |                              | ve the safety of the roads for all d               |                        |             |
| 32     |                              | ing drivers of motor vehicles from e               | <u>ngaging in text</u> | -           |
| 33     | <u>messaging;</u>            |  |                        |             |
| 34     |                              | nt accidents caused by the distracti               | <u>ve practice of</u>  | <u>text</u> |
| 35     | messaging while operat       |  |                        |             |
| 36     | <u>(3)</u> Prese             | rve human life and maintain the safe               | ty of the citiz        | ens         |



As Engrossed: H1/23/09

HB1013

| 1  | of the State of Arkansas and visitors to our state by taking steps to reduce  |  |  |
|----|---|--|--|
| 2  | motor vehicle accidents, injuries, and deaths;                                |  |  |
| 3  | (4) Reduce health care costs, health insurance rates, and                     |  |  |
| 4  | automobile insurance rates by attempting to reduce the number of motor        |  |  |
| 5  | vehicle accidents that cause injury, death, and property damage; and          |  |  |
| 6  | (5) Reduce the amount of time that law enforcement and the court              |  |  |
| 7  | system work on accidents and offenses arising out of motor vehicle accidents  |  |  |
| 8  | caused by drivers who are distracted by sending or reading text messages.     |  |  |
| 9  |   |  |  |
| 10 | <u>27-51-1503. Definitions.</u>   |  |  |
| 11 | As used in this subchapter:   |  |  |
| 12 | (1)(A) "Handheld wireless telephone" means a wireless                         |  |  |
| 13 | interactive communication device with which a user can engage in a text-based |  |  |
| 14 | communication using at least one hand or by reading a text-based              |  |  |
| 15 | communication.  |  |  |
| 16 | (B) "Handheld wireless telephone" does not include:                           |  |  |
| 17 | (i) A hands-free wireless telephone or device;                                |  |  |
| 18 | (ii) Citizens band radio; or  |  |  |
| 19 | (iii) Citizens band radio hybrid; and   |  |  |
| 20 | (2)(A) "Hands-free wireless telephone or device" means a                      |  |  |
| 21 | wireless telephone or other wireless communication device that allows a user  |  |  |
| 22 | to engage in text-based communication without the use of either hand either   |  |  |
| 23 | with:   |  |  |
| 24 | (i) An internal feature or function; or                                       |  |  |
| 25 | (ii) An attachment or additional device.                                      |  |  |
| 26 | (B) A hands-free wireless telephone or device may be a                        |  |  |
| 27 | permanent or temporary part of the wireless telephone or other wireless       |  |  |
| 28 | communication device.   |  |  |
| 29 | <u>(C) A hands-free wireless telephone or device may require</u>              |  |  |
| 30 | the use of either hand to activate, deactivate, or initiate a function of the |  |  |
| 31 | wireless telephone or other communication device;                             |  |  |
| 32 | (3) "Wireless interactive communication" means typing, text                   |  |  |
| 33 | messaging, emailing, or accessing information on the Internet with a handheld |  |  |
| 34 | wireless telephone.   |  |  |
| 35 |   |  |  |
| 36 | 27-51-1504. Handheld wireless telephone use when driving.                     |  |  |

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| 1        | (a) Except as otherwise provided in this section, the driver of a          |  |  |  |
|----------|--|--|--|--|
| 2        | motor vehicle shall not use a handheld wireless telephone for wireless     |  |  |  |
| 3        | interactive communication while operating a motor vehicle.                 |  |  |  |
| 4        | (b) A driver of a motor vehicle may use a handheld wireless telephone      |  |  |  |
| 5        | for wireless interactive communication in emergencies.                     |  |  |  |
| 6        | (c) A person performing his or her official duties as a certified law      |  |  |  |
| 7        | enforcement officer, firefighter, ambulance driver, or emergency medical   |  |  |  |
| 8        | technician is exempt from the requirements of this section.                |  |  |  |
| 9        |  |  |  |  |
| 10       | 27-51-1505. Preemption.  |  |  |  |
| 11       | This subchapter supersedes and preempts all county or municipal            |  |  |  |
| 12       | ordinances regarding the use of a handheld wireless telephone for wireless |  |  |  |
| 13       | interactive communication while operating a motor vehicle.                 |  |  |  |
| 14       |  |  |  |  |
| 15       | <u>27-51-1506. Penalties.</u>  |  |  |  |
| 16       | A person who pleads guilty or nolo contendere to, or has been found        |  |  |  |
| 17       | guilty of, violating this section commits a violation.                     |  |  |  |
| 18       |  |  |  |  |
| 19       | SECTION 2. This act applies to all violations committed on and after       |  |  |  |
| 20       | <u>October 1, 2009.</u>  |  |  |  |
| 21       |  |  |  |  |
| 22       | /s/ Kidd   |  |  |  |
| 23       |  |  |  |  |
| 24<br>25 |  |  |  |  |
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