## 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: S1/29/09		
2	87th General Assembly	A Bill		
3	Regular Session, 2009 SENATE BILL			
4				
5	By: Senator Hendren			
6				
7				
8	For An Act To Be Entitled			
9	AN ACT TO PROHIBIT A DRIVER UNDER EIGHTEEN (18)			
10	YEARS OF AGE FROM OPERATING A MOTOR VEHICLE WHILE			
11	USING A WIRELESS TELEPHONE DEVICE; AND FOR OTHER			
12	PURPOSI	ES.		
13				
14		Subtitle		
15	TO I	PROHIBIT A DRIVER UNDER EIGHTEEN (18)		
16	YEAR	RS OF AGE FROM OPERATING A MOTOR		
17	VEH.	ICLE WHILE USING A WIRELESS TELEPHONE		
18	$DEV_{-}$	ICE.		
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21	BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:			
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23	SECTION 1. Ark	ansas Code Title 27, Chapter 51, Subch	apter 14 is	
24	amended to add an additional section to read as follows:			
25	27-51-1408. Use of wireless telephone device by driver under eighteen			
26	(18) years of age — Operation of motor vehicle prohibited.			
27	(a) A person under eighteen (18) years of age is not to operate a			
28	motor vehicle while using a wireless telephone device to talk, text message,			
29	or access the Internet.			
30	(b) A person who violates subsection (a) of this section shall be			
31	subject to:			
32	(1)(A) For a first offense, the issuance of a citation as a			
33	warning.			
34	<u>(B)</u>			
35	<u>(C)</u>		<u>d unless the</u>	
36	nerson wishes to cont	est the ottense, and		

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1	(2) For a second or subsequent offense, a fine not to exceed
2	fifty dollars (\$50.00).
3	(c) An operator of a motor vehicle is not to be stopped or detained
4	solely to determine compliance with this section.
5	(d) The Office of Driver Services of the Revenue Division of the
6	Department of Finance and Administration is not to:
7	(1) Include in the traffic violation report of any person any
8	conviction arising out of a violation of this section;
9	(2) Use or accumulate a violation of this section to suspend or
10	revoke the driver's license of any person as a habitual violator of traffic
11	laws; or
12	(3) Use a violation of this section in any other way under the
13	administrative authority of the office to suspend or revoke a driver's
14	<u>license.</u>
15	(e) A violation of this section is not admissible into evidence in a
16	civil action.
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18	/s/ Hendren
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**SB28**