

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 87th General Assembly
3 Regular Session, 2009
4

As Engrossed: S1/29/09 H2/6/09

A Bill

SENATE BILL 28

5 By: Senators Hendren, D. Johnson, Faris
6 By: Representatives Kerr, Barnett, English, J. Burris
7

For An Act To Be Entitled

10 AN ACT TO PROHIBIT WIRELESS TELEPHONE USE BY
11 DRIVERS WHO ARE UNDER EIGHTEEN YEARS OF AGE; TO
12 PROHIBIT DRIVERS WHO ARE AT LEAST EIGHTEEN BUT
13 UNDER TWENTY-ONE YEARS OF AGE FROM USING HANDHELD
14 WIRELESS TELEPHONES; TO ALLOW DRIVERS WHO ARE AT
15 LEAST EIGHTEEN BUT UNDER TWENTY-ONE YEARS OF AGE
16 TO USE HANDS-FREE WIRELESS TELEPHONES OR DEVICES;
17 AND FOR OTHER PURPOSES.

Subtitle

18 TO IMPROVE THE SAFETY OF THE ROADS AND
19 HIGHWAYS BY LIMITING WIRELESS TELEPHONE
20 USE BY YOUNG DRIVERS.
21

22
23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
24

25 SECTION 1. Arkansas Code Title 27, Chapter 51 is amended to add an
26 additional subchapter to read as follows:

27 27-51-1501. Title.

28 This subchapter shall be known and may be cited as the "Fewer
29 Distractions Mean Safer Driving Act".

30
31 27-51-1502. Definitions.

32 As used in this subchapter:

33 (1) "Emergency purpose" means the reason for contacting any of
34 the following is to report an emergency:

35 (A) Law enforcement personnel;

36 (B) Fire department personnel;



1 (C) Public safety personnel;

2 (D) Emergency medical personnel; or

3 (E) A 911 public safety communications center;

4 (2)(A) "Handheld wireless telephone" means a wireless
5 interactive communication device with which a user engages in a call or text-
6 based communication using at least one (1) hand.

7 (B) "Handheld wireless telephone" does not include:

8 (i) A hands-free wireless telephone or device;

9 (ii) Citizens band radio; or

10 (iii) Citizens band radio hybrid; and

11 (3)(A) "Hands-free wireless telephone or device" means a
12 wireless telephone or other wireless communication device that allows a user
13 to engage in text-based communication without the use of either hand with:

14 (i) An internal feature or function; or

15 (ii) An attachment or additional device.

16 (B) A hands-free wireless telephone or device may be a
17 permanent or temporary part of the wireless telephone or other wireless
18 communication device.

19 (C) A hands-free wireless telephone or device may require
20 the use of either hand to activate, deactivate, or initiate a function of the
21 wireless telephone or other communication device;

22 (4) "Wireless interactive communication" means talking, typing,
23 text messaging, emailing, or accessing information on the Internet with a
24 wireless telephone; and

25 (5)(A) "Wireless telephone" means a wireless interactive
26 communication device.

27 (B) "Wireless telephone" includes a handheld wireless
28 telephone and a hands-free wireless telephone or device.

29

30 27-51-1503. Restrictions on drivers under 18 years of age.

31 (a) Except as provided under subsection (b) of this section, a driver
32 of a motor vehicle who is under eighteen (18) years of age shall not use a
33 wireless telephone for wireless interactive communication while operating a
34 motor vehicle.

35 (b) A driver of a motor vehicle who is under eighteen (18) years of
36 age may use a wireless telephone for wireless interactive communication while

1 operating a motor vehicle for an emergency purpose only.

2
3 27-51-1504. Restrictions on drivers at least 18 but under 21 years of
4 age.

5 (a)(1) Except as otherwise provided in this section, the driver of a
6 motor vehicle who is at least eighteen (18) but under twenty-one (21) years
7 of age shall not use a handheld wireless telephone for wireless interactive
8 communication while operating a motor vehicle.

9 (2) The driver of a motor vehicle who is at least eighteen (18)
10 but under twenty-one (21) years of age may use a hands-free wireless
11 telephone or device for wireless interactive communication while operating a
12 motor vehicle.

13 (b) A driver of a motor vehicle who is at least eighteen (18) but
14 under twenty-one (21) years of age may use a handheld wireless telephone for
15 wireless interactive communication while operating a motor vehicle for an
16 emergency purpose only.

17
18 27-51-1505. Enforcement.

19 A driver of a motor vehicle is not to be stopped or detained solely to
20 determine compliance with this section.

21
22 27-51-1506. Preemption.

23 This section supersedes and preempts all county or municipal ordinances
24 regarding wireless telephone use by persons under twenty-one (21) years of
25 age.

26
27 27-51-1507. Penalties.

28 (a)(1) For a first offense under this subchapter, a person shall be
29 issued a citation that is a warning citation and no court appearance is
30 required and no penalty shall be imposed by the court.

31 (2) A record of each warning citation issued shall be
32 maintained.

33 (b) A person who pleads guilty or nolo contendere to or has been found
34 guilty of violating this subchapter for a second or subsequent offense is
35 guilty of a violation under § 5-1-108 and shall be fined fifty dollars
36 (\$50.00).

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27-51-1508. Applicability.

This act applies to all violations committed on and after October 1, 2009.

/s/ Hendren