

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

A Bill

SENATE BILL 28

5 By: Senator Hendren
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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 CELLULAR TELEPHONE DEVICE; AND FOR OTHER
12 PURPOSES.
13

Subtitle

14 TO PROHIBIT A DRIVER UNDER EIGHTEEN (18)
15 YEARS OF AGE FROM OPERATING A MOTOR
16 VEHICLE WHILE USING A CELLULAR TELEPHONE
17 DEVICE.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code Title 27, Chapter 51, Subchapter 14 is
24 amended to add an additional section to read as follows:

25 27-51-1408. Use of cellular 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 cellular 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 (B) No penalty is to be imposed.

35 (C) No court appearance is to be required unless the
36 person wishes to contest the offense; and



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 license.

15 (e) A violation of this section is not admissible into evidence in a
16 civil action.

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