

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

A Bill

SENATE BILL 309

4
5 By: Senators J. Jeffress, Altes, Bledsoe, Bryles, Crumbly, Elliott, Glover, Hendren, G. Jeffress, D.
6 Johnson, Miller, R. Thompson, Trusty, H. Wilkins, Wilkinson, D. Wyatt
7 By: Representatives Shelby, Adcock, Allen, Blount, Cheatham, J. Edwards, English, Harrelson, Hoyt, W.
8 Lewellen, Maxwell, Nix, J. Roebuck, Saunders, Summers, Tyler, Webb, Wills

For An Act To Be Entitled

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11 AN ACT TO IMPROVE THE SAFETY OF ROADS AND
12 HIGHWAYS IN THE STATE BY ADDRESSING ISSUES
13 RELATED TO THE LICENSING OF YOUTHFUL DRIVERS; TO
14 AMEND THE LAW REGARDING RESTRICTED DRIVER'S
15 LICENSES, LEARNER'S LICENSES, AND INTERMEDIATE
16 LICENSES; AND FOR OTHER PURPOSES.

Subtitle

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19 TO IMPROVE THE SAFETY OF ROADS AND
20 HIGHWAYS IN THE STATE BY ADDRESSING
21 ISSUES RELATED TO THE LICENSING OF
22 YOUTHFUL DRIVERS.

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26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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28 SECTION 1. Arkansas Code § 27-16-804(f), regarding licenses, learner's
29 licenses, and intermediate licenses, is amended to read as follows:

30 (f)(1) The office shall have authority to issue a restricted driver's
31 license, to be known as a "learner's license", to those persons under sixteen
32 (16) years of age.

33 (2) The learner's license shall be issued only to an applicant
34 with a valid instruction permit who is at least fourteen (14) years of age,
35 who has remained free of a serious accident and conviction of a serious
36 traffic violation in the previous six (6) months, and who meets all other



1 licensing examinations requirements of this chapter.

2 (3) The driver with a learner’s license shall operate the motor
3 vehicle on the public streets and highways only when:

4 (A) All passengers in the vehicle are wearing their seat
5 belts at all times; and

6 (B) The driver with a learner’s permit is being
7 accompanied by a driver over twenty-one (21) years of age.

8 (4) A driver with a learner’s license shall not use a cellular
9 telephone device or other interactive wireless communication device while
10 operating a motor vehicle.

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12 SECTION 2. Arkansas Code § 27-16-804(g), regarding intermediate
13 licenses, is amended to read as follows:

14 (g)(1) The office shall have authority to issue to those persons under
15 eighteen (18) years of age a restricted driver’s license to be known as an
16 “intermediate driver’s license”.

17 (2) The intermediate driver’s license shall be issued only to an
18 applicant with a valid instruction permit or a learner’s license who is at
19 least sixteen (16) years of age, who has remained free of a serious accident
20 and conviction of a serious traffic violation for at least the previous six
21 (6) months, and who meets all other licensing examination requirements of
22 this chapter.

23 (3) The driver with an intermediate driver’s license shall
24 operate the motor vehicle on the public streets and highways only when all
25 passengers in the vehicle are wearing their seat belts.

26 (4) A driver with an intermediate driver’s license shall not use
27 a cellular telephone device or other interactive wireless communication
28 device while operating a motor vehicle.

29 (5)(A) A driver with an intermediate driver’s license shall not
30 operate a motor vehicle on public streets or highways with more than one (1)
31 unrelated minor passenger in the motor vehicle unless the driver is
32 accompanied by a licensed driver who is twenty-one (21) years of age or older
33 and who is occupying the front passenger seat of the motor vehicle.

34 (B) As used in this section, “unrelated minor passenger”
35 means a passenger who is less than twenty-one (21) years of age and who is
36 not:

- 1 (i) A sibling of the driver;
- 2 (ii) A step-sibling of the driver; or
- 3 (iii) A child who resides in the same household as
- 4 the driver.

5 (6) A driver with an intermediate driver’s license shall not
 6 operate a motor vehicle on public streets or highways between the hours of
 7 11:00 p.m. and 5:00 a.m. unless the driver is:

8 (A) Accompanied by a licensed driver who is twenty-one
 9 (21) years of age or older;

10 (B) Driving to or from a school activity, church-related
 11 activity, or job; or

12 (C) Driving because of an emergency.

14 SECTION 3. Arkansas Code § 27-16-804(h), regarding restricted
 15 licenses, learner’s licenses, and intermediate licenses is repealed.

16 ~~(h) No motor vehicle, nor the operator of a vehicle, nor the~~
 17 ~~passengers of the vehicle shall be stopped, inspected, or detained solely to~~
 18 ~~determine compliance with the requirement set out in this subchapter for~~
 19 ~~wearing a seat belt.~~

21 SECTION 4. Arkansas Code § 27-16-701(d), regarding the application for
 22 license or instruction permit, is amended to add additional subdivisions to
 23 read as follows:

24 (7) An acknowledgment signed by the applicant for a learner’s
 25 license or an intermediate driver’s license that the applicant is prohibited
 26 from using a cellular telephone or other interactive wireless communication
 27 device while operating a motor vehicle;

28 (8)(A) An acknowledgment signed by the applicant for an
 29 intermediate driver’s license that the applicant shall not operate a motor
 30 vehicle on public streets or highways with more than one (1) unrelated minor
 31 passenger in the motor vehicle unless the applicant is accompanied by a
 32 licensed driver who is twenty-one (21) years of age or older.

33 (B) As used in this section, “unrelated minor passenger”
 34 means a passenger who is less than twenty-one (21) years of age and who is
 35 not:

- 36 (i) A sibling of the driver;

1 (ii) A step-sibling of the driver; or
2 (iii) A child who resides in the same household as
3 the driver; and

4 (9)(A) An acknowledgment signed by the applicant for an
5 intermediate driver’s license that the applicant shall not operate a motor
6 vehicle on public streets or highways between the hours of 11:00 p.m. and
7 5:00 a.m. unless the applicant is:

8 (i) Accompanied by a licensed driver who is twenty-
9 one (21) years of age or older;

10 (ii) Driving to or from a school activity, church-
11 related activity, or job; or

12 (iii) Driving because of an emergency.

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14 SECTION 5. This act is not retroactive and does not apply to a
15 driver’s license or instruction permit issued on or in effect on the
16 effective date of this act.

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