

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: S2/9/09
A Bill

SENATE BILL 309

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
9

10
11 **For An Act To Be Entitled**

12 AN ACT TO IMPROVE THE SAFETY OF ROADS AND
13 HIGHWAYS IN THE STATE BY ADDRESSING ISSUES
14 RELATED TO THE LICENSING OF YOUTHFUL DRIVERS; TO
15 AMEND THE LAW REGARDING RESTRICTED DRIVER'S
16 LICENSES, LEARNER'S LICENSES, AND INTERMEDIATE
17 LICENSES; AND FOR OTHER PURPOSES.
18

19 **Subtitle**

20 TO IMPROVE THE SAFETY OF ROADS AND
21 HIGHWAYS IN THE STATE BY ADDRESSING
22 ISSUES RELATED TO THE LICENSING OF
23 YOUTHFUL DRIVERS.
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25
26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
27

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~~ license is being
7 accompanied by a driver over twenty-one (21) years of age.

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

11 (B) This subdivision (f)(4) is not retroactive and applies
12 only to a person who:

13 (i) Applies for a learner's license after the
14 effective date of this act; and

15 (ii) Is issued a learner's license after the
16 effective date of this act.

17
18 *SECTION 2. Arkansas Code § 27-16-804(g), regarding intermediate*
19 *licenses, is amended to read as follows:*

20 *(g)(1)(A) The office shall have authority to issue to those persons*
21 *under eighteen (18) years of age a restricted driver's license to be known as*
22 *an "intermediate driver's license".*

23 ~~*(2)(B) The intermediate driver's license shall be issued*~~
24 ~~*only to an applicant with a valid instruction permit or a learner's license*~~
25 ~~*who is at least sixteen (16) years of age, who has remained free of a serious*~~
26 ~~*accident and conviction of a serious traffic violation for at least the*~~
27 ~~*previous six (6) months, and who meets all other licensing examination*~~
28 ~~*requirements of this chapter.*~~

29 ~~*(3)(C) The driver with an intermediate driver's license*~~
30 ~~*shall operate the motor vehicle on the public streets and highways only when*~~
31 ~~*all passengers in the vehicle are wearing their seat belts.*~~

32 *(D) A driver with an intermediate driver's license shall*
33 *not use a cellular telephone device or other interactive wireless*
34 *communication device while operating a motor vehicle.*

35 *(E)(i) A driver with an intermediate driver's license*
36 *shall not operate a motor vehicle on public streets or highways with more*

1 than one (1) unrelated minor passenger in the motor vehicle unless the driver
 2 is accompanied by a licensed driver who is twenty-one (21) years of age or
 3 older and who is occupying the front passenger seat of the motor vehicle.

4 (ii) As used in this section, "unrelated minor
 5 passenger" means a passenger who is under twenty-one (21) years of age and
 6 who is not:

7 (a) A sibling of the driver;

8 (b) A step-sibling of the driver; or

9 (c) A child who resides in the same household
 10 as the driver.

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

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

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

18 (iii) Driving because of an emergency.

19 (2) Subdivisions (g)(1)(D)-(F) are not retroactive and apply
 20 only to a person who:

21 (A) Applies for an intermediate license after the
 22 effective date of this act; and

23 (B) Is issued an intermediate license after the effective
 24 date of this act.

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

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

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

36 (7) An acknowledgment signed by the applicant for a learner's

1 license or an intermediate driver's license that the applicant is prohibited
2 from using a cellular telephone or other interactive wireless communication
3 device while operating a motor vehicle;

4 (8)(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 with more than one (1) unrelated minor
7 passenger in the motor vehicle unless the applicant is accompanied by a
8 licensed driver who is twenty-one (21) years of age or older.

9 (B) As used in this section, "unrelated minor passenger"
10 means a passenger who is under twenty-one (21) years of age and who is not:

- 11 (i) A sibling of the driver;
- 12 (ii) A step-sibling of the driver; or
- 13 (iii) A child who resides in the same household as
14 the driver; and

15 (9)(A) An acknowledgment signed by the applicant for an
16 intermediate driver's license that the applicant shall not operate a motor
17 vehicle on public streets or highways between the hours of 11:00 p.m. and
18 5:00 a.m. unless the applicant is:

- 19 (i) Accompanied by a licensed driver who is twenty-
20 one (21) years of age or older;
- 21 (ii) Driving to or from a school activity, church-
22 related activity, or job; or
- 23 (iii) Driving because of an emergency.

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25
26 */s/ J. Jeffress*
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