

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 31

4
5 By: Senator Hendren
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For An Act To Be Entitled

9 AN ACT TO REQUIRE A DRIVER OF A MOTOR VEHICLE TO
10 USE A HANDS-FREE CELLULAR TELEPHONE DEVICE WHILE
11 DRIVING ON A PUBLIC HIGHWAY; TO PRESCRIBE CERTAIN
12 LIMITATIONS FOR THE USE OF A CELLULAR TELEPHONE
13 DEVICE BY THE DRIVER OF A MOTOR VEHICLE ON A
14 PUBLIC HIGHWAY; AND FOR OTHER PURPOSES.

Subtitle

16 TO REQUIRE A DRIVER OF A MOTOR VEHICLE
17 TO USE A HANDS-FREE CELLULAR TELEPHONE
18 DEVICE WHILE DRIVING ON A PUBLIC
19 HIGHWAY.
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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25 SECTION 1. Arkansas Code Title 27, Chapter 51, Subchapter 14 is
26 amended to add an additional section to read as follows:

27 27-51-1408. Operation of a motor vehicle while using a cellular
28 telephone device allowed under limited circumstances.

29 (a) Except as provided in subsection (b) of this section, it is
30 unlawful for a person to use a cellular telephone device while operating a
31 motor vehicle and driving on a public highway, road, or street.

32 (b) A person shall use a cellular telephone device while operating a
33 motor vehicle on a public highway, road, or street only under one (1) or more
34 of the following circumstances:

35 (1) The person:

36 (A) Is operating a motor vehicle that is equipped with a



1 hands-free cellular telephone device;

2 (B) Is using the hands-free cellular telephone device; and

3 (C) Unless shifting gears or indicating a turn, has both
4 hands on the vehicle's steering mechanism;

5 (2) The person is contacting:

6 (A) Law enforcement officials;

7 (B) Fire department personnel;

8 (C) Public safety personnel;

9 (D) Emergency medical personnel; or

10 (E) A 911 public safety communications center to report an
11 emergency situation;

12 (3) The person is performing his or her official duties as a
13 certified law enforcement officer, firefighter, ambulance driver, or
14 emergency medical technician; or

15 (4) The motor vehicle is parked.

16 (c) A person who violates subsection (a) of this section shall be
17 subject to:

18 (1) For a first offense:

19 (A) The issuance of a citation as a warning;

20 (B) No imposition of a penalty; and

21 (C) No requirement of a court appearance unless the person
22 wishes to contest the offense; and

23 (2) For a second or subsequent offense, a fine not to exceed
24 fifty dollars (\$50.00).

25 (d) A violation of subsection (a) of this section shall be a secondary
26 offense, and the operator of a motor vehicle shall not be stopped or detained
27 solely to determine compliance with this section.

28 (e) The Office of Driver Services of the Revenue Division of the
29 Department of Finance and Administration shall not:

30 (1) Include in the traffic violation report of any person any
31 conviction arising out of a violation of this section;

32 (2) Use or accumulate a violation of this section to suspend or
33 revoke the driver's license of any person as an habitual violator of traffic
34 laws; or

35 (3) Use a violation of this section in any other way under the
36 administrative authority of the office to suspend or revoke a driver's

1 license.

2 (f) A violation of this section shall not be admissible into evidence
3 in a civil action.

4 (g) Nothing in this section prohibits the court or the Office of
5 Driver Services from maintaining records on violations of this section to
6 determine if a person has violated the section more than one (1) time and is
7 subject to additional penalties for the repeated violations as provided under
8 subdivision (c)(2) of this section.

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