

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 88th General Assembly  
3 Regular Session, 2011

# A Bill

HOUSE BILL 1049

4  
5 By: Representative Allen

## For An Act To Be Entitled

8 AN ACT TO IMPROVE THE SAFETY OF HIGHWAYS AND ROADS BY  
9 PROHIBITING WIRELESS TELEPHONE USE IN SCHOOL ZONES;  
10 AND FOR OTHER PURPOSES.

## Subtitle

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13 TO IMPROVE THE SAFETY OF HIGHWAYS AND  
14 ROADS BY PROHIBITING WIRELESS TELEPHONE  
15 USE IN SCHOOL ZONES.  
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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21 SECTION 1. Arkansas Code § 27-51-1602 is amended to read as follows:  
22 27-51-1602. Definitions.

23 As used in this subchapter:

24 (1) "Emergency purpose" means the reason for contacting any of  
25 the following to report an emergency:

26 (A) Law enforcement personnel;

27 (B) Fire department personnel;

28 (C) Public safety personnel;

29 (D) Emergency medical personnel; or

30 (E) A 911 public safety communications center;

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

34 (B) "Handheld wireless telephone" does not include a:

35 (i) ~~A hands-free~~ Hands-free wireless telephone or  
36 device;



- 1 (ii) Citizens band radio; ~~or~~
- 2 (iii) Citizens band radio hybrid; or
- 3 (iv) Global positioning or navigation device or
- 4 system;

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

- 8 (i) An internal feature or function; or
- 9 (ii) An attachment or additional device.

10 (B) A hands-free wireless telephone or device may be a  
 11 permanent or temporary part of the wireless telephone or other wireless  
 12 communication device.

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

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

19 (5)(A) "Wireless telephone" means a wireless interactive  
 20 communication device.

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

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24 SECTION 2. Arkansas Code § 27-51-1608 is repealed.

25 ~~27-51-1608. Applicability.~~

26 ~~This subchapter applies to all violations committed on and after~~  
 27 ~~October 1, 2009.~~

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29 SECTION 3. Arkansas Code Title 27, Chapter 51, Subchapter 16 is  
 30 amended to add an additional section to read as follows:

31 27-51-1609. Restrictions in school zones.

32 (a) Except as provided under subsection (b) of this section, a driver  
 33 of a motor vehicle shall not use a handheld wireless telephone while  
 34 operating a motor vehicle when passing a school building or school zone  
 35 during school hours when children are present and outside the building.

36 (b) A driver of a motor vehicle who is passing a school building or

1 school zone during school hours when children are present and outside the  
2 building may use a handheld wireless telephone while operating a motor  
3 vehicle for an emergency purpose.

4 (c) A driver of a motor vehicle is not to be stopped or detained by  
5 law enforcement solely to determine compliance with this section.

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7 SECTION 4. NOT TO BE CODIFIED. This act applies to all violations  
8 committed on and after October 1, 2011.

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