

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013

A Bill

HOUSE BILL 1394

4
5 By: Representatives Fielding, Baltz, Hawthorne, House, Julian, McGill, Sabin, F. Smith, D. Whitaker,
6 Word
7 By: Senator Irvin

For An Act To Be Entitled

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9
10 AN ACT TO MAKE OUR ROADS SAFER BY PROVIDING FOR
11 EDUCATION AND TESTING CONCERNING DISTRACTED DRIVING;
12 TO ENSURE DETERRENCE FROM TEXTING WHILE DRIVING BY
13 INCREASING THE RELATED PENALTIES; AND FOR OTHER
14 PURPOSES.

Subtitle

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18 TO MAKE OUR ROADS SAFER BY PROVIDING FOR
19 EDUCATION AND TESTING CONCERNING
20 DISTRACTED DRIVING; AND TO ENSURE
21 DETERRENCE FROM TEXTING WHILE DRIVING BY
22 INCREASING THE RELATED PENALTIES.

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

26
27 SECTION 1. Arkansas Code § 27-16-706 is amended to read as follows:
28 27-16-706. Written test – Contents.

29 The driver's license test shall include written questions concerning:

30 (1) The effects of the consumption of alcoholic beverage
31 products and the use of illegal drugs, prescription drugs, and
32 nonprescription drugs on the ability of a person to operate a motor vehicle;

33 (2) The legal and financial consequences resulting from
34 violations of the state's laws prohibiting the operation of a motor vehicle
35 while under the influence of alcohol or drugs;

36 (3) Accessible parking for a person with a disability; ~~and~~



1 (4) Penalties for the unauthorized use of parking designated for
 2 the exclusive use of a person with a disability~~;~~ and

3 (5) The effects and hazards of distracted driving and the
 4 penalties for violations of state distracted driving laws.

5
 6 SECTION 2. Arkansas Code § 27-16-804(b)(2)(B)(iii), concerning the use
 7 of a cellular telephone device by a driver under eighteen (18) years of age,
 8 is amended to read as follows:

9 (iii) The driver shall not use a cellular telephone
 10 device, wireless telephone, or other interactive wireless communication
 11 device while operating a motor vehicle except for an emergency purpose as
 12 provided under the Fewer Distractions Mean Safer Driving Act, § 27-51-1601 et
 13 seq. ~~As used in this subdivision (b)(2)(B)(iii), “emergency purpose” means~~
 14 ~~the driver:~~

15 (a) ~~Has reason to fear for his or her life, safety,~~
 16 ~~or property;~~

17 (b) ~~Reasonably believes that a criminal act may be~~
 18 ~~perpetrated against him or her, his or her property, another person, or~~
 19 ~~another person’s property; or~~

20 (c) ~~Is reporting:~~

21 (1) ~~A fire;~~

22 (2) ~~A traffic accident;~~

23 (3) ~~A serious road hazard;~~

24 (4) ~~A medical emergency;~~

25 (5) ~~A hazardous materials emergency;~~

26 (6) ~~Another driver who is recklessly,~~
 27 ~~carelessly, or unsafely driving; or~~

28 (7) ~~Another driver who appears to be driving~~
 29 ~~under the influence of drugs or alcohol.~~

30
 31 SECTION 3. Arkansas Code § 27-16-804(e), concerning penalties for
 32 violation of motor vehicle license restrictions, is amended to read as
 33 follows:

34 (e) ~~It~~ Unless otherwise provided by law, it is a misdemeanor for ~~any a~~
 35 person to operate a motor vehicle in ~~any a~~ a manner in violation of the
 36 restrictions imposed in a restricted license issued to him or her.

1
 2 SECTION 4. Arkansas Code § 27-16-804(f)(4), concerning use of a
 3 cellular telephone device by a driver with a learner’s license, is amended to
 4 read as follows:

5 (4)(A) A driver with a learner’s license shall not use a
 6 cellular telephone device, wireless telephone, or other interactive wireless
 7 communication device while operating a motor vehicle except for an emergency
 8 purpose as provided under the Fewer Distractions Mean Safer Driving Act, §
 9 27-51-1601 et seq.

10 ~~(B) As used in this subdivision (f)(4), “emergency~~
 11 ~~purpose” means the driver:~~

12 ~~(i) Has reason to fear for his or her life, safety,~~
 13 ~~or property;~~

14 ~~(ii) Reasonably believes that a criminal act may be~~
 15 ~~perpetrated against him or her, his or her property, another person, or~~
 16 ~~another person’s property; or~~

17 ~~(iii) Is reporting:~~

18 ~~(a) A fire;~~

19 ~~(b) A traffic accident;~~

20 ~~(c) A serious road hazard;~~

21 ~~(d) A medical emergency;~~

22 ~~(e) A hazardous materials emergency;~~

23 ~~(f) Another driver who is recklessly,~~
 24 ~~carelessly, or unsafely driving; or~~

25 ~~(g) Another driver who appears to be driving~~
 26 ~~under the influence of drugs or alcohol.~~

27 ~~(G)(B)~~ This subdivision (f)(4) is not retroactive and
 28 applies only to a person who:

29 (i) Applies for a learner’s license after the
 30 effective date of this act; and

31 (ii) Is issued a learner’s license after the
 32 effective date of this act.

33
 34 SECTION 5. Arkansas Code § 27-16-804(g)(1)(D), concerning use of a
 35 cellular telephone device by a driver with an intermediate license, is
 36 amended to read as follows:

1 (D)~~(i)~~ A driver with an intermediate driver’s license
 2 shall not use a cellular telephone device, wireless telephone, or other
 3 interactive wireless communication device while operating a motor vehicle
 4 except for an emergency purpose, as provided under the Fewer Distractions
 5 Mean Safer Driving Act, § 27-51-1601 et seq.

6 ~~(ii) As used in this subdivision (g)(1)(D),~~
 7 ~~“emergency purpose” means the driver:~~

8 ~~(a) Has reason to fear for his or her life,~~
 9 ~~safety, or property;~~

10 ~~(b) Reasonably believes that a criminal act~~
 11 ~~may be perpetrated against him or her, his or her property, another person,~~
 12 ~~or another person’s property; or~~

13 ~~(c) Is reporting:~~

14 ~~(1) A fire;~~

15 ~~(2) A traffic accident;~~

16 ~~(3) A serious road hazard;~~

17 ~~(4) A medical emergency;~~

18 ~~(5) A hazardous materials emergency;~~

19 ~~(6) Another driver who is recklessly,~~
 20 ~~carelessly, or unsafely driving; or~~

21 ~~(7) Another driver who appears to be~~
 22 ~~driving under the influence of drugs or alcohol.~~

23
 24 SECTION 6. Arkansas Code § 27-18-108 is amended to read as follows:
 25 27-18-108. Instruction manual.

26 The driver’s instruction manual of the Department of Arkansas State
 27 Police issued to persons who are preparing to take a driver’s license
 28 examination shall include information on driver and highway safety matters,
 29 including:

30 (1) The effects of the consumption of beverage alcohol products
 31 and the use of illegal drugs, prescription drugs, and nonprescription drugs
 32 on the ability of a person to operate a motor vehicle;

33 (2) The hazards of driving while under the influence;

34 (3) The penalties for driving while under the influence;

35 (4) The effect and hazards of discarding litter upon or along
 36 the public highways of Arkansas and the penalties for violations of the

1 Litter Control Act, § 8-6-401 et seq.; ~~and~~

2 (5) The effects and hazards of unsafe driving through highway
 3 work zones and the penalties for violations for driving unsafely through
 4 highway work zones; and

5 (6) The effects and hazards of distracted driving and the
 6 penalties for violations of state distracted driving laws.

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 8 SECTION 7. Arkansas Code § 27-51-1506 is amended to read as follows:
 9 27-51-1506. Penalties.

10 (a) A person who pleads guilty or nolo contendere to or has been found
 11 guilty of violating this section ~~commits a violation~~ subchapter is guilty of
 12 a violation and shall:

13 (1) For a first offense:

14 (A) Pay a fine of two hundred dollars (\$200); and

15 (B) Have his or her driver's license suspended by the
 16 court for a period of not more than thirty (30) days;

17 (2) For a second offense occurring within five (5) years of the
 18 first offense:

19 (A) Pay a fine of three hundred dollars (\$300); and

20 (B) Have his or her driver's license suspended by the
 21 court for a period of not more than ninety (90) days; and

22 (3) For a third and subsequent offense occurring within five (5)
 23 years of the first offense:

24 (A) Pay a fine of five hundred dollars (\$500); and

25 (B) Have his or her driver's license suspended by the
 26 court for a period of not more than one (1) year.

27 (b) Upon request of a person whose privilege to drive has been
 28 suspended under this section the Office of Driver Services may modify the
 29 suspension under § 5-65-120.

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 31 SECTION 8. Arkansas Code Title 27, Chapter 51, Subchapter 15 is
 32 amended to add an additional section to read as follows:

33 27-51-1507. Applicability.

34 This subchapter does not apply to a person operating a commercial motor
 35 vehicle as defined by 49 C.F.R. § 390.5, as in effect on January 1, 2013.

SECTION 9. Arkansas Code § 27-51-1607 is amended to read as follows:
 27-51-1607. Penalties.

(a) A person who pleads guilty or nolo contendere to or has been found guilty of violating this subchapter is guilty of a violation and shall:

~~(a)(1) For a first offense; under this subchapter, a person shall be issued a citation that is a warning citation, and no court appearance is required and no penalty shall be imposed by the court.~~

(A) Pay a fine of two hundred dollars (\$200); and

(B) Have his or her driver's license suspended by the court for a period of not more than thirty (30) days;

~~(2) A record of each warning citation issued shall be maintained.~~ For a second offense occurring within five (5) years of the first offense:

(A) Pay a fine of three hundred dollars (\$300); and

(B) Have his or her driver's license suspended by the court for a period of not more than ninety (90) days; and

~~(b) A person who pleads guilty or nolo contendere to or has been found guilty of violating this subchapter for a second or subsequent offense is guilty of a violation under § 5-1-108 and shall be fined fifty dollars (\$50.00)~~

(3) For a third or subsequent offense occurring within five (5) years of the first offense:

(A) Pay a fine of five hundred dollars (\$500); and

(B) Have his or her driver's license suspended by the court for a period of not more than one (1) year.

(b) Upon request of a person whose privilege to drive has been suspended under this section the Office of Driver Services may modify the suspension under § 5-65-120.

SECTION 10. Arkansas Code Title 27, Chapter 51, Subchapter 16, is amended to add an additional section to read as follows:

27-51-1611. Applicability

This subchapter does not apply to a person operating a commercial motor vehicle as defined by 49 C.F.R. § 390.5, as in effect on January 1, 2013.