

State of Arkansas
94th General Assembly
Regular Session, 2023

A Bill

HOUSE BILL 1486

By: Representatives Hudson, Miller
By: Senator Irvin

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING DISTRACTED
DRIVING; TO CREATE ASHTON'S LAW; AND FOR OTHER
PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING DISTRACTED
DRIVING; AND TO CREATE ASHTON'S LAW.

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

SECTION 1. DO NOT CODIFY. This act shall be known and may be cited as
"Ashton's Law".

SECTION 2. Arkansas Code § 27-51-1503, concerning the definitions
applicable to this subchapter, is amended to add an additional subdivision to
read as follows:

(5) "Serious physical injury" means physical injury that:
(A) Creates a substantial risk of death; or
(B) Causes protracted disfigurement, protracted impairment
of health, or loss or protracted impairment of the function of any bodily
member or organ.

SECTION 3. Arkansas Code § 27-51-1506(b), concerning penalties for
using a wireless communication device while operating a motor vehicle, is
amended to read as follows:

(b)(1) If a person pleads guilty or nolo ~~contendere~~ contendere to or



1 the finder of fact determines that the person was involved in a collision or
2 accident while in violation of this subchapter, a court shall in addition to
3 any other sentence, assess an additional fine of double the amount of the
4 standard fine imposed under subdivisions (a)(1) and (2) of this section.

5 ~~(2) The law enforcement officer investigating the collision or~~
6 ~~accident shall indicate on the written accident form that the driver of the~~
7 ~~motor vehicle was using a wireless telecommunications device at the time of~~
8 ~~the collision or accident.~~ If the collision or accident under subdivision
9 (b)(1) of this section results in serious physical injury or death of another
10 person, the person upon conviction is guilty of a Class A misdemeanor,
11 punishable by:

12 (A) An additional fine not to exceed two thousand five
13 hundred dollars (\$2,500); and

14 (B) Imprisonment for a term not to exceed one (1) year.

15 (3) The law enforcement officer investigating the collision or
16 accident shall indicate on the written accident form that the driver of the
17 motor vehicle was using a wireless telecommunications device at the time of
18 the collision or accident.

19
20 SECTION 4. Arkansas Code § 27-51-1506, concerning penalties for using
21 a wireless communication device while operating a motor vehicle, is amended
22 to add an additional subsection to read as follows:

23 (c) In addition to the penalties assessed under this section, the
24 court may order the performance of public service work in the amount of one
25 hundred (100) hours or less.

26
27 SECTION 5. Arkansas Code § 27-51-1602, concerning the definitions
28 applicable to this subchapter, is amended to add an additional subdivision to
29 read as follows:

30 (5) "Serious physical injury" means physical injury that:

31 (A) Creates a substantial risk of death; or

32 (B) Causes protracted disfigurement, protracted impairment
33 of health, or loss or protracted impairment of the function of any bodily
34 member or organ.

35
36 SECTION 6. Arkansas Code § 27-51-1607 is amended to add an additional

subsection to read as follows:

27-51-1607. Penalties and public service work.

(a)(1) A violation of this subchapter is punishable by a fine of not less than twenty-five dollars (\$25.00) nor more than two hundred fifty dollars (\$250) for the first offense.

(2) Each subsequent violation of this subchapter is punishable by a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500).

(b)(1) If a person pleads guilty or nolo contendere to a violation of this subchapter or the finder of fact determines that the person was involved in a collision or accident while in violation of this subchapter, a court shall, in addition to any other sentence, assess an additional fine of double the amount of the standard fine imposed under subdivisions (a)(1) and (2) of this section.

(2) If the collision or accident under subdivision (b)(1) of this section results in serious physical injury or death of another person, the person is upon conviction guilty of a Class A misdemeanor, punishable by:

(A) An additional fine not to exceed two thousand five hundred dollars (\$2,500); and

(B) Imprisonment for a term not to exceed one (1) year.

(3) The law enforcement officer investigating the collision or accident shall indicate on the written accident form that the driver of the motor vehicle was using a wireless telecommunications device at the time of the collision or accident.

(c) In addition to the penalties assessed under this section, the court may order the performance of public work service in the amount of one hundred (100) hours or less.