

State of Arkansas
90th General Assembly
Regular Session, 2015

A Bill

HOUSE BILL 1373

By: Representative Fielding
By: Senator B. Pierce

For An Act To Be Entitled

AN ACT TO PROHIBIT THE USE OF HANDHELD WIRELESS DEVICES WHILE DRIVING A MOTOR VEHICLE; TO MAKE TECHNICAL CORRECTIONS; AND FOR OTHER PURPOSES.

Subtitle

TO PROHIBIT THE USE OF HANDHELD WIRELESS DEVICES WHILE DRIVING A MOTOR VEHICLE; AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. Arkansas Code § 27-51-1602(2)-(3), concerning the definition of a handheld wireless telephone and a hands-free wireless telephone or device, are amended to read as follows:

(2)~~(A)~~ “Handheld wireless telephone or device” means a wireless, ~~interactive~~ communication device with which a user engages in wireless ~~interactive~~ communication using at least one (1) hand.

~~(B) “Handheld wireless telephone or device” does not include a:~~

- ~~(i) Hands-free wireless telephone or device;~~
- ~~(ii) Citizens band radio;~~
- ~~(iii) Citizens band radio hybrid; or~~
- ~~(iv) Global positioning or navigation device or system;~~

(3)~~(A)~~ “Hands-free wireless telephone or device” means a



wireless telephone or other wireless communication device that allows a user to engage in wireless ~~interactive~~ communication without the use of either hand with:

~~(i)~~(A) An internal feature or function; or

~~(ii)~~(B) An attachment or additional device.

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

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

SECTION 2. Arkansas Code § 27-51-1602(6)-(7), concerning the definition of a wireless interactive communication and a wireless telephone, are repealed:

~~(6) "Wireless interactive communication" means talking, typing, emailing, or accessing information on the Internet with a wireless telephone; and~~

~~(7)(A) "Wireless telephone" means a wireless interactive communication device.~~

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

SECTION 3. Arkansas Code § 27-51-1603 is amended to read as follows:
27-51-1603. Restrictions on drivers under 18 years of age.

(a) Except as provided under subsection (b) of this section, a driver of a motor vehicle who is under eighteen (18) years of age shall not use a handheld wireless telephone or device or a hands-free wireless telephone or device, ~~for wireless interactive communication~~ while operating a motor vehicle.

(b) A driver of a motor vehicle who is under eighteen (18) years of age may use a handheld wireless telephone or device or hands-free wireless telephone or device ~~for wireless interactive communication~~ while operating a motor vehicle for an emergency purpose only.

SECTION 4. Arkansas Code § 27-51-1604 is amended to read as follows:

27-51-1604. Restrictions on use of a wireless telephone or device generally drivers at least 18 but under 21 years of age.

~~(a)(1) Except as otherwise provided in this section, the driver of a motor vehicle who is at least eighteen (18) but under twenty one (21) years of age shall not use a handheld wireless telephone for wireless interactive communication while operating a motor vehicle.~~

~~(2) The driver of a motor vehicle who is at least eighteen (18) but under twenty one (21) years of age may use a hands free wireless telephone or device for wireless interactive communication while operating a motor vehicle.~~

~~(b) A driver of a motor vehicle who is at least eighteen (18) but under twenty one (21) years of age may use a handheld wireless telephone for wireless interactive communication while operating a motor vehicle for an emergency purpose only.~~

(a) A driver shall not operate a motor vehicle on the traveled portion of a public street or roadway while using a handheld telephone or wireless device.

(b) It is not a violation to use a handheld wireless telephone or device:

(1) For an emergency purpose;

(2) While temporarily pulled over to the shoulder or safe area that is not within the flow of traffic or a traveled portion of a public street or roadway, if the motor vehicle has come to a complete stop.

(c) For purposes of this section, "roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel.

(d) A person performing his or her official duties as a certified law enforcement officer, firefighter, emergency medical personnel or other public safety personnel is exempt from the requirements of this section.

SECTION 5. Arkansas Code § 27-51-1605 is amended to read as follows:
27-51-1605. Enforcement.

A driver of a motor vehicle ~~is not to~~ may be stopped or detained solely to determine compliance with this subchapter.

SECTION 6. Arkansas Code § 27-51-1607 is amended to read as follows:
27-51-1607. Penalties.

~~(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.~~

~~(2) A record of each warning citation issued shall be maintained.~~

A driver who pleads guilty or nolo contendere or has been found guilty of a moving traffic violation in this subchapter is subject to the following:

(1) First violation, fifty dollar (\$50.00) fine;

~~(2) Second violation within two (2) years, A person a driver 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) one hundred and fifty dollar (\$150) fine; and~~

(3) Third or subsequent violation, within two (2) years of most recent violation, two hundred dollar (\$200) fine and an order of suspension of driver's license for up to one (1) year.

SECTION 7. Arkansas Code § 27-51-1610, concerning the restrictions on the use of a handheld wireless telephone while operating a motor vehicle in a highway work zone, is amended to add an additional subsection to read as follows:

(d) A violation of this section is punishable as a moving traffic violation in a highway work zone under § 27-50-408.