

State of Arkansas
91st General Assembly
Regular Session, 2017

A Bill

SENATE BILL 517

By: Senator Bond

For An Act To Be Entitled

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

Subtitle

TO PROHIBIT THE USE OF HANDHELD WIRELESS DEVICES WHILE DRIVING A MOTOR VEHICLE.

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” 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) An internal feature or function; or



(ii) 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 device.~~

"Hands-free wireless telephone or device" includes a global positioning or navigation device.

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§ 27-51-1602(6)-(7), concerning the definitions of a wireless interactive communication and a wireless telephone, are repealed: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

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

(1) For an emergency purpose; and

(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 the purpose 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.