

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017

A Bill

SENATE BILL 517

4
5 By: Senator Bond

For An Act To Be Entitled

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

Subtitle

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

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

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

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

26 ~~(B) “Handheld wireless telephone” does not include a~~

27 ~~(i) Hands-free wireless telephone or device;~~

28 ~~(ii) Citizens band radio;~~

29 ~~(iii) Citizens band radio hybrid; or~~

30 ~~(iv) Global positioning or navigation device or~~
31 ~~system;~~

32 (3)(A) “Hands-free wireless telephone or device” means a
33 wireless telephone or other wireless communication device that allows a user
34 to engage in ~~wireless-interactive~~ communication without the use of either
35 hand with:

36 (i) An internal feature or function; or



1 (ii) An attachment or additional device.

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

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

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

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13 are repealed:

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

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

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

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22 SECTION 3. Arkansas Code § 27-51-1603 is amended to read as follows:
23 27-51-1603. Restrictions on drivers under 18 years of age.

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

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

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34 SECTION 4. Arkansas Code § 27-51-1604 is amended to read as follows:
35 27-51-1604. Restrictions on use of a handheld wireless telephone or
36 device generally drivers at least 18 but under 21 years of age.

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

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

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

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

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

18 (1) For an emergency purpose; and

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

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

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

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