

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 394 of the Regular Session

As Engrossed: S2/9/09 S2/11/09 H2/20/09

A Bill

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009

SENATE BILL 309

4
5 By: Senators J. Jeffress, Altes, Bledsoe, Bryles, Crumbly, Elliott, Glover, Hendren, G. Jeffress, D.
6 Johnson, Miller, R. Thompson, Trusty, H. Wilkins, Wilkinson, D. Wyatt
7 By: Representatives Shelby, Adcock, Allen, Blount, Cheatham, J. Edwards, English, Harrelson, Hoyt, W.
8 Lewellen, Maxwell, Nix, J. Roebuck, Saunders, Summers, Tyler, Webb, Wills

For An Act To Be Entitled

9
10
11 AN ACT TO IMPROVE THE SAFETY OF ROADS AND
12 HIGHWAYS IN THE STATE BY ADDRESSING ISSUES
13 RELATED TO THE LICENSING OF YOUTHFUL DRIVERS; TO
14 AMEND THE LAW REGARDING RESTRICTED DRIVER'S
15 LICENSES, LEARNER'S LICENSES, AND INTERMEDIATE
16 LICENSES; AND FOR OTHER PURPOSES.
17

Subtitle

18
19 TO IMPROVE THE SAFETY OF ROADS AND
20 HIGHWAYS IN THE STATE BY ADDRESSING
21 ISSUES RELATED TO THE LICENSING OF
22 YOUTHFUL DRIVERS.
23
24
25

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

27
28 SECTION 1. Arkansas Code § 27-16-804(f), regarding licenses, learner's
29 licenses, and intermediate licenses, is amended to read as follows:

30 (f)(1) The office shall have authority to issue a restricted driver's
31 license, to be known as a "learner's license", to those persons under sixteen
32 (16) years of age.

33 (2) The learner's license shall be issued only to an applicant
34 with a valid instruction permit who is at least fourteen (14) years of age,
35 who has remained free of a serious accident and conviction of a serious



1 traffic violation in the previous six (6) months, and who meets all other
2 licensing examinations requirements of this chapter.

3 (3) The driver with a learner's license shall operate the motor
4 vehicle on the public streets and highways only when:

5 (A) All passengers in the vehicle are wearing their seat
6 belts at all times; and

7 (B) The driver with a learner's ~~permit~~ license is being
8 accompanied by a driver over twenty-one (21) years of age.

9 (4)(A) A driver with a learner's license shall not use a
10 cellular telephone device or other interactive wireless communication device
11 while operating a motor vehicle except for an emergency purpose.

12 (B) As used in this subdivision (f)(4), "emergency
13 purpose" means the driver:

14 (i) Has reason to fear for his or her life, safety,
15 or property;

16 (ii) Reasonably believes that a criminal act may be
17 perpetrated against him or her, his or her property, another person, or
18 another person's property; or

19 (iii) Is reporting:

20 (a) A fire;

21 (b) A traffic accident;

22 (c) A serious road hazard;

23 (d) A medical emergency;

24 (e) A hazardous materials emergency;

25 (f) Another driver who is recklessly,
26 carelessly, or unsafely driving; or

27 (g) Another driver who appears to be driving
28 under the influence of drugs or alcohol.

29 (C) This subdivision (f)(4) is not retroactive and applies
30 only to a person who:

31 (i) Applies for a learner's license after the
32 effective date of this act; and

33 (ii) Is issued a learner's license after the
34 effective date of this act.

35
36 SECTION 2. Arkansas Code § 27-16-804(g), regarding intermediate

1 licenses, is amended to read as follows:

2 (g)(1)(A) The office shall have authority to issue to those persons
3 under eighteen (18) years of age a restricted driver's license to be known as
4 an "intermediate driver's license".

5 ~~(2)(B)~~ The intermediate driver's license shall be issued
6 only to an applicant with a valid instruction permit or a learner's license
7 who is at least sixteen (16) years of age, who has remained free of a serious
8 accident and conviction of a serious traffic violation for at least the
9 previous six (6) months, and who meets all other licensing examination
10 requirements of this chapter.

11 ~~(3)(C)~~ The driver with an intermediate driver's license
12 shall operate the motor vehicle on the public streets and highways only when
13 all passengers in the vehicle are wearing their seat belts.

14 (D)(i) A driver with an intermediate driver's license
15 shall not use a cellular telephone device or other interactive wireless
16 communication device while operating a motor vehicle except for an emergency
17 purpose.

18
19 (ii) As used in this subdivision (g)(1)(D),
20 "emergency purpose" means the driver:

21 (a) Has reason to fear for his or her life,
22 safety, or property;

23 (b) Reasonably believes that a criminal act
24 may be perpetrated against him or her, his or her property, another person,
25 or another person's property; or

26 (c) Is reporting:

27 (1) A fire;

28 (2) A traffic accident;

29 (3) A serious road hazard;

30 (4) A medical emergency;

31 (5) A hazardous materials emergency;

32 (6) Another driver who is recklessly,
33 carelessly, or unsafely driving; or

34 (7) Another driver who appears to be
35 driving under the influence of drugs or alcohol.

36 (E)(i) A driver with an intermediate driver's license shall not

1 operate a motor vehicle on public streets or highways with more than one (1)
 2 unrelated minor passenger in the motor vehicle unless the driver is
 3 accompanied by a licensed driver who is twenty-one (21) years of age or older
 4 and who is occupying the front passenger seat of the motor vehicle.

5 (ii) As used in this section, "unrelated minor
 6 passenger" means a passenger who is under twenty-one (21) years of age and
 7 who is not:

8 (a) A sibling of the driver;

9 (b) A step-sibling of the driver; or

10 (c) A child who resides in the same household
 11 as the driver.

12 (F) A driver with an intermediate driver's license shall
 13 not operate a motor vehicle on public streets or highways between the hours
 14 of 11:00 p.m. and 4:00 a.m. unless the driver is:

15 (i) Accompanied by a licensed driver who is twenty-
 16 one (21) years of age or older;

17 (ii) Driving to or from a school activity, church-
 18 related activity, or job; or

19 (iii) Driving because of an emergency.

20 (2) Subdivisions (g)(1)(D)-(F) are not retroactive and apply
 21 only to a person who:

22 (A) Applies for an intermediate license after the
 23 effective date of this act; and

24 (B) Is issued an intermediate license after the effective
 25 date of this act.

26
 27 SECTION 3. Arkansas Code § 27-16-804(h), regarding restricted
 28 licenses, learner's licenses, and intermediate licenses is repealed.

29 ~~(h) No motor vehicle, nor the operator of a vehicle, nor the~~
 30 ~~passengers of the vehicle shall be stopped, inspected, or detained solely to~~
 31 ~~determine compliance with the requirement set out in this subchapter for~~
 32 ~~wearing a seat belt.~~

33
 34 SECTION 4. Arkansas Code § 27-16-701(d), regarding the application for
 35 license or instruction permit, is amended to add additional subdivisions to
 36 read as follows:

