

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

As Engrossed: S3/8/23

A Bill

HOUSE BILL 1486

5 By: Representatives Hudson, Miller
6 By: Senators Irvin, *Hill*
7

For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW CONCERNING DISTRACTED
10 DRIVING; TO CREATE ASHTON'S AND ABBIE'S LAW; AND FOR
11 OTHER PURPOSES.
12
13

Subtitle

14 TO AMEND THE LAW CONCERNING DISTRACTED
15 DRIVING; AND TO CREATE ASHTON'S AND
16 ABBIE'S LAW.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. DO NOT CODIFY. This act shall be known and may be cited as
23 "Ashton's and Abbie's Law".
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25 SECTION 2. Arkansas Code § 27-51-1503, concerning the definitions
26 applicable to this subchapter, is amended to add an additional subdivision to
27 read as follows:

28 (5) "Serious physical injury" means physical injury that:
29 (A) Creates a substantial risk of death; or
30 (B) Causes protracted disfigurement, protracted impairment
31 of health, or loss or protracted impairment of the function of any bodily
32 member or organ.
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34 SECTION 3. Arkansas Code § 27-51-1506(b), concerning penalties for
35 using a wireless communication device while operating a motor vehicle, is
36 amended to read as follows:



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

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

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

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

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

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

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

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33 SECTION 6. Arkansas Code § 27-51-1607 is amended to add an additional
34 subsection to read as follows:

35 27-51-1607. Penalties and public service work.

36 (a)(1) A violation of this subchapter is punishable by a fine of not

1 less than twenty-five dollars (\$25.00) nor more than two hundred fifty
2 dollars (\$250) for the first offense.

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

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

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

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

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23 /s/Hudson

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26 APPROVED: 4/4/23
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