

"AN ACT TO DEFINE THE TERM ALL-TERRAIN VEHICLES; TO PROHIBIT THE OPERATION OF ALL-TERRAIN VEHICLES ON THE STREETS AND HIGHWAYS EXCEPT IN LIMITED CIRCUMSTANCES; TO REGULATE THE OPERATION OF ALL-TERRAIN VEHICLES; TO PROVIDE FOR THE PUBLIC DISSEMINATION OF THE ALL-TERRAIN VEHICLE LAWS; TO PROVIDE A PENALTY FOR VIOLATION OF THIS ACT; TO REPEAL ACT 1011 OF 1985 [ARK. STAT. 75-1061 TO 75-1064]; AND FOR OTHER PURPOSES."

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

SECTION 1. Purpose. It is the intent and purpose of this Act to regulate the use of recreational all-terrain vehicles by restricting their use on the public streets and highways of this State. This law seeks to insure the safety and general welfare of the citizens of Arkansas by limiting the situations where all-terrain vehicles are permitted to be used in a dangerous and unsafe fashion.

SECTION 2. "All-terrain vehicle" shall mean every three, four or six wheeled vehicle seventy-five inches or less in width, having a dry weight of 800 pounds or less, equipped with low pressure tires designed primarily for off-road recreational use and having an engine displacement of no more than six hundred fifty (650) cubic centimeters. The term "low pressure tire" means a pneumatic tire six (6) inches or more in width designed for use on a wheel with a rim diameter of twelve (12) inches or less and utilizing an operating pressure of ten (10) pounds per square inch or less as recommended by the vehicle manufacturer.

The term "all terrain vehicle" shall not include any golf cart, riding lawnmower or lawn or garden tractor. The term 'public streets and highways' as used in this Act shall mean the part of the street, road, or highway, including the improved road shoulder which is open to vehicular traffic and which is maintained by the State or by a political subdivision of the State of Arkansas and includes any federal highways.

SECTION 3. It shall be unlawful for any person to operate an all-terrain vehicle upon the public streets and highways of this State, notwithstanding the fact that said vehicle may otherwise meet the equipment standards as set forth in Section 3 of Act 201 of 1959, as amended, except under the following conditions and circumstances:

(a) An all-terrain vehicle may be operated upon the public streets and highways where the vehicle is used in farming or hunting operations and, must be operated on the public streets and highways in order to get from one field to another;

(b) An all-terrain vehicle may be operated upon the public streets or highways if the vehicle needs to make a direct crossing of the street or highway to get from one area to another and if the vehicle comes to a complete stop, yields the right-of-way to all on-coming traffic that constitutes an immediate hazard, and crosses the street or highway at an angle of approximately ninety (90) degrees to the direction of the street or highway. Further, in crossing divided highways, the crossing may only be made at an intersection of the highway with another public street or highway. And in crossings made between the hours from one-half hour after sunset to one-half hour before sunrise or in conditions of reduced visibility, the crossing may only be made with both front and rear lights turned on; and

(c) When two or more all-terrain vehicles are operating together on a public street or highway as permitted in limited circumstances in this Act, the vehicles shall be operated in single file except while overtaking another vehicle. The operator of an all-terrain vehicle overtaking another vehicle proceeding in the same direction shall pass at a safe distance to the left until safely clear of the overtaken vehicle. Nothing in this subsection shall be construed to prohibit an operator from overtaking and passing upon the right another vehicle which is making or about to make a left turn; provided such overtaking and passing is accomplished in accordance with Arkansas law.

SECTION 4. (1) A person 12 years of age and older shall be entitled to operate an all-terrain vehicle in this State provided such use is in compliance with all other provisions of this Act. A person less than 12 years of age shall be entitled to operate an all-terrain vehicle in this state only if he or she is under the direct supervision of a person who is at least 18 years of age or if he or she is on land owned by, leased, rented or under the direct control of his parent or legal guardian, or he or she is on land with the permission of the owner.

(2) A person shall not operate an all-terrain vehicle in this State:

(a) At a rate of speed greater than is reasonable and proper under the conditions then existing.

(b) During the hours from one-half hour after sunset to one-half hour before sunrise, without displaying a lighted headlight and a lighted taillight.

(3) Every all-terrain vehicle operated in this State shall be equipped with an adequate muffler system in good working condition. Every all-terrain vehicle operated in this State shall be equipped with a United States Forest Service qualified spark arrester.

(4) No person shall:

(a) Equip the exhaust system of an all-terrain vehicle with a cut-out, by-pass, or similar device;

(b) Operate an all-terrain vehicle with an exhaust so modified;

(c) Operate an all-terrain vehicle with the spark arrester removed or modified except for use in closed course competition events.

(5) It is no defense to a prosecution under this Act that the driver or operator possesses a valid driver's license or motorcycle operator's license.

(6) It shall be a complete defense to prosecution under this Act for a violation of operating an all-terrain vehicle upon the public streets or highways if the all-terrain vehicle operator can show by a preponderance of the evidence that:

(i) the public street or highway was outside the city limits of any municipality or incorporated town in Arkansas;

(ii) the public street or highway was not a U. S. interstate highway;

(iii) traveling on the public street or highway was the most reasonable route of access available to him or her from one off-road trail to another offroad trail or from his or her private property to an off-road trail;

(iv) his or her purpose for riding on the public street or highway was to get from one off-road trail to another off-road trail or his or her purpose for riding on the public street or highway was to get from his or her private property to an off-road trail; and

SECTION 5. Nothing in this Act shall be construed to require an all-terrain vehicle to be registered as a motor vehicle, motorcycle or motor-driven cycle for operation on the public street and highways.

SECTION 6. The officers and employees of the Arkansas Game and Fish Commission and Arkansas Transportation Commission and the Arkansas Forestry Commission shall have no authority to enforce the provisions of this law.

SECTION 7. Any person violating the provisions of this Act shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not less than Ten Dollars (\$10.00) nor more than Fifty Dollars (\$50.00), or imprisoned not more than thirty (30) days, or shall be both fined and imprisoned.

SECTION 8. Act 1011 of 1985 is hereby repealed. All other laws and parts of laws regulating all-terrain vehicles on public streets and highways conflict with this Act are hereby repealed.

APPROVED: April 8, 1987

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