

1 State of Arkansas  
2 88th General Assembly  
3 Regular Session, 2011  
4

# A Bill

HOUSE BILL 1949

5 By: Representative Perry  
6

## For An Act To Be Entitled

8 AN ACT TO ALLOW AN EMPLOYEE OF A UTILITY,  
9 TELECOMMUNICATIONS, OR CABLE COMPANY WORKING DURING A  
10 TIME OF EMERGENCY OR SEVERE WEATHER TO OPERATE AN  
11 ALL-TERRAIN VEHICLE ON A PUBLIC STREET OR HIGHWAY;  
12 AND FOR OTHER PURPOSES.  
13  
14

## Subtitle

15 TO ALLOW AN EMPLOYEE OF A UTILITY,  
16 TELECOMMUNICATIONS, OR CABLE COMPANY  
17 WORKING DURING A TIME OF EMERGENCY OR  
18 SEVERE WEATHER TO OPERATE AN ALL-TERRAIN  
19 VEHICLE ON A PUBLIC STREET OR HIGHWAY.  
20  
21  
22

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
24

25 SECTION 1. Arkansas Code § 27-21-106(a), concerning the operation of  
26 all-terrain vehicles on public streets and highways, as amended by Act 13 of  
27 2011, is amended to read as follows:

28 (a) It is unlawful for any person to operate an all-terrain vehicle on  
29 the public streets and highways of this state, even if the vehicle otherwise  
30 meets the equipment standards of § 27-20-104, except under the following  
31 conditions and circumstances:

32 (1) A person may operate an all-terrain vehicle on the public  
33 streets and highways if the vehicle is:

34 (A) Used in farming or hunting operations; and

35 (B) Operated on the public streets and highways in order  
36 to get from one (1) field to another;



1           (2)(A) An all-terrain vehicle may be operated upon the public  
2 streets or highways if the:

3                   (i) Vehicle needs to make a direct crossing of the  
4 street or highway to get from one (1) area to another; and

5                   (ii) Vehicle:

6                           (a) Comes to a complete stop;

7                           (b) Yields the right-of-way to all oncoming  
8 traffic that constitutes an immediate hazard; and

9                           (c) Crosses the street or highway at an angle  
10 of approximately ninety degrees (90°) to the direction of the street or  
11 highway.

12           (B)(i) In crossing divided highways, the crossing may be  
13 made only at an intersection of the highway with another public street or  
14 highway.

15                   (ii) In crossings made between the hours from one-  
16 half (½) hour after sunset to one-half (½) hour before sunrise or in  
17 conditions of reduced visibility, the crossing may be made only with both  
18 front and rear lights turned on;

19           (3)(A) A person who has lost one (1) or both legs above the  
20 ankle or who otherwise has a serious walking handicap shall be permitted to  
21 operate a three-wheeled, four-wheeled, or six-wheeled all-terrain vehicle as  
22 a means of transportation on any of the following:

23                   (i) A nonhard surfaced road;

24                   (ii) The shoulders of all state and federal  
25 highways, except as provided under subdivision (a)(3)(E) of this section; or

26                   (iii) Public streets and roads when traveling on the  
27 public street or road is the most reasonable route of access available to him  
28 or her from one (1) off-road trail to another off-road trail or from his or  
29 her private property to an off-road trail.

30           (B) An all-terrain vehicle used as provided under  
31 subdivision (a)(3)(A) of this section by a person who has a serious walking  
32 handicap shall be equipped with a red flag at least six inches (6") wide and  
33 twelve inches (12") long on a pole or staff extending at least thirty-six  
34 inches (36") above the level of the seat.

35           (C) For the purposes of this subdivision (a)(3), "serious  
36 walking handicap" means any walking handicap certified as serious by a

1 licensed physician.

2 (D) A person operating an all-terrain vehicle as provided  
3 under subdivision (a)(3)(A) of this section shall carry on his or her person  
4 or on the vehicle the physician's certificate certifying that the person has  
5 a serious walking handicap.

6 (E) A person operating an all-terrain vehicle as provided  
7 under subdivision (a)(3)(A) of this section shall not operate the all-terrain  
8 vehicle on any part of the federal interstate highway system or on fully-  
9 controlled access highways; ~~and~~

10 (4) An on-duty law enforcement officer or a person performing an  
11 official law enforcement function may operate an all-terrain vehicle on  
12 public streets and highways; and

13 (5) An employee of a utility, telecommunications, or cable  
14 company working during a time of emergency or severe weather may operate an  
15 all-terrain vehicle on public streets and highways.

16  
17  
18 APPROVED: 03/24/2011  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36