

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 305 of the Regular Session

1 State of Arkansas  
2 86th General Assembly  
3 Regular Session, 2007

# A Bill

HOUSE BILL 1462

4  
5 By: Representative Overbey

## For An Act To Be Entitled

9 AN ACT TO AMEND THE ARKANSAS CODE TO CHANGE THE  
10 TERM "ALL-TERRAIN CYCLE" TO "ALL-TERRAIN  
11 VEHICLE"; TO AMEND REQUIREMENTS FOR REGISTRATION  
12 AND OPERATION OF ALL-TERRAIN VEHICLES; AND FOR  
13 OTHER PURPOSES.

## Subtitle

15 TO CHANGE THE TERM "ALL-TERRAIN CYCLE"  
16 TO "ALL-TERRAIN VEHICLE" AND AMEND THE  
17 REQUIREMENTS FOR REGISTRATION AND  
18 OPERATION OF ALL-TERRAIN VEHICLES.  
19

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21  
22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

23  
24 SECTION 1. Arkansas Code § 26-52-513 is amended to read as follows:

25 26-52-513. Sales of motor-driven and all-terrain ~~cycles~~ vehicles.

26 When any person engaged in the business of selling motor vehicles,  
27 motorcycles, motor-driven cycles, ~~three~~ three-wheeled all-terrain vehicles,  
28 ~~or~~ four-wheeled all-terrain ~~cycles~~ vehicles, ~~or~~ six-wheeled all-terrain  
29 vehicles, or motorized bicycles, sells any motorcycle or motor-driven cycle  
30 that is designed or manufactured exclusively for competition or off-road use,  
31 or sells any ~~three or four wheel all-terrain cycle~~ three-wheeled all-terrain  
32 vehicle, four-wheeled all-terrain vehicle, six-wheeled all-terrain vehicle,  
33 or motorized bicycle, the person shall collect and remit the taxes at the  
34 same time and in the same manner as other gross receipts taxes collected by  
35 the person. However, nothing in this section shall be construed so as to



1 affect the manner in which state and local taxes are collected on motorcycles  
 2 and motor-driven cycles registered for use on the streets and highways of  
 3 this state.

4  
 5 SECTION 2. Arkansas Code § 27-20-201 is amended to read as follows:  
 6 27-20-201. Penalty.

7 Any owner of a three-wheeled, ~~or~~ four-wheeled, or six-wheeled all-  
 8 terrain ~~eyele~~ vehicle failing to register it within thirty (30) calendar days  
 9 after the transfer date or the date of release of a lien by a prior  
 10 lienholder, whichever is greater, shall be assessed an additional penalty of  
 11 three dollars (\$3.00) for each ten-calendar-day period or fraction thereof  
 12 for which he or she fails to properly register the ~~eyele~~ vehicle until the  
 13 penalty reaches the same amount as the registration fee of the cycle to be  
 14 registered.

15  
 16 SECTION 3. Arkansas Code § 27-20-202 is amended to read as follows:  
 17 27-20-202. Registration required.

18 (a) All owners of three-wheeled, ~~or~~ four-wheeled, or six-wheeled all-  
 19 terrain ~~eyeles~~ vehicles that are not otherwise required to be registered by  
 20 law shall register them with the Director of the Department of Finance and  
 21 Administration within thirty (30) calendar days of acquiring them.

22 (b)(1) The owners shall offer proof of ownership satisfactory to the  
 23 Department of Finance and Administration.

24 (2)(A)(i) If the person seeking to register the all-terrain  
 25 ~~eyele~~ vehicle cannot offer satisfactory proof of ownership, the department  
 26 may register it if the person seeking registration posts a bond equal to at  
 27 least one and one-half (1 1/2) times the market value of the all-terrain  
 28 ~~eyele~~ vehicle.

29 (ii) The bond shall be a cash bond, a letter of  
 30 credit, a surety bond issued by a fidelity or surety company authorized to do  
 31 business in Arkansas, or a personal bond signed by at least two (2) property  
 32 owners in this state.

33 (iii) The bond shall be for a period of three (3)  
 34 years and made payable to the department to be used by the department to pay  
 35 any valid claim arising from the disputed ownership of the all-terrain ~~eyele~~  
 36 vehicle.

1 (B)(i) If the three-wheeled or four-wheeled all-terrain  
 2 ~~eyele~~ vehicle was manufactured on or before December 31, 1992, then proof of  
 3 ownership shall not be required to obtain registration, and a statement of  
 4 ownership shall be accepted as proof of ownership.

5 (ii) The statement of ownership may be prepared by  
 6 the person and shall contain the following information:

7 (a) The person's name;

8 (b) A description of the ~~eyele~~ vehicle;

9 (c) A statement that the ~~eyele~~ vehicle was  
 10 manufactured on or before December 31, 1992;

11 (d) A statement of ownership; and

12 (e) The person's signature.

13 (iii) The provisions of subdivision (b)(2)(B) of this  
 14 section shall not apply to six-wheeled all-terrain vehicles.

15 (c) The cost of registration shall be five dollars (\$5.00).  
 16

17 SECTION 4. Arkansas Code § 27-20-203 is amended to read as follows:

18 27-20-203. No equipment or inspection requirements.

19 There shall be no equipment requirement or safety inspection  
 20 requirement as a precondition to registration of three-wheeled, ~~or~~ four-  
 21 wheeled, or six-wheeled all-terrain ~~eyeles~~ vehicles.  
 22

23 SECTION 5. Arkansas Code § 27-20-204 is amended to read as follows:

24 27-20-204. Taxes to be paid.

25 The tax imposed by the Arkansas Gross Receipts Act of 1941, § 26-52-101  
 26 et seq., or the Arkansas Compensating Tax Act of 1949, § 26-53-101 et seq.,  
 27 on the sale of three-wheeled, ~~or~~ four-wheeled, or six-wheeled all-terrain  
 28 ~~eyeles~~ vehicles shall be ~~due and paid to the Director of the Department of~~  
 29 ~~Finance and Administration at the time of registration by the owners~~  
 30 collected by the seller of the vehicle as required by § 26-52-513.  
 31

32 SECTION 6. Arkansas Code § 27-20-205(a), concerning the issuance of  
 33 certificates of title, is amended to read as follows:

34 (a) The Director of the Department of Finance and Administration shall  
 35 issue a certificate of title to the owner of a three-wheeled, ~~or~~ four-  
 36 wheeled, or six-wheeled all-terrain ~~eyele~~ vehicle that has been registered

1 with the Department of Finance and Administration.

2  
 3 SECTION 7. Arkansas Code § 27-20-206 is amended to read as follows:  
 4 27-20-206. Numbered license decal.

5 The Director of the Department of Finance and Administration shall  
 6 furnish the owners of three-wheeled, ~~or~~ four-wheeled, or six-wheeled all-  
 7 terrain ~~eyeles~~ vehicles that have been registered with the Department of  
 8 Finance and Administration a numbered license decal which shall be attached  
 9 to the left front side of the ~~eyele~~ vehicle.

10  
 11 SECTION 8. Arkansas Code § 27-20-207 is amended to read as follows:  
 12 27-20-207. No renewal of registration.

13 No renewal of registration of three-wheeled, ~~or~~ four-wheeled, or six-  
 14 wheeled all-terrain ~~eyeles~~ vehicles shall be required.

15  
 16 SECTION 9. Arkansas Code § 27-21-102(1), concerning the definition of  
 17 all-terrain vehicle, is amended to read as follows:

18 (1) "All-terrain vehicle" ~~shall mean~~ means every three-wheeled, four-  
 19 wheeled, or six-wheeled vehicle seventy-five inches (75") or less in width,  
 20 ~~having a dry weight of eight hundred pounds (800 lbs.) or less,~~ equipped with  
 21 low pressure tires designed primarily for off-road recreational use, and  
 22 having an engine displacement of no more than ~~six hundred fifty~~ one thousand  
 23 cubic centimeters ~~(650 cc)~~ (1,000 cc). The term "all-terrain vehicle" shall  
 24 not include any golf cart, riding lawnmower, or lawn or garden tractor;

25  
 26 SECTION 10. Arkansas Code § 27-21-106(a)(3)(A), concerning the  
 27 operation of all-terrain vehicles, is amended to read as follows:

28 (3)(A) Any person who has lost one (1) or both legs above the ankle or  
 29 who otherwise has a serious walking handicap shall be permitted to operate a  
 30 three-wheeled, ~~or~~ four-wheeled, or six-wheeled all-terrain vehicle as a means  
 31 of transportation upon any nonhard surfaced road in the state and upon the  
 32 rights-of-way of all state and federal highways other than the rights-of-way  
 33 of the federal interstate highway system.

34  
 35 APPROVED: 3/16/2007  
 36