

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 701 of the Regular Session

As Engrossed: H3/9/09 S3/18/09

A Bill

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

HOUSE BILL 1634

4  
5 By: Representative Stewart  
6 By: Senator Teague

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8  
9 **For An Act To Be Entitled**

10 AN ACT TO CLARIFY THE USE OF AN ALL-TERRAIN  
11 VEHICLE BY A PERSON WITH A SERIOUS WALKING  
12 HANDICAP; AND FOR OTHER PURPOSES.

13  
14 **Subtitle**

15 TO CLARIFY THE USE OF AN ALL-TERRAIN  
16 VEHICLE BY A PERSON WITH A SERIOUS  
17 WALKING HANDICAP.

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19  
20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

21  
22 SECTION 1. Arkansas Code § 27-21-106(a)(3), regarding the operation of  
23 an all-terrain vehicle by a person with a serious walking handicap, is  
24 amended to read as follows:

25 (3)(A) ~~Any~~ A person who has lost one (1) or both legs above the  
26 ankle or who otherwise has a serious walking handicap shall be permitted to  
27 operate a three-wheeled, four-wheeled, or six-wheeled all-terrain vehicle as  
28 a means of transportation upon any of the following:

29 (i) nonhard A nonhard surfaced road;

30 (ii) in the state and upon the ~~The rights-of-way~~  
31 shoulders of all state and federal highways ~~other than the rights-of-way of~~  
32 ~~the federal interstate highway system~~ except as provided under subdivision  
33 (a)(3)(E) of this section; or

34 (iii) Public streets and roads when traveling on the  
35 public street or road is the most reasonable route of access available to him



1 or her from one (1) off-road trail to another off-road trail or from his or  
2 her private property to an off-road trail.

3 (B) ~~Each vehicle, while being ridden on a non hard~~  
4 ~~surfaced road or on the right of way of a state or federal highway as~~  
5 ~~authorized in this subdivision~~ An all-terrain vehicle used as provided under  
6 subdivision (a)(3)(A) of this section by a person who has a serious walking  
7 handicap, shall be equipped with a red flag at least six inches (6") wide and  
8 twelve inches (12") long on a pole or staff extending at least thirty-six  
9 inches (36") above the level of the seat.

10 (C) For the purposes of this subdivision (a)(3), "serious  
11 walking handicap" means any walking handicap certified as serious by a  
12 licensed physician.

13 (D) ~~Any person operating an all-terrain vehicle on a non-~~  
14 ~~hard surfaced road or on the right of way of a state or federal highway~~  
15 ~~pursuant to the authority granted in this subdivision (a)(3)~~ A person  
16 operating an all-terrain vehicle as provided under subdivision (a)(3)(A) of  
17 this section shall carry on his or her person or on the vehicle the  
18 physician's certificate certifying that the person has a serious walking  
19 handicap.

20 (E) A person operating an all-terrain vehicle as provided  
21 under subdivision (a)(3)(A) of this section shall not operate the all-terrain  
22 vehicle on any part of the federal interstate highway system or on fully-  
23 controlled access highways.

24  
25 /s/ Stewart

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27 **APPROVED: 3/31/2009**