

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 826 of the Regular Session

As Engrossed: H3/16/09 S3/26/09

A Bill

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

HOUSE BILL 1256

4
5 By: Representative Greenberg
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8 **For An Act To Be Entitled**

9 AN ACT CONCERNING RACING MOTOR VEHICLES ON PUBLIC
10 HIGHWAYS, OBSERVING A RACE AS A SPECTATOR; AND
11 FOR OTHER PURPOSES.
12

13 **Subtitle**

14 AN ACT CONCERNING RACING MOTOR VEHICLES
15 ON PUBLIC HIGHWAYS AND OBSERVING A RACE
16 AS A SPECTATOR.
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18
19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code § 27-50-302, concerning the classification of
22 traffic violations, is amended to make minor clarifications and to add a new
23 penalty classification to read as follows:

24 27-50-302. Classification of traffic violations.

25 (a) The following traffic law violations shall be known as offenses
26 and classified as indicated:

- 27 (1) Racing on a public highway – Class A misdemeanor;
28 (2) Reckless driving – Class B misdemeanor;
29 (3) Driving with lights off to avoid detection, identification,
30 or apprehension – Class B misdemeanor;
31 (4) Hazardous driving – Class C misdemeanor;
32 (5) Leaving the scene of an accident involving property damage
33 only – Class C misdemeanor;
34 (6) Driving the wrong ~~Wrong~~ way on a one-way street – Class C
35 misdemeanor;



1 (7) Speeding in excess of fifteen miles per hour (15 m.p.h.)
2 over the posted speed limit – Class C misdemeanor;

3 (8) Using nitrous oxide in a motor vehicle or motorcycle on a
4 street or highway as prohibited under § 27-37-803 – Class C misdemeanor; and

5 (9) Observing a drag race as a spectator on a public highway -
6 Class B misdemeanor.

7 ~~(9)(b)~~ More than three (3) violations in a twelve-month period – Class
8 C misdemeanor.

9
10 SECTION 2. Arkansas Code § 27-50-309 is amended to read as follows:

11 27-50-309. Racing or observing a drag race as a spectator on a public
12 highways highway.

13 ~~(a) Upon conviction, any person driving a motor vehicle or motor~~
14 ~~bicycle upon a public highway in this state in a race shall be punished as~~
15 ~~prescribed in § 27-50-302.~~

16 ~~(b)(1) It is unlawful and considered an additional offense for a~~
17 ~~person to use nitrous oxide in a race on a public street or highway in this~~
18 ~~state as prohibited under § 27-37-803.~~

19 ~~(2) A person who pleads guilty or nolo contendere to or is found~~
20 ~~guilty of a violation under subdivision (b)(1) of this section shall be~~
21 ~~punished as prescribed under § 27-50-302.~~

22 (a) As used in this section:

23 (1) “Drag race” means:

24 (A) The operation of two (2) or more motor vehicles from a
25 point side-by-side at accelerating speeds in a competitive attempt to
26 outdistance each other;

27 (B) The operation of one (1) or more motor vehicles over a
28 common selected course, from the same point to the same point, for the
29 purpose of comparing the relative speeds or power of acceleration of the
30 motor vehicle or motor vehicles within a certain distance or time *limit*;

31 (2) “Public highway” means a public road, county road, city
32 street, or any paved or unpaved roadway that is owned or maintained by a
33 public entity or municipality; and

34 (3) “Race” means the operation or use of one (1) or more motor
35 vehicles traveling with excessive or at dangerous speeds in an attempt to:

36 (A) Outgain or outdistance another motor vehicle;

1 (B) Arrive at a given destination ahead of another motor
2 vehicle or motor vehicles; or

3 (C) Test the physical stamina or endurance of drivers over
4 long-distance driving routes.

5 (b)(1) A person commits the crime of racing on a public highway if he
6 or she knowingly:

7 (A) Commits a violation of § 27-50-302(a)(2)-(9) and
8 operates a motor vehicle in a race or drag race on a public highway;

9 (B) Participates in, promotes, solicits, or collects
10 moneys at any location for any race or drag race on a public highway; or

11 (C) Rides as a passenger in or on a motor vehicle in any
12 race or drag race on a public highway.

13 (2) Racing on a public highway is a Class A misdemeanor.

14 (c)(1) A person commits the crime of observing a drag race as a
15 spectator on a public highway if he or she with the purpose to observe a drag
16 race on a public highway:

17 (A) Is knowingly present at and purposely observes the
18 drag race or the preparation for the drag race; and

19 (B) Purposely demonstrates through active encouragement,
20 assistance, facilitation, urging, or a request that the drag race commence.

21 (2) Observing a drag race is a Class B misdemeanor.

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24 /s/ Greenberg

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26 APPROVED: 4/6/2009