

1 State of Arkansas  
2 89th General Assembly  
3 Regular Session, 2013  
4

# A Bill

SENATE BILL 107

5 By: Senators U. Lindsey, Irvin, Burnett, J. Hendren, Hester, E. Cheatham  
6 By: Representatives Leding, D. Whitaker  
7

## For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW CONCERNING THE OPERATION OF  
10 ALL-TERRAIN VEHICLES BY CERTAIN MUNICIPAL OFFICIALS;  
11 AND FOR OTHER PURPOSES.  
12  
13

## Subtitle

15 TO AMEND THE LAW CONCERNING THE OPERATION  
16 OF ALL-TERRAIN VEHICLES BY CERTAIN  
17 MUNICIPAL OFFICIALS.  
18  
19

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

22 SECTION 1. Arkansas Code § 27-21-106 is amended to read as follows:

23 27-21-106. Operation on public streets and highways unlawful –  
24 Exceptions.

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

29 (1) A person may operate an all-terrain vehicle on ~~the public~~  
30 ~~streets and highways~~ a public street or highway if the all-terrain vehicle  
31 is:

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

33 (B) Operated on ~~the public streets and highways~~ a public  
34 street or highway in order to get from one (1) field to another;

35 (2)(A) An all-terrain vehicle may be operated ~~upon~~ on ~~the public~~  
36 ~~streets or highways~~ a public street or highway if ~~the~~:



1 (i) ~~Vehicle~~ The all-terrain vehicle needs to make a  
 2 direct crossing of the street or highway to get from one (1) area to another;  
 3 and

4 (ii) ~~Vehicle~~ The all-terrain vehicle:

5 (a) Comes to a complete stop before making the  
 6 direct crossing;

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~~ An all-terrain vehicle may cross a divided highway only at an  
 14 intersection of the highway with another public street or 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~~ disability ~~shall be is~~  
 21 permitted to operate a three-wheeled, four-wheeled, or six-wheeled all-  
 22 terrain vehicle as a means of transportation on any of the following:

23 (i) A nonhard-surfaced road;

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

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

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

36 (C) For the purposes of this subdivision (a)(3), "serious

1 walking ~~handicap~~ disability" means any walking ~~handicap~~ disability certified  
2 as serious by a licensed physician.

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

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

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

14 (B) A municipal on-duty firefighter or a person performing  
15 an official firefighting function may operate an all-terrain vehicle on a  
16 public street or highway.

17 (C) An on-duty emergency medical technician or a person  
18 performing an official emergency medical technician function may operate an  
19 all-terrain vehicle on a public street or highway; and

20 (5) An employee of a utility, telecommunications, or cable  
21 company working during a time of emergency or severe weather may operate an  
22 all-terrain vehicle on ~~public streets and highways~~ a public street or  
23 highway.

24 (b) When two (2) or more all-terrain vehicles are operating together  
25 on a public street or highway as permitted ~~in limited circumstances in~~ under  
26 ~~this chapter, the vehicles~~ each all-terrain vehicle shall be operated operate  
27 in single file except while overtaking another all-terrain vehicle. The  
28 operator of an all-terrain vehicle overtaking another vehicle proceeding in  
29 the same direction shall pass at a safe distance to the left until safely  
30 clear of the overtaken vehicle. ~~Nothing in this subsection shall be construed~~  
31 ~~to~~ This subsection shall not prohibit an operator of an all-terrain vehicle  
32 from overtaking and passing upon the right another vehicle which that is  
33 making or about to make a left turn if the overtaking and passing is  
34 accomplished in accordance with Arkansas law.

35  
36