

1 State of Arkansas *As Engrossed: H1/26/17 H2/3/17*

2 91st General Assembly

# A Bill

3 Regular Session, 2017

HOUSE BILL 1148

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5 By: Representatives Tosh, Nicks, Drown

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## For An Act To Be Entitled

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AN ACT TO AMEND THE LAW CONCERNING THE DEFENSES TO

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PROSECUTION FOR A VIOLATION OF OPERATING AN ALL-

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TERRAIN VEHICLE UPON A PUBLIC STREET OR HIGHWAY; AND

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FOR OTHER PURPOSES.

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## Subtitle

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TO AMEND THE LAW CONCERNING THE DEFENSES

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TO PROSECUTION FOR A VIOLATION OF

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OPERATING AN ALL-TERRAIN VEHICLE UPON A

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PUBLIC STREET OR HIGHWAY.

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

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23 *SECTION 1. Arkansas Code § 27-21-102(4)(B), concerning the definition*  
24 *of "recreational off-highway vehicle", is amended to read as follows:*

25 *(B) "Recreational off-highway vehicle" includes a:*

26 *(i) Multipurpose off-highway utility vehicle; and*

27 *(ii) Utility task vehicle."*

28 *(C) "Recreational off-highway vehicle" does not include a*  
29 *golf cart, riding lawnmower, or lawn or garden tractor.*

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31 *SECTION 2. Arkansas Code § 27-21-109(b)(3) and (4), concerning*  
32 *defenses to prosecution for a violation of operating an all-terrain vehicle*  
33 *on a public street or highway, are amended to read as follows:*

34 *(3) Traveling on the public street or highway was the most*  
35 *reasonable route of access available to him or her from:*

36 *(A) ~~one~~ The off-road trail where he or she parked the*



1 motor vehicle used to transport the all-terrain vehicle to another off-road  
 2 trail; or

3 (B) ~~from his~~ His or her private property to an off-road  
 4 trail or to a tract of land that is private property; and

5 (4)(A) His or her purpose for riding on the public street or  
 6 highway was to get from:

7 (i) ~~one~~ The off-road trail where he or she parked  
 8 the motor vehicle used to transport the all-terrain vehicle to another off-  
 9 road trail; or

10 (ii) ~~his or her purpose for riding on the public~~  
 11 ~~street or highway was to get from his~~ His or her private property to an off-  
 12 road trail or to a tract of land that is private property.

13 (B) However, an all-terrain vehicle shall not travel more  
 14 than three (3) miles on a public street or highway to get to one (1) of the  
 15 destinations authorized under subdivision (b)(4)(A) of this section.

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17 SECTION 3. Arkansas Code § 27-21-109, concerning the defenses to  
 18 prosecution for a violation of operating an all-terrain vehicle on a public  
 19 street or highway, is amended to add additional subsections to read as  
 20 follows:

21 (c) As used in this section, "his or her private property" means real  
 22 property that an operator of an all-terrain vehicle:

23 (1) Owns;

24 (2) Leases;

25 (3) Resides at with the owner or leasee of the real property; or

26 (4) Is staying at for a specific period of time as an invitee,

27 including without limitation a:

28 (A) Vacation resort;

29 (B) Rental cabin;

30 (C) Deeded timeshare; or

31 (D) Right-to-use timeshare.

32 (d)(1) An operator of an all-terrain vehicle shall:

33 (A) Carry proof when operating an all-terrain vehicle on a  
 34 public street or highway of:

35 (i) His or her property interest in the private  
 36 property; and

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(ii) The location of his or her private property;

and

(B) Display upon demand of a peace officer the proof required by subdivision (d)(1) of this section.

(2) A person operating an all-terrain vehicle with a private property owner who presents the proof required by subdivision (d)(1)(A) of this section shall have the same authority as the private property owner to operate his or her all-terrain vehicle on a public street or highway for the purposes of this section.

/s/Tosh