



# ARKANSAS SENTENCING COMMISSION

1302 Pike Avenue, Suite E • North Little Rock, AR 72114

Phone: (501) 682-5001 • Fax: (501) 682-5018

## Impact Assessment for HB1710 Sponsored by Representative McCullough

**Subtitle** TO AMEND THE UNIFORM ACT REGULATING TRAFFIC ON HIGHWAYS OF ARKANSAS; AND TO AMEND THE LAW REGARDING OVERTAKING A BICYCLE.

**Impact Summary**<sup>1</sup> Minimal, affecting fewer than ten (10) offenders per year. While there are a significant number of bicycle crashes each year, available data indicates that only a fraction of these involve serious physical injury. The required mental state of the proposed bill further limits the pool of offenders who could potentially be convicted of a felony and in turn impact the correctional resources of the state.

**Change from Current Law**<sup>2</sup> Amends Arkansas Code Annotated § 27-51-311, Overtaking a bicycle, which requires that the driver of a motor vehicle overtaking a bicycle proceeding in the same direction on a roadway exercise due care and pass to the left at a safe distance of not less than three feet (3') and not again drive to the right side of the roadway until safely clear of the overtaken bicycle. Under current law, a person who violates A.C.A § 27-51-311, Overtaking a bicycle, is subject to a fine of up to one hundred dollars (\$100), or a fine of up to one thousand dollars (\$1,000) if the violation results in a collision causing serious physical injury to the person operating the overtaken bicycle. Under the proposed bill, a violation of A.C.A § 27-51-311, Overtaking a bicycle, is punishable as follows:

- If the driver purposely violates the section and causes serious physical injury to the person operating the overtaken bicycle, upon conviction, he or she is guilty of a Class D felony.
- If the driver violates the section and causes serious physical injury to the person operating the overtaken bicycle, upon conviction, he or she is guilty of a Class A misdemeanor.
- If the person violates the section, upon conviction, he or she is guilty of a fine not to exceed one hundred dollars (\$100).
- The proposed bill strikes the portion of the current law assessing a fine not to exceed one thousand dollars (\$1,000) if the violation results in a collision causing serious physical injury to the person operating the overtaken bicycle.

**Impact Information** The Arkansas State Police (ASP) reports that for the five (5) year period beginning on 01/01/2015 and ending on 12/31/2020, there were 1,084 crashes involving a bicyclist. Of these, 23 involved fatalities and 149 involved suspected serious injuries. This data covers all crashes involving bicycles and does not distinguish whether the motorist was at fault for the crash, whether the crash was the result of improperly overtaking a bicycle, or whether the motorist had purposeful intent to improperly overtake the bicycle.

The Administrative Office of the Courts (AOC) reports that for the three (3) year period beginning on 01/01/2017 and ending on 12/31/2019, there were no convictions for a violation of A.C.A § 27-51-311, Overtaking a bicycle, as currently written. It is important to note that misdemeanor convictions are often disposed of in District Court, and that not all District Courts report data to the AOC. For this reason, the number

<sup>1</sup> This impact assessment was prepared 3/29/2021 2:48 PM by the staff of the Arkansas Sentencing Commission pursuant to A. C. A. § 16-90-802(d)(6) with data supplied by the Arkansas Department of Corrections and the Administrative Office of the Courts. A micro-simulation model may be used for bills which have the potential for significant impact on correctional resources. The following designations will be used: "minimal" = less than 10 offenders per year will be affected; "medium" = would require budgetary increases for ADC inmate costs; and "major" = would require budgetary increases for ADC inmate costs and construction costs for additional beds

<sup>2</sup> Standard punishment ranges:

Class Y 10-40 years or life  
Class A 6-30 years; up to \$15,000  
Class B 5-20 years; up to \$15,000

Class C 3-10 years; up to \$10,000  
Class D 0-6 years; up to \$10,000  
Unclassified As specified in statute

Misdemeanors  
Class A Up to 1 year; up to \$2,500  
Class B Up to 90 days; up to \$1,000  
Class C Up to 30 days; up to \$500

of convictions for Overtaking a bicycle may be higher than reported. However, the limited number of occurrences reported by the ASP combined with the lack of convictions reported by the AOC makes it unlikely that the proposed bill will have a significant impact on the correctional resources of the state. For this reason, the projected impact of the proposed bill is minimal.