

State of Arkansas
76th General Assembly
Regular Session, 1987
By: Representative Teague

HOUSE BILL 1574

"AN ACT TO AMEND SECTIONS 1, 2, 3, AND 4 OF ACT 176 OF 1975, TO PROVIDE THAT ALL PERSONS WHO ARE SIXTEEN (16) YEARS OF AGE OR OLDER WHO OPERATE MOTOR CYCLES, MOTOR-DRIVEN-CYCLES, AND SIMILARLY CLASSIFIED MOTOR VEHICLES MUST HAVE A MOTORCYCLE OPERATOR'S LICENSE; THAT ALL PERSONS WHO HAVE NOT ATTAINED THE AGE OF NINETEEN (19) YEARS MUST PASS A MOTORCYCLE OPERATOR'S EXAMINATION; THAT SUCH EXAMINATION SHALL BE PRESCRIBED AND ADMINISTERED BY THE DEPARTMENT OF PUBLIC SAFETY; THAT THE DEPARTMENT OF EDUCATION SHALL BE REQUIRED TO DEVELOP AND OFFER A MOTORCYCLE AND MOTOR-DRIVEN-CYCLE EDUCATION COURSE; AND FOR OTHER PURPOSES."

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

SECTION 1. Section of of Act 176 of 1975, the same being Ark. Stat. 75-1710, is hereby amended to read as follows:

"Section 1. Effective July 1, 1976, and thereafter, no person who is sixteen (16) years of age or older shall operate a motorcycle, motor-driven-cycle, or similarly classified motor vehicle which is subject to registration in this state, upon the public streets and highways of this state, unless such person holds a current valid motorcycle operator's license."

SECTION 2. Section 2 of Act 176 of 1975, the same being Ark. Stat. 75-1711, is hereby amended to read as follows:

"Section 2. (a) Any person desiring to obtain a motorcycle operator's license shall make an application to the Office of Driver Services for the issuance of such license. Provided, however, that before a license shall be issued to any person who has not reached the age of nineteen (19) years, such person shall be required to submit to, and pass a motorcycle operator's exami-

nation as provided for herein.

(b) Any person who is nineteen (19) years of age or older, and holds a current valid operator's or chauffer's license may submit a sworn statement that they have operated a motorcycle, motor-driven-cycle or similarly classified motor vehicle in lieu of the examination required by subsection (a) of this section. Provided, however, that the provision for obtaining a motorcycle operator's license in lieu of taking the motorcycle operator's examination shall expire two (2) years from the effective date of this Act. Thereafter, every person who applied for a motorcycle operator's license shall be required to satisfactorily pass the motorcycle operator's examination as provided for herein.

(c) Evidence that a person has applied for and satisfactorily qualified for a motorcycle operator's license as required herein shall be: (i) a sworn statement, by a person who is nineteen (19) years of age or older, submitted to the Office of Driver Services, on a form designed and approved by the Administrator of the Office of Driver Services, that such person has operated a motorcycle, motor-driven-cycle or a similarly classified motor vehicle for at least one (1) year prior to the application for said license as provided in Section 2(b) of this Act, or (ii) a certificate issued by the Department of Public Safety that such applicant for a motorcycle operator's license has satisfactorily passed all phases of the motorcycle operator's examination as required herein, provided such applicant is sixteen (16) years of age or older.

(d) The license issued by the Office of Driver Services may be a license limiting the named licensee to motorcycles, motor-driven-cycles or similarly classified motor vehicles; or in the case where an applicant is sixteen (16) years of age or older, who holds a current valid operator's or chauffer's license, the Office of Driver Services may endorse said license as evidence of proper qualification for such license as provided for by this Act.

(e) A motorcycle operator's license shall be issued for a period of two (2) years or less and the fee for said license shall be the same as provided for in 75-320 and 75-325, the same being Act 280 of 1937, Section 18 and Section 25, as amended. Provided, however, that no fee will be required if such application is submitted at the time the applicant's operator's or chauffer's license is renewed and such application has complied with all other provisions of this Act."

SECTION 3. Section 3 of Act 176 of 1975, the same being Ark. Stat. 75-1712, is hereby amended to read as follows:

"Section 3. The Department of Public Safety shall prescribe an appropriate examination to be taken by a person who desires to obtain a motor-cycle operator's license as required by this Act. The examination shall include (i) a written examination designed to determine the applicant's knowledge of traffic laws, ordinances and regulations, and such other matters necessary to determine the applicant's knowledge of the operation of such motor vehicles; (ii) a vision test to determine whether the applicant's eyesight is adequate to safely operate such vehicle; (iii) an actual road test designed to determine the applicant's familiarity with the controls of said motor vehicle and the applicant's ability to safely operate said motor vehicle both in and out of traffic, and such other tests as the Department may deem necessary to assure the safe operations of motorcycles, motor-driven-cycles, and similarly classified motor vehicles on the streets and highways of this state."

SECTION 4. Section 4 of Act 176 of 1975, the same being Ark. Stat. 75-1713, is hereby amended to read as follows:

"Section 4. The State Department of Education is authorized to prescribe and offer a course in motorcycle and motor-driven-cycle operator instruction, to be conducted as a part of the driver education program. The course in motorcycle and motor-driven-cycle operation may be conducted both at the elementary and high school levels, and should include classroom instruction, actual operation of a motorcycle or motor-driven-cycle, and such other matters as the Department may determine to be necessary to properly equip the student to safely operate a motorcycle."

SECTION 5. All laws and parts of laws in conflict with this Act are hereby repealed.

SECTION 6. The General Assembly finds that this legislation was previously enacted as Act 1236 of 1976 and is subject to constitutional challenge under the decision of the Supreme Court of Arkansas in *Ricarte vs. State*, 717 s.w.2d 488. It is the intent of the General Assembly that this legislation

previously approved as Act 1236 of 1976, be retroactively effective from the date of prior passage and enactment, February 16, 1976. An emergency is hereby declared to exist and this Act shall be in full force and effect from and after the date of the passage and approval.

