

State of Arkansas

76th General Assembly

Regular Session, 1987

HOUSE BILL 1929

By: Representative Mahony

"AN ACT TO AMEND SECTIONS 1, 2, 3 AND 4 OF ACT 176 OF 1975 [ARK. STATS. 75-1710 - 75-1713], TO PROVIDE THAT ALL PERSONS WHO ARE SIXTEEN (16) YEARS OF AGE OR OLDER WHO OPERATE MOTORCYCLES, MOTOR-DRIVEN-CYCLES, AND SIMILARLY CLASSIFIED MOTOR VEHICLES MUST HAVE A MOTORCYCLE OPERATOR'S LICENSE; THAT SUCH EXAMINATION SHALL BE PRESCRIBED AND ADMINISTERED BY THE DEPARTMENT OF STATE POLICE; 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 1, of Act 176 of 1975, the same being Arkansas Statutes 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 Arkansas Statutes 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.

(b) Evidence that a person has applied for and satisfactorily qualified for a motorcycle operator's license as required herein shall be a certificate issued by the Department of State Police 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.

(c) 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 chauffeur'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.

(d) A motorcycle operator's license shall be issued for a period of two (2) years or four (4) years, and the fee for said license shall be the same as provided in Arkansas Statutes 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 chauffeur's license is renewed and such applicant has complied with all other provisions of this Act."

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

"Section 3. The Department of State Police shall prescribe an appropriate examination to be taken by a person who desires to obtain a motorcycle 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 safe operations on the streets and highways of this State."

SECTION 4. Section 4 of Act 176 of 1975, the same being Arkansas Statutes 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. It is hereby found and determined by the General assembly that because of the case *Ricarte v. State*, CR 86-31, a question has arisen over the validity of Act 1236 of the Extended Session of 1976; that this Act is a reenactment of the former law; and that the immediate passage of this Act is necessary to clarify the state of the law on this issue. Therefore, an emergency is hereby declared to exist, and this Act being necessary for the immediate preservation of the public peace, health and safety, shall be in full force and effect from and after its passage and approval.

