

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 83rd General Assembly
3 Regular Session, 2001
4

As Engrossed: H1/18/01

A Bill

HOUSE BILL 1011

5 By: Representatives Milum, Adams
6 By: Senator Hunter
7

For An Act To Be Entitled

10 AN ACT TO AMEND ARKANSAS CODE 27-21-109 TO MODIFY THE
11 DEFENSE TO PROSECUTION FOR OPERATING AN ALL-TERRAIN
12 VEHICLE UPON A PUBLIC STREET OR HIGHWAY IN THIS STATE;
13 AND FOR OTHER PURPOSES.
14

Subtitle

15 TO MODIFY THE DEFENSE TO PROSECUTION FOR
16 OPERATING AN ALL-TERRAIN VEHICLE UPON A
17 PUBLIC STREET OR HIGHWAY IN THIS STATE.
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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 27-21-109 is amended to read as follows:
24 27-21-109. Defenses to prosecution.

25 ~~(a) It is no defense to a prosecution under this chapter that the~~
26 ~~driver or operator possesses a valid driver's license or motorcycle operator's~~
27 ~~license.~~

28 ~~(b)~~ It shall be a complete defense to prosecution under this chapter
29 for a violation of operating an all-terrain vehicle upon the public streets or
30 highways if the all-terrain vehicle operator can show by a preponderance of
31 the evidence that:

32 (1) The public street or highway was outside the city limits of
33 any municipality or incorporated town in Arkansas;

34 (2) The public street or highway was not a United States
35 interstate highway;

36 (3) Traveling on the public street or highway was the most

1 reasonable route of access available to him or her from one (1) offroad trail
2 to another offroad trail or from his or her private property to an offroad
3 trail;

4 (4) His or her purpose for riding on the public street or highway
5 was to get from one (1) offroad trail to another offroad trail or his or her
6 purpose for riding on the public street or highway was to get from his or her
7 private property to an offroad trail;

8 (5) He or she traveled no further than two (2) miles on the
9 public street or highway;

10 (6) He or she possessed a valid driver or motorcycle operator's
11 license;

12 (7) He or she provides proof of financial responsibility in the
13 amount and manner prescribed by the Motor Vehicle Safety Responsibility Act;
14 and

15 (8) He or she was in full compliance with all other requirements
16 for operating the all-terrain vehicle.

17 /s/ Milum, et al.
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