

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: H2/9/01
A Bill

HOUSE BILL 1606

5 By: Representative Adams
6 By: *Senator Faris*
7

8
9 **For An Act To Be Entitled**

10 AN ACT TO AMEND VARIOUS SECTIONS OF THE ARKANSAS CODE
11 CONCERNING THE USE OF ALL-TERRAIN VEHICLES; AND FOR
12 OTHER PURPOSES.
13

14 **Subtitle**

15 AN ACT TO AMEND VARIOUS SECTIONS OF THE
16 ARKANSAS CODE CONCERNING THE USE OF ALL-
17 TERRAIN VEHICLES.
18

19
20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
21

22 SECTION 1. Arkansas Code 27-21-102(3), concerning definitions
23 associated with the use of all-terrain vehicles, is amended to read as
24 follows:

25 (3) "Public streets and highways" means the part of the street,
26 road, or highway, including the improved road shoulder and right-of-way, which
27 is open to vehicular traffic and which is maintained by the state or by a
28 political subdivision of the State of Arkansas, and includes any federal
29 highways.
30

31 SECTION 2. Arkansas Code 27-21-106(a), concerning exceptions to the
32 unlawful operation of all-terrain vehicles on public highways, is amended to
33 read as follows:

34 (a) It shall be unlawful for any person to operate an all-terrain
35 vehicle upon the public streets and highways of this state, notwithstanding
36 the fact that the vehicle may otherwise meet the equipment standards as set

1 forth in § 27-20-104, except under the following conditions and circumstances:

2 (1) An all-terrain vehicle may be operated upon the public
3 streets and highways where the vehicle is used in farming or hunting
4 operations and must be operated on the public streets and highways in order to
5 get from one (1) field to another;

6 (2) An all-terrain vehicle may be operated upon the public
7 streets or highways if the vehicle needs to make a direct crossing of the
8 street or highway to get from one (1) area to another and if the vehicle comes
9 to a complete stop, yields the right-of-way to all oncoming traffic that
10 constitutes an immediate hazard, and crosses the street or highway at an angle
11 of approximately ninety degrees (90°) to the direction of the street or
12 highway. In crossing divided highways, the crossing may only be made at an
13 intersection of the highway with another public street or highway. In
14 crossings made between the hours from one-half (1/2) hour after sunset to one-
15 half (1/2) hour before sunrise or in conditions of reduced visibility, the
16 crossing may only be made with both front and rear lights turned on;

17 (3)(A) Any person who lost one (1) or both legs above the ankle
18 or who otherwise has a serious walking handicap, including persons under
19 twelve (12) years of age under the direct supervision of a person who is at
20 least eighteen (18) years of age, shall be permitted to operate a three-
21 wheeled or four-wheeled all-terrain vehicle as a means of transportation upon
22 any nonhard surfaced road in the state and upon the rights-of-way of all state
23 and federal highways other than the rights-of-way of the federal interstate
24 highway system.

25 (B) Each vehicle, while being ridden on a non-hard surfaced
26 road or on the right-of-way of a state or federal highway as authorized in
27 this subdivision by a person who has a serious walking handicap, shall be
28 equipped with a red flag at least six inches (6") wide and twelve inches (12")
29 long on a pole or staff extending at least thirty-six inches (36") above the
30 level of the seat.

31 (C) For the purposes of this subdivision, "serious walking
32 handicap" means any walking handicap certified as serious by a licensed
33 physician.

34 ~~(D) Any person operating an all-terrain vehicle on a non-~~
35 ~~hard surfaced road or on the right of way of a state or federal highway~~
36 ~~pursuant to the authority granted in this subdivision shall carry on his or~~

1 ~~her person or on the vehicle the physician's certificate certifying that the~~
2 ~~person has a serious walking handicap.~~

3
4 SECTION 3. Arkansas Code 27-21-107(a)(2), concerning the operation of
5 an all-terrain vehicle by a person less than twelve (12) years of age, is
6 amended to read as follows:

7 (2) A person less than twelve (12) years of age shall be entitled
8 to operate an all-terrain vehicle in this state only if he or she is wearing
9 protective headgear, and is under the direct supervision of a person who is at
10 least eighteen (18) years of age or if he or she is on land owned by, leased,
11 rented, or under the direct control of his or her parent or legal guardian, or
12 if he or she is on land with the permission of the owner.

13
14 SECTION 4. Arkansas Code 27-21-109(b), concerning defenses to operating
15 an all-terrain vehicle on a public street, is amended to read as follows:

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

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

22 ~~(2) The public street or highway was not a United States~~
23 ~~interstate highway;~~

24 ~~(3)~~(1) Traveling on the public street or highway was the most
25 reasonable route of access available to him or her from one (1) offroad trail
26 to another offroad trail or from his or her private property to an offroad
27 trail; or

28 ~~(4)~~(2) His or her purpose for riding on the public street or
29 highway was to get from one (1) offroad trail to another offroad trail or his
30 or her purpose for riding on the public street or highway was to get from his
31 or her private property to an offroad trail.

32 /s/ Adams