

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 85th General Assembly
3 Regular Session, 2005
4

A Bill

HOUSE BILL 2086

5 By: Representative Clemons
6
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For An Act To Be Entitled

9 AN ACT TO CLARIFY THAT NITROUS OXIDE SHALL NOT BE
10 USED IN ANY MOTOR VEHICLE OR MOTORCYCLE DRIVEN ON
11 THE STREETS OR HIGHWAYS; TO MAKE THE USE OF
12 NITROUS OXIDE IN A MOTOR VEHICLE OR MOTORCYCLE
13 THAT IS DRIVEN IN A RACE ON THE STREETS OR
14 HIGHWAYS AN ADDITIONAL OFFENSE; TO PRESCRIBE
15 PENALTIES FOR THE USE OF NITROUS OXIDE IN MOTOR
16 VEHICLES OR MOTORCYCLES DRIVEN ON THE STREETS OR
17 HIGHWAYS; AND FOR OTHER PURPOSES.
18

Subtitle

19 ERIC'S LAW: THE NITROUS OXIDE
20 PROHIBITION ACT.
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
25

26 SECTION 1. Arkansas Code Title 27, Chapter 37 is amended to add an
27 additional subchapter to read as follows:

28 27-37-801. Title.

29 The title of this subchapter shall be known and may be cited as "Eric's
30 Law: The Nitrous Oxide Prohibition Act".
31

32 27-37-802. Definitions.

33 For the purposes of this subchapter:

34 (1)(A) "Motorcycle" means a motor vehicle having a saddle for
35 the use of the rider and designed to travel on not more than three (3) wheels
36 in contact with the ground.



1 (B) "Motorcycle" does not include a tractor;

2 (2) "Nitrous oxide" means a gas or liquid form of nitrous oxide
3 that is used to increase the speed or performance of a motor vehicle or
4 motorcycle; and

5 (3) "Street or highway" means the entire width between property
6 lines of every way or place of whatever nature when any part thereof is open
7 to the use of the public, as a matter of right, for purposes of vehicular
8 traffic.

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10 27-37-803. Use prohibited.

11 (a) It is unlawful for any person to operate a motor vehicle or
12 motorcycle that uses nitrous oxide on a street or highway.

13 (b) A person who violates the provisions of this section is guilty of
14 a Class C misdemeanor.

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16 SECTION 2. Arkansas Code § 27-50-302 is amended to read as follows:

17 27-50-302. Classification of traffic violations.

18 The following traffic law violations shall be known as offenses and
19 classified as indicated:

20 (1) Racing on a highway - Class A misdemeanor;

21 (2) Reckless driving - Class B misdemeanor;

22 (3) Driving with lights off to avoid detection, identification,
23 or apprehension - Class B misdemeanor;

24 (4) Hazardous driving - Class C misdemeanor;

25 (5) Leaving the scene of an accident involving property damage
26 only - Class C misdemeanor;

27 (6) Wrong way on one way - Class C misdemeanor;

28 (7) Speeding in excess of 15 MPH over posted speed limit - Class
29 C misdemeanor;

30 (8) Using nitrous oxide in a motor vehicle or motorcycle on a
31 street or highway - Class C misdemeanor; and

32 ~~(8)~~(9) More than three (3) violations in a twelve-month period -
33 Class C misdemeanor.

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35 SECTION 3. Arkansas Code § 27-50-309 is amended to read as follows:

36 27-50-309. Racing on public highways.

1 (a) Any person driving a motor vehicle or motor bicycle upon a public
2 highway in this state in a race shall, upon conviction, be punished as
3 prescribed in § 27-50-302.

4 (b)(1) It is unlawful and considered an additional offense for a
5 person to use nitrous oxide in a race on a public street or highway in this
6 state.

7 (2) A person who pleads guilty to, nolo contendere to, or is
8 found guilty of a violation under subdivision (b)(1) of this section shall be
9 punished as prescribed under § 27-50-302.

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