

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

As Engrossed: S3/7/05 S3/22/05

# A Bill

HOUSE BILL 2086

5 By: Representative Clemons  
6 By: Senator J. Taylor  
7

## For An Act To Be Entitled

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

## Subtitle

21 ERIC'S LAW: THE NITROUS OXIDE  
22 PROHIBITION ACT.  
23  
24

25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
26

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

29 27-37-801. Title.

30 The title of this subchapter shall be known and may be cited as "Eric's  
31 Law: The Nitrous Oxide Prohibition Act".  
32

33 27-37-802. Definitions.

34 For the purposes of this subchapter:

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



1 in contact with the ground.

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

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

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

10  
11 27-37-803. Use prohibited.

12 (a)(1) Except as provided under subdivision (a)(2) of this section, a  
13 person shall not operate a motor vehicle or motorcycle on a street or highway  
14 that is equipped to supply the engine with nitrous oxide.

15 (2) This section shall not prohibit:

16 (A) A person from operating a motor vehicle or motorcycle  
17 that is equipped to supply the engine with nitrous oxide if the system  
18 supplying nitrous oxide is made inoperative by:

19 (i) Disconnecting the line feeding nitrous oxide to  
20 the engine; or

21 (ii) Removing the container or containers of nitrous  
22 oxide from the motor vehicle or motorcycle; or

23 (B) A person from operating a tow vehicle or a  
24 recreational vehicle that is equipped to supply the engine with nitrous  
25 oxide.

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

28  
29 SECTION 2. Arkansas Code § 27-50-302 is amended to read as follows:

30 27-50-302. Classification of traffic violations.

31 The following traffic law violations shall be known as offenses and  
32 classified as indicated:

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

34 (2) Reckless driving - Class B misdemeanor;

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

- 1 (4) Hazardous driving - Class C misdemeanor;
- 2 (5) Leaving the scene of an accident involving property damage
- 3 only - Class C misdemeanor;
- 4 (6) Wrong way on one way - Class C misdemeanor;
- 5 (7) Speeding in excess of 15 MPH over posted speed limit - Class
- 6 C misdemeanor;
- 7 (8) Using nitrous oxide in a motor vehicle or motorcycle on a
- 8 street or highway as prohibited under § 27-37-803 - Class C misdemeanor; and
- 9 ~~(8)~~(9) More than three (3) violations in a twelve-month period -
- 10 Class C misdemeanor.

11

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

13 27-50-309. Racing on public highways.

14 (a) Any person driving a motor vehicle or motor bicycle upon a public

15 highway in this state in a race shall, upon conviction, be punished as

16 prescribed in § 27-50-302.

17 (b)(1) It is unlawful and considered an additional offense for a

18 person to use nitrous oxide in a race on a public street or highway in this

19 state as prohibited under § 27-37-803.

20 (2) A person who pleads guilty to, nolo contendere to, or is

21 found guilty of a violation under subdivision (b)(1) of this section shall be

22 punished as prescribed under § 27-50-302.

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24 /s/ Clemons

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