

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

A Bill

HOUSE BILL 1148

5 By: Representatives Tosh, Nicks, Drown
6

For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW CONCERNING THE DEFENSES TO
9 PROSECUTION FOR A VIOLATION OF OPERATING AN ALL-
10 TERRAIN VEHICLE UPON A PUBLIC STREET OR HIGHWAY; AND
11 FOR OTHER PURPOSES.
12
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Subtitle

15 TO AMEND THE LAW CONCERNING THE DEFENSES
16 TO PROSECUTION FOR A VIOLATION OF
17 OPERATING AN ALL-TERRAIN VEHICLE UPON A
18 PUBLIC STREET OR HIGHWAY.
19
20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
22

23 SECTION 1. Arkansas Code § 27-21-109(b)(4), concerning defenses to
24 prosecution for a violation of operating an all-terrain vehicle on a public
25 street or highway, is amended to read as follows:

26 (4)(A) His or her purpose for riding on the public street or
27 highway was to get from:

28 (i) ~~one~~ The off-road trail where he or she parked
29 the motor vehicle used to transport the all-terrain vehicle to another off-
30 road trail; or

31 (ii) ~~his or her purpose for riding on the public~~
32 ~~street or highway was to get from his~~ His or her private property to an off-
33 road trail or to a tract of land that is private property.

34 (B) However, an all-terrain vehicle shall not travel more
35 than five (5) miles on a public street or highway to get to one (1) of the
36 destinations authorized under subdivision (b)(4)(A) of this section.



1 SECTION 2. Arkansas Code § 27-21-109, concerning the defenses to
 2 prosecution for a violation of operating an all-terrain vehicle on a public
 3 street or highway, is amended to add additional subsections to read as
 4 follows:

5 (c) As used in this section, "his or her private property" means real
 6 property that an operator of an all-terrain vehicle:

7 (1) Owns;

8 (2) Leases;

9 (3) Resides at with the owner or leasee of the real property; or

10 (4) Is staying at for a specific period of time as an invitee,

11 including without limitation a:

12 (A) Vacation resort;

13 (B) Rental cabin;

14 (C) Deeded timeshare; or

15 (D) Right-to-use timeshare.

16 (d)(1) An operator of an all-terrain vehicle shall:

17 (A) Carry proof when operating an all-terrain vehicle on a
 18 public street or highway of:

19 (i) His or her property interest in the private
 20 property; and

21 (ii) The location of his or her private property;
 22 and

23 (B) Display upon demand of a peace officer the proof
 24 required by subdivision (d)(1) of this section.

25 (2) The proof required by subdivision (d)(1)(A) of this section
 26 shall apply to any person operating an all-terrain vehicle with a person who
 27 is authorized to operate an all-terrain vehicle on a public street or highway
 28 under subdivision (b)(4)(A) of this section.