

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

As Engrossed: H1/26/17

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

23 SECTION 1. Arkansas Code § 27-21-109(b)(3) and (4), concerning
24 defenses to prosecution for a violation of operating an all-terrain vehicle
25 on a public street or highway, are amended to read as follows:

26 (3) *Traveling on the public street or highway was the most*
27 *reasonable route of access available to him or her from:*

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

31 (B) ~~from his~~ His or her private property to an off-road
32 trail or to a tract of land that is private property; and

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

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



1 road trail; or

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

5 (B) However, an all-terrain vehicle shall not travel more
 6 than three (3) miles on a public street or highway to get to one (1) of the
 7 destinations authorized under subdivision (b)(4)(A) of this section.

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

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

14 (1) Owns;

15 (2) Leases;

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

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

18 including without limitation a:

19 (A) Vacation resort;

20 (B) Rental cabin;

21 (C) Deeded timeshare; or

22 (D) Right-to-use timeshare.

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

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

26 (i) His or her property interest in the private
 27 property; and

28 (ii) The location of his or her private property;

29 and

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

32 (2) A person operating an all-terrain vehicle with a private
 33 property owner who presents the proof required by subdivision (d)(1)(A) of
 34 this section shall have the same authority as the private property owner to
 35 operate his or her all-terrain vehicle on a public street or highway for the
 36 purposes of this section.

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/s/Tosh