

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

A Bill

HOUSE BILL 1411

5 By: Representative Burch
6 By: Senator E. Cheatham
7

For An Act To Be Entitled

9 AN ACT CONCERNING THE DEFINITION OF "MOTOR VEHICLE"
10 UNDER THE OMNIBUS DWI OR BWI ACT; CONCERNING A TEST
11 FOR BLOOD ALCOHOL CONTENT WHEN A MOTOR VEHICLE OR
12 BOATING ACCIDENT OCCURS AND DEATH OR SERIOUS BODILY
13 INJURY IS A RESULT OF THE ACCIDENT THAT SHALL BE
14 KNOWN AS "JACOB'S LAW"; AND FOR OTHER PURPOSES.
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Subtitle

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18 CONCERNING THE DEFINITION OF "MOTOR
19 VEHICLE" UNDER THE OMNIBUS DWI OR BWI
20 ACT; AND CONCERNING A TEST FOR BLOOD
21 ALCOHOL CONTENT WHEN A MOTOR VEHICLE OR
22 BOATING ACCIDENT OCCURS.
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25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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27 SECTION 1. Arkansas Code § 5-65-102, concerning definitions used under
28 the Omnibus DWI or BWI Act, is amended to add a new subdivision to read as
29 follows:

30 (10)(A) "Motor vehicle" means a self-propelled, motorized
31 vehicle capable of being operated on a roadway upon or in which a person or
32 property is or may be transported or drawn upon a public or private road or
33 public or private land.

34 (B) "Motor vehicle" includes without limitation:

35 (i) An all-terrain vehicle as defined under § 27-21-
36 102; and



1 (ii) A vehicle designed to be used for agricultural
 2 purposes, such as a tractor.

3 (C) "Motor vehicle" does not include:

4 (i) A motor vehicle designed and used for a medical
 5 purpose;

6 (ii) A motor vehicle designed to be used by an
 7 individual with a physical disability to assist in walking;

8 (iii) A motorized scooter or other vehicle designed
 9 to be used as a toy by a child;

10 (iv) A bicycle equipped with a small motor designed
 11 and used to assist the bicycle operator and that is not operated at a speed
 12 of greater than twenty miles per hour (20 m.p.h.);

13 (v) A riding lawnmower that is not operated on a
 14 public roadway;

15 (vi) An electric personal assistive mobility device
 16 that is designed to not be capable of a speed of more than twenty miles per
 17 hour (20 m.p.h.); or

18 (vii) A device moved by human power or used
 19 exclusively upon stationary rails or tracks.

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 21 SECTION 2. Arkansas Code § 5-65-208(a), concerning mandatory testing
 22 for blood alcohol levels after a motor vehicle or boating accident when a
 23 death occurred or may possibly occur, is amended to read as follows:

24 (a) When the driver of a motor vehicle or operator of a motorboat on
 25 the waters of this state is involved in an accident resulting in loss of
 26 human life, ~~or~~ when there is reason to believe death may result, or when a
 27 person sustains serious bodily injury, a chemical test of the driver's or
 28 operator's breath, saliva, or urine shall be administered to the driver or
 29 operator, even if he or she is fatally injured, to determine the presence of
 30 and percentage of alcohol concentration or the presence of a controlled
 31 substance, or both, in the driver's or operator's body.

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 33 SECTION 3. DO NOT CODIFY. Title
 34 Section 2 of this act shall be known as "Jacob's Law".