

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

As Engrossed: S2/28/19

# 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.

## Subtitle

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.

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 to assist a person with  
5 a physical disability with walking;

6 (ii) A motorized scooter or other vehicle designed  
7 to be used as a toy by a child;

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

11 (iv) A riding lawnmower that is not operated on a  
12 public roadway;

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

16 (vi) A device moved by human power or used  
17 exclusively upon stationary rails or tracks.

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

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

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

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35 /s/Burch