

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas As Engrossed: H1/30/23 H2/14/23

2 94th General Assembly

A Bill

3 Regular Session, 2023

HOUSE BILL 1041

4

5 By: Representatives Gonzales, Pilkington, Vaught, Bentley, M. Berry, Maddox, Steimel

6 By: Senators Crowell, J. Dotson, J. Payton

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8

For An Act To Be Entitled

9 AN ACT TO AUTHORIZE LOCAL OFFICIALS TO PROVIDE FOR
10 THE OPERATION OF ALL-TERRAIN VEHICLES ON DESIGNATED
11 PUBLIC STREETS AND HIGHWAYS; AND FOR OTHER PURPOSES.

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13

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Subtitle

15

TO AUTHORIZE LOCAL OFFICIALS TO PROVIDE

16

FOR THE OPERATION OF ALL-TERRAIN VEHICLES

17

ON DESIGNATED PUBLIC STREETS AND

18

HIGHWAYS.

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

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23 SECTION 1. Arkansas Code § 27-21-102(1) and (2), concerning the
24 definitions of "all-terrain vehicle" and "nonhighway tire", are amended to
25 read as follows:

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(1)(A) "All-terrain vehicle" means a self-propelled vehicle that

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primarily manufactured for recreational off-highway all-terrain use,

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including without limitation:

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(i) ~~Has three (3), four (4), or six (6) wheels~~ Dirt

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bikes;

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(ii) ~~Is fifty inches (50") or less in width~~ Utility-

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task vehicles;

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(iii) ~~Is equipped with nonhighway tires~~ Recreational

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off-highway vehicles;

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(iv) ~~Is designed primarily for off-road recreational~~

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~~use~~ Multipurpose off-highway utility task vehicles; and



1 (v) ~~Has an engine displacement of no more than one~~
 2 ~~thousand cubic centimeters (1,000 cc) Any other means of land transportation~~
 3 ~~deriving motive power from any source other than muscle.~~

4 (B) ~~“All-terrain vehicle” includes a recreational off-~~
 5 ~~highway vehicle.~~

6 (G) ~~“All-terrain vehicle” does not include a golf cart,~~
 7 ~~riding lawnmower, or lawn or garden tractor;~~

8 (2) ~~“Nonhighway tire” means a pneumatic tire:~~

9 (A) ~~Six inches (6") or more in width;~~

10 (B) ~~Designed for use on a wheel with a rim diameter of~~
 11 ~~fourteen inches (14") or less; and~~

12 (C) ~~That uses an operating pressure of twenty pounds per~~
 13 ~~square inch (20 psi) or less as recommended by the vehicle manufacturer;~~
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15 SECTION 2. Arkansas Code § 27-21-102(4), concerning the definition of
 16 "recreational off-highway vehicle", is repealed.

17 (4)(A) ~~“Recreational off-highway vehicle” means a vehicle that:~~

18 (i) ~~Has four (4) or six (6) wheels;~~

19 (ii) ~~Is seventy-five inches (75") or less in width;~~

20 (iii) ~~Is equipped with nonhighway tires;~~

21 (iv) ~~Is designed primarily for off-road recreational~~
 22 ~~use; and~~

23 (v) ~~Has an engine displacement of no more than one~~
 24 ~~thousand cubic centimeters (1,000 cc).~~

25 (B) ~~“Recreational off-highway vehicle” includes a:~~

26 (i) ~~Multipurpose off-highway utility vehicle; and~~

27 (ii) ~~Utility task vehicle.~~

28 (C) ~~“Recreational off-highway vehicle” does not include a~~
 29 ~~golf cart, riding lawnmower, or lawn or garden tractor.~~
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31 SECTION 3. Arkansas Code § 27-21-102, concerning definitions
 32 applicable to all-terrain vehicles, is amended to add an additional
 33 subdivision to read as follows:

34 (5) "Local authorities" means the officers of a county, city, or
 35 incorporated town.
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1 SECTION 4. Arkansas Code § 27-21-106(a), concerning exceptions to the
2 unlawful operation of all-terrain vehicles on public streets and highways, is
3 amended to add an additional subdivision to read as follows:

4 (7) A person may operate an all-terrain vehicle on a public
5 street or highway designated for the operation of all-terrain vehicles under
6 subsection (c) of this section.

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8 SECTION 5. Arkansas Code § 27-21-106, concerning exceptions to the
9 unlawful operation of all-terrain vehicles on public streets and highways, is
10 amended to add an additional subsection to read as follows:

11 (c)(1) Except as provided in subdivision (c)(2) of this section, local
12 authorities may by ordinance designate a public street or highway within
13 their jurisdiction for the operation of all-terrain vehicles.

14 (2) A local authority shall not designate a public street of
15 highway under subdivision (c)(1) of this section that is located within:

16 (A) Bull Shoals-White River State Park;

17 (B) Cane Creek State Park;

18 (C) Delta Heritage Trail State Park;

19 (D) Devil's Den State Park;

20 (E) Hobbs State Park-Conservation Area;

21 (F) Lake Fort Smith State Park;

22 (G) Mount Nebo State Park;

23 (H) Pinnacle Mountain State Park;

24 (I) Village Creek State Park; or

25 (J) Woolly Hollow State Park.

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27 SECTION 6. Arkansas Code Title 27, Chapter 21, Subchapter 1, is
28 amended to add additional sections to read as follows:

29 27-21-111. Local ordinances.

30 An ordinance passed by local authorities under § 27-21-106(c) shall be
31 consistent with the provisions of this subchapter.

32
33 27-21-112. Operation requirements and rules of the road.

34 An operator of an all-terrain vehicle who is authorized to travel on a
35 public street or highway designated for the operation of all-terrain vehicles
36 under § 27-21-106(c) shall:

1 (1) Possess a valid driver's license, instruction permit, or
2 intermediate driver's license;

3 (2) Carry proof of insurance covering the all-terrain vehicle as
4 required under the Motor Vehicle Safety Responsibility Act, § 27-19-101 et.
5 seq., and § 27-22-101 et seq.;

6 (3) Ensure that the all-terrain vehicle is equipped with
7 properly functioning headlamps, tail lamps, and break lights; and

8 (4) Comply with the rules of the road as provided under § 27-51-
9 101 et seq.

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11 /s/Gonzales
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