

State of Arkansas
92nd General Assembly
Regular Session, 2019

As Engrossed: S2/28/19 S3/25/19
A Bill

HOUSE BILL 1411

By: Representative Burch
By: Senator E. Cheatham

For An Act To Be Entitled

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

Subtitle

CONCERNING THE DEFINITION OF "MOTOR
VEHICLE" UNDER THE OMNIBUS DWI OR BWI
ACT; AND CONCERNING A TEST FOR BLOOD
ALCOHOL CONTENT WHEN A MOTOR VEHICLE OR
BOATING ACCIDENT OCCURS.

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

SECTION 1. DO NOT CODIFY. Legislative intent.

(a)(1) It is the intent of the General Assembly to provide for the safety of the public in instances in which serious physical injury occurs on the roadways and waterways of this state as a result of a person's operating a motor vehicle or motorboat while he or she is under the influence of alcohol or a controlled substance.

(2) A motor vehicle in this instance would include an all-terrain vehicle or agricultural vehicle that is often not operated on the roadways of the state and instead operated in an off-road or agricultural field capacity.



(b) It is not the intent of the General Assembly to provide a way for a law enforcement officer to enter onto private land when the law enforcement officer lacks probable cause or other lawful reasons to enter onto private land.

SECTION 2. Arkansas Code § 5-65-102, concerning definitions used under the Omnibus DWI or BWI Act, is amended to add new subdivisions to read as follows:

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

(B) "Motor vehicle" includes without limitation:

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

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

(C) "Motor vehicle" does not include:

(i) A motor vehicle designed to assist a person with a physical disability with walking;

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

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

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

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

(vi) A device moved by human power or used exclusively upon stationary rails or tracks; and

(11) "Serious physical injury" means physical injury that creates a substantial risk of death or that causes protracted disfigurement, protracted impairment of health, or loss or protracted impairment of the function of any bodily member or organ.

SECTION 3. Arkansas Code § 5-65-208(a), concerning mandatory testing for blood alcohol levels after a motor vehicle or boating accident when a death occurred or may possibly occur, is amended to read as follows:

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

SECTION 4. DO NOT CODIFY. Title
Section 2 of this act shall be known as "Jacob's Law".

/s/Burch

APPROVED: 4/2/19