

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011
4

A Bill

HOUSE BILL 1151

5 By: Representatives Perry, Hyde, D. Altes, Baird, Benedict, Biviano, J. Brown, J. Burris, Catlett, J.
6 Edwards, E. Elliott, Hickerson, Hubbard, Johnston, McCrary, D. Meeks, Murdock, B. Overbey, Post,
7 Sanders, Stubblefield, T. Thompson
8 By: Senators Salmon, D. Wyatt, L. Chesterfield, Files, Fletcher, Holland, Irvin, G. Jeffress, J. Key, M.
9 Lamoureux, B. Sample

For An Act To Be Entitled

10
11 AN ACT TO ALLOW AN ON-DUTY LAW ENFORCEMENT OFFICER OR
12 A PERSON PERFORMING AN OFFICIAL LAW ENFORCEMENT
13 FUNCTION TO OPERATE AN ALL-TERRAIN VEHICLE ON A
14 PUBLIC STREET OR HIGHWAY; AND FOR OTHER PURPOSES.
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Subtitle

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18 TO ALLOW AN ON-DUTY LAW ENFORCEMENT
19 OFFICER OR A PERSON PERFORMING AN
20 OFFICIAL LAW ENFORCEMENT FUNCTION TO
21 OPERATE AN ALL-TERRAIN VEHICLE ON A
22 PUBLIC STREET OR HIGHWAY.
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26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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28 SECTION 1. Arkansas Code § 27-21-106(a), concerning the operation of
29 all-terrain vehicles on public streets and highways, is amended to read as
30 follows:

31 (a) It ~~shall be~~ is unlawful for any person to operate an all-terrain
32 vehicle ~~upon~~ on the public streets and highways of this state,
33 ~~notwithstanding the fact that~~ even if the vehicle ~~may~~ otherwise ~~meet~~ meets
34 the equipment standards ~~as set forth in~~ of § 27-20-104, except under the
35 following conditions and circumstances:

36 (1) ~~An~~ A person may operate an all-terrain vehicle ~~may be~~



operated ~~upon~~ on the public streets and highways ~~where~~ if the vehicle is:

(A) ~~used~~ Used in farming or hunting operations; and

(B) ~~must be operated~~ Operated on the public streets and highways in order to get from one (1) field to another;

(2)(A) An all-terrain vehicle may be operated upon the public streets or highways if the:

(i) ~~vehicle~~ Vehicle needs to make a direct crossing of the street or highway to get from one (1) area to another; and

(ii) ~~if the vehicle~~ Vehicle:

(a) ~~comes~~ Comes to a complete stop; and

(b) ~~yields~~ Yields the right-of-way to all oncoming traffic that constitutes an immediate hazard; and

(c) ~~crosses~~ Crosses the street or highway at an angle of approximately ninety degrees (90°) to the direction of the street or highway.

(B)(i) In crossing divided highways, the crossing may ~~only~~ be made only at an intersection of the highway with another public street or highway.

(ii) In crossings made between the hours from one-half (½) hour after sunset to one-half (½) hour before sunrise or in conditions of reduced visibility, the crossing may ~~only~~ be made only with both front and rear lights turned on; ~~and~~

(3)(A) A person who has lost one (1) or both legs above the ankle or who otherwise has a serious walking handicap shall be permitted to operate a three-wheeled, four-wheeled, or six-wheeled all-terrain vehicle as a means of transportation ~~upon~~ on any of the following:

(i) A nonhard surfaced road;

(ii) The shoulders of all state and federal highways, except as provided under subdivision (a)(3)(E) of this section; or

(iii) Public streets and roads when traveling on the public street or road is the most reasonable route of access available to him or her from one (1) off-road trail to another off-road trail or from his or her private property to an off-road trail.

(B) An all-terrain vehicle used as provided under subdivision (a)(3)(A) of this section by a person who has a serious walking handicap shall be equipped with a red flag at least six inches (6") wide and

1 twelve inches (12") long on a pole or staff extending at least thirty-six
 2 inches (36") above the level of the seat.

3 (C) For the purposes of this subdivision (a)(3), "serious
 4 walking handicap" means any walking handicap certified as serious by a
 5 licensed physician.

6 (D) A person operating an all-terrain vehicle as provided
 7 under subdivision (a)(3)(A) of this section shall carry on his or her person
 8 or on the vehicle the physician's certificate certifying that the person has
 9 a serious walking handicap.

10 (E) A person operating an all-terrain vehicle as provided
 11 under subdivision (a)(3)(A) of this section shall not operate the all-terrain
 12 vehicle on any part of the federal interstate highway system or on fully-
 13 controlled access highways; and

14 (4) An on-duty law enforcement officer or a person performing an
 15 official law enforcement function may operate an all-terrain vehicle on
 16 public streets and highways.

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