

1 State of Arkansas

2 88th General Assembly

3 Regular Session, 2011

A Bill

HOUSE BILL 1151

4
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

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

Subtitle

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19 TO ALLOW AN ON-DUTY LAW ENFORCEMENT
20 OFFICER OR A PERSON PERFORMING AN
21 OFFICIAL LAW ENFORCEMENT FUNCTION TO
22 OPERATE AN ALL-TERRAIN VEHICLE ON A
23 PUBLIC STREET OR HIGHWAY.

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

27
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~~



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

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

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

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

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

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

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

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

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

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

19 (ii) In crossings made between the hours from one-
20 half ($\frac{1}{2}$) hour after sunset to one-half ($\frac{1}{2}$) hour before sunrise or in
21 conditions of reduced visibility, the crossing may ~~only~~ be made only with
22 both front and rear lights turned on; ~~and~~

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

27 (i) A nonhard surfaced road;

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

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

34 (B) An all-terrain vehicle used as provided under
35 subdivision (a)(3)(A) of this section by a person who has a serious walking
36 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.