

State of Arkansas
89th General Assembly
Regular Session, 2013

A Bill

HOUSE BILL 1273

By: Representative Hickerson

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING THE OPERATION OF
ALL-TERRAIN VEHICLES BY MUNICIPAL PUBLIC SAFETY
OFFICIALS; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING THE OPERATION
OF ALL-TERRAIN VEHICLES BY MUNICIPAL
PUBLIC SAFETY OFFICIALS.

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

SECTION 1. Arkansas Code § 27-21-106 is amended to read as follows:

27-21-106. Operation on public streets and highways unlawful –

Exceptions.

(a) It is unlawful for any person to operate an all-terrain vehicle on the public streets and highways of this state, even if the all-terrain vehicle otherwise meets the equipment standards of § 27-20-104, except under the following conditions and circumstances:

(1) A person may operate an all-terrain vehicle on the public streets and highways if the all-terrain vehicle is:

(A) Used in farming or hunting operations; and

(B) 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~~ on the public streets or highways if ~~the~~:

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



and

(ii) ~~Vehicle~~ The all-terrain vehicle:

(a) Comes to a complete stop;

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

(c) 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 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 ($\frac{1}{2}$) hour after sunset to one-half ($\frac{1}{2}$) hour before sunrise or in conditions of reduced visibility, the crossing may be made only with both front and rear lights turned on;

(3)(A) A person who has lost one (1) or both legs above the ankle or who otherwise has a serious walking ~~handicap~~ disability ~~shall be~~ is permitted to operate a three-wheeled, four-wheeled, or six-wheeled all-terrain vehicle as a means of transportation 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~~ disability shall be equipped with a red flag at least six inches (6") wide and twelve inches (12") long on a pole or staff extending at least thirty-six inches (36") above the level of the seat.

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

(D) A person operating an all-terrain vehicle as provided under subdivision (a)(3)(A) of this section shall carry on his or her person

or on the vehicle the physician's certificate certifying that the person has a serious walking ~~handicap~~ disability.

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

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

(B) A municipal on-duty firefighter or a person performing an official firefighting function may operate an all-terrain vehicle on public streets and highways.

(C) An emergency medical technician or a person performing an official emergency medical technician function may operate an all-terrain vehicle on public streets and highways; and

(5) An employee of a utility, telecommunications, or cable company working during a time of emergency or severe weather may operate an all-terrain vehicle on public streets and highways.

(b) When two (2) or more all-terrain vehicles are operating together on a public street or highway as permitted in limited circumstances in this chapter, the all-terrain vehicles shall be operated in single file except while overtaking another vehicle. The operator of an all-terrain vehicle overtaking another vehicle proceeding in the same direction shall pass at a safe distance to the left until safely clear of the overtaken vehicle. Nothing in this subsection shall be construed to prohibit an operator of an all-terrain vehicle from overtaking and passing upon the right another vehicle ~~which~~ that is making or about to make a left turn if the overtaking and passing is accomplished in accordance with Arkansas law.