

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

State of Arkansas
89th General Assembly
Regular Session, 2013

A Bill

SENATE BILL 107

By: Senators U. Lindsey, Irvin, Burnett, J. Hendren, Hester, E. Cheatham
By: Representatives Leding, D. Whitaker

For An Act To Be Entitled

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

Subtitle

TO AMEND THE LAW CONCERNING THE OPERATION
OF ALL-TERRAIN VEHICLES BY CERTAIN
MUNICIPAL 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 a~~ a person to operate an all-terrain vehicle on ~~the public streets and highways~~ a public street or highway 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~~ a public street or highway if the all-terrain vehicle is:

(A) Used in farming or hunting operations; and

(B) Operated on ~~the public streets and highways~~ a public street or highway 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~~ a public street or highway 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 before making the direct crossing;

(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~~ An all-terrain vehicle may cross a divided highway 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~~ shoulder of ~~all a state and or~~ federal ~~highways~~ highway, except as provided under subdivision (a)(3)(E) of this section; or

(iii) ~~Public streets and roads~~ A public street or road 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 a fully-controlled access highways highway;

(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; a public street or highway.

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

(C) An on-duty emergency medical technician or a person performing an official emergency medical technician function may operate an all-terrain vehicle on a public street or highway; 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~~ a public street or highway.

(b) When two (2) or more all-terrain vehicles are operating together on a public street or highway as permitted ~~in limited circumstances in~~ under this chapter, ~~the vehicles~~ each all-terrain vehicle shall ~~be operated~~ operate in single file except while overtaking another all-terrain 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~~ This subsection shall not 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.