

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

State of Arkansas
91st General Assembly
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As Engrossed: H1/26/17 H2/3/17
A Bill

HOUSE BILL 1148

By: Representatives Tosh, Nicks, Drown

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING THE DEFENSES TO PROSECUTION FOR A VIOLATION OF OPERATING AN ALL-TERRAIN VEHICLE UPON A PUBLIC STREET OR HIGHWAY; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING THE DEFENSES TO PROSECUTION FOR A VIOLATION OF OPERATING AN ALL-TERRAIN VEHICLE UPON A PUBLIC STREET OR HIGHWAY.

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

SECTION 1. Arkansas Code § 27-21-102(4)(B), concerning the definition of "recreational off-highway vehicle", is amended to read as follows:

(B) "Recreational off-highway vehicle" includes a:

(i) Multipurpose off-highway utility vehicle; and

(ii) Utility task vehicle."

(C) "Recreational off-highway vehicle" does not include a golf cart, riding lawnmower, or lawn or garden tractor.

SECTION 2. Arkansas Code § 27-21-109(b)(3) and (4), concerning defenses to prosecution for a violation of operating an all-terrain vehicle on a public street or highway, are amended to read as follows:

(3) Traveling on the public street or highway was the most reasonable route of access available to him or her from:

(A) ~~one~~ The off-road trail where he or she parked the



motor vehicle used to transport the all-terrain vehicle to another off-road trail; or

(B) ~~from his~~ His or her private property to an off-road trail or to a tract of land that is private property; and

(4)(A) His or her purpose for riding on the public street or highway was to get from:

(i) ~~one~~ The off-road trail where he or she parked the motor vehicle used to transport the all-terrain vehicle to another off-road trail; or

(ii) ~~his or her purpose for riding on the public street or highway was to get from his~~ His or her private property to an off-road trail or to a tract of land that is private property.

(B) However, an all-terrain vehicle shall not travel more than three (3) miles on a public street or highway to get to one (1) of the destinations authorized under subdivision (b)(4)(A) of this section.

SECTION 3. Arkansas Code § 27-21-109, concerning the defenses to prosecution for a violation of operating an all-terrain vehicle on a public street or highway, is amended to add additional subsections to read as follows:

(c) As used in this section, "his or her private property" means real property that an operator of an all-terrain vehicle:

(1) Owns;

(2) Leases;

(3) Resides at with the owner or leasee of the real property; or

(4) Is staying at for a specific period of time as an invitee,

including without limitation a:

(A) Vacation resort;

(B) Rental cabin;

(C) Deeded timeshare; or

(D) Right-to-use timeshare.

(d)(1) An operator of an all-terrain vehicle shall:

(A) Carry proof when operating an all-terrain vehicle on a public street or highway of:

(i) His or her property interest in the private property; and

(ii) The location of his or her private property;
and

(B) Display upon demand of a peace officer the proof required by subdivision (d)(1) of this section.

(2) A person operating an all-terrain vehicle with a private property owner who presents the proof required by subdivision (d)(1)(A) of this section shall have the same authority as the private property owner to operate his or her all-terrain vehicle on a public street or highway for the purposes of this section.

/s/Tosh