

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

State of Arkansas
91st General Assembly
Regular Session, 2017

A Bill

HOUSE BILL 1920

By: Representatives Vaught, M. Gray, Maddox

For An Act To Be Entitled

AN ACT TO ALLOW THE OPERATION OF STREET-LEGAL ALL-TERRAIN VEHICLES ON PUBLIC STREETS AND HIGHWAYS; TO CREATE THE STREET-LEGAL ALL-TERRAIN VEHICLE EDUCATION AND SAFETY PROGRAM; TO CREATE THE CONCEALED HANDGUN CARRY FEE-REDUCTION FUND; AND FOR OTHER PURPOSES.

Subtitle

TO ALLOW THE OPERATION OF STREET-LEGAL ALL-TERRAIN VEHICLES ON PUBLIC STREETS AND HIGHWAYS; TO CREATE THE STREET-LEGAL ALL-TERRAIN VEHICLE EDUCATION AND SAFETY PROGRAM; AND TO CREATE THE CONCEALED HANDGUN CARRY FEE-REDUCTION FUND.

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

SECTION 1. Arkansas Code § 19-6-301, concerning special revenues enumerated, is amended to add an additional subdivision to read as follows:

(255) Registration fees for street-legal all-terrain vehicles, § 27-21-110.

SECTION 2. Arkansas Code Title 19, Chapter 6, Subchapter 8, is amended to add a new section to read as follows:

19-6-833. Concealed Handgun Carry Fee-Reduction Fund.

(a) There is created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a special revenue fund to be known as the "Concealed Handgun Carry Fee-Reduction Fund".



(b) The fund shall consist of:

(1) The fees collected for the registration of street-legal all-terrain vehicles as authorized by § 27-21-110; and

(2) Any other revenues authorized by law.

(c) The Department of Arkansas State Police shall use the fund:

(1)(A) To reduce the concealed handgun carry fee prescribed by § 5-73-311(a)(2).

(B) Fifty percent (50%) of the moneys in the fund shall be used for the fee reduction required under subdivision (c)(1)(A) of this section; and

(2)(A) To offset the cost of administering the Street-Legal All-Terrain Vehicle Education and Safety Program created by § 27-21-114.

(B) Fifty percent (50%) of the moneys in the fund shall be used for the offset of administrative cost required under subdivision (c)(2)(A) of this section.

(d) Moneys remaining in the fund at the end of each fiscal year shall carry forward and be made available for the purposes stated in this section in the next fiscal year.

SECTION 3. Arkansas Code § 27-21-102(1), concerning definitions applicable to all-terrain vehicles, is amended to read as follows:

(1)(A) "All-terrain vehicle" means a vehicle that:

(i) Has three (3), four (4), or six (6) wheels;

(ii) Is ~~fifty~~ sixty-four inches ~~(50")~~ (64") or less in width;

(iii) Is equipped with nonhighway tires;

(iv) Is designed primarily for off-road recreational use;

and

(v) Has an engine displacement of no more than one thousand cubic centimeters (1,000 cc).

(B) "All-terrain vehicle" includes a recreational off-highway vehicle.

(C) "All-terrain vehicle" does not include a golf cart, riding lawnmower, or lawn or garden tractor;

SECTION 4. Arkansas Code § 27-21-102(3) and (4), concerning

definitions applicable to all-terrain vehicles, is amended to read as follows:

(3)(A) “Public streets and highways” means the part of the street, road, or highway, including the improved road shoulder, that is open to vehicular traffic and that is maintained by the state or by a political subdivision of the State of Arkansas and includes any federal highways; and.

(B) “Public streets and highways” does not include:

(i) An interstate highway;

(ii) A controlled access highway;

(iii) A public street or highway where a posted speed limit is more than fifty-five miles per hour (55 m.p.h.); or

(iv) A public street or highway which prohibits the operation of an all-terrain vehicle or street-legal all-terrain vehicle by municipal ordinance.

(4)(A) “Recreational off-highway vehicle” means a vehicle that:

(i) Has four (4) or six (6) wheels;

(ii) Is seventy-five inches (75") or less in width;

(iii) Is equipped with nonhighway tires;

(iv) Is designed primarily for off-road recreational

use; and

(v) Has an engine displacement of no more than one thousand cubic centimeters (1,000 cc).

(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 5. Arkansas Code § 27-21-102, concerning the definitions applicable to all-terrain vehicles, is amended to add an additional subdivision to read as follows:

(5)(A) “Street-legal all-terrain vehicle” means an all-terrain vehicle that is modified to meet the equipment requirements of § 27-21-108 to operate on public streets and highways.

(B) “Street-legal all-terrain vehicle” does not include an all-terrain vehicle used in farming or hunting operations authorized to

operate on a public street or highway as provided in § 27-21-106(a)(1).

SECTION 6. Arkansas Code § 27-21-103 is repealed.

~~27-21-103. Construction.~~

~~Nothing in this chapter shall be construed to require an all-terrain vehicle to be registered as a motor vehicle, motorcycle, or motor-driven cycle for operation on the public streets and highways.~~

SECTION 7. 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 a person to operate an all-terrain vehicle on 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 a public street or highway if the all-terrain vehicle is:~~

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

~~(B) Operated on a public street or highway in order to get from one field to another;~~

~~(2)(A) An all-terrain vehicle may be operated on a public street or highway if:~~

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

~~(ii) 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) 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 (½) hour after sunset to one-half (½) 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 disability 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 shoulder of a state or federal highway, except as provided under subdivision (a)(3)(E) of this section; or~~

~~(iii) 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 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 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 disability" means any walking 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 all-terrain vehicle the physician's certificate certifying that the person has a serious walking 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 interstate highway system or on a fully controlled access highway;~~

An all-terrain vehicle shall not be operated on a public street or highway of this state without meeting the equipment requirements of § 27-21-108, except under the following conditions and circumstances:

(4)(A) (1) A person may operate an all-terrain vehicle on a public street or highway if the all-terrain vehicle is:

(A) Used in farming or hunting operations; and

(B) Operated on a public street or highway in order to get

from one field to another;

(2)(A) An on-duty law enforcement officer or a person performing an official law enforcement function may operate an all-terrain vehicle on 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~~ or

~~(5)(3)~~ (3) 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 a public street or highway.

(b)(1) When two (2) or more street-legal all-terrain vehicles are operating together on a public street or highway as permitted under this chapter, each street-legal all-terrain vehicle shall operate in single file except while overtaking another all-terrain vehicle.

(2) The operator of ~~an~~ a street-legal 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.

(3) This subsection shall not prohibit an operator of ~~an~~ a street-legal all-terrain vehicle from overtaking and passing upon the right another vehicle that is making or about to make a left turn if the overtaking and passing is accomplished in accordance with Arkansas law.

SECTION 8. Arkansas Code § 27-21-108, concerning the mandatory equipment required on every all-terrain vehicle, is amended to add an additional subsection to read as follows:

(c)(1) In addition to the equipment required for an all-terrain vehicle, a street-legal all-terrain vehicle operated on a public street or highway of this state shall be equipped with:

(A) One (1) or more headlights as required under § 27-20-104(d)(1);

(B) One (1) or more tail lamps as required under § 27-20-104(d)(3);

(C) One (1) or more stop lamps on the rear;

- (D) Hand or foot brakes;
 - (E) A working horn as required under § 27-20-104(d)(5);
 - (F) A speedometer that illuminates for nighttime use;
 - (G) Handholds and support for a passenger's feet when designed to carry more than one (1) person;
 - (H) Seatbelts for each occupant if the street-legal all-terrain vehicle has side-by-side seating;
 - (I) Tires that:
 - (i) Are not larger than the tires that the manufacturer made available for the street-legal all-terrain vehicle; and
 - (ii) Have at least (2/32") or greater tire tread;
 - (J)(i) A windshield;
 - (ii) However, a windshield is not required if the operator of the street-legal all-terrain vehicle is wearing protective glasses, goggles, or a transparent face shield; and
 - (K) Rearview mirrors on the right and left side of the operator if the street-legal all-terrain vehicle is a utility task vehicle.
- (2) An operator of or passenger in a street-legal all-terrain vehicle is not required to comply with § 27-20-104(b) requiring the use of protective headgear.

SECTION 9. Arkansas Code § 27-21-109 is repealed.

~~27-21-109. Defenses to prosecution.~~

~~(a) It is no defense to a prosecution under this chapter that the driver or operator possesses a valid driver's license or motorcycle operator's license.~~

~~(b) It shall be a defense to prosecution under § 27-21-106 for a violation of operating an all-terrain vehicle upon the public streets or highways if the all-terrain vehicle operator can show by a preponderance of the evidence that:~~

- ~~(1) The public street or highway was outside the city limits of any municipality or incorporated town in Arkansas;~~
- ~~(2) The public street or highway was not an interstate highway;~~
- ~~(3) Traveling on the public street or highway was the most reasonable route of access available to him or her from one off-road trail to another off-road trail or from his or her private property to an off-road~~

~~trail; and~~

~~(4) His or her purpose for riding on the public street or highway was to get from one off road trail to another off road trail or his or her purpose for riding on the public street or highway was to get from his or her private property to an off road trail.~~

SECTION 10. Arkansas Code Title 27, Chapter 21, Subchapter 1, is amended to add additional sections to read as follows:

27-21-110. Registration and License Plate – Fees.

(a) The owner of a street-legal all-terrain vehicle shall:

(1) Register the street-legal all-terrain vehicle as established by the Arkansas Game and Fish Commission; and

(2) Provide proof of insurance as required under the Motor Vehicle Safety Responsibility Act, § 27-19-101 et seq., and § 27-22-101 et seq.

(b) The commission shall establish a system for registering a street-legal all-terrain vehicle that is available to provide the required registration twenty-four (24) hours a day.

(c) The fee for registering a street-legal all-terrain vehicle shall be twenty-four dollars (\$24.00).

(d) The registration fees collected for each street-legal all-terrain vehicle as required by subsection (b) of this section shall be distributed as follows:

(1) Five dollars (\$5.00) to the State Central Services Fund to be used by the commission to defray the cost of administering the registration of street-legal all-terrain vehicles; and

(2) After meeting the requirements of subdivision (d)(1) of this section, any remaining registration and licensing fees collected shall be transferred to the Concealed Handgun Carry Fee-Reduction Fund under § 19-6-833.

(e) A street-legal all-terrain vehicle shall not have a license plate attached to the vehicle.

(f) An operator of a street-legal all-terrain vehicle shall:

(1) Carry proof of insurance and the street-legal all-terrain vehicle registration required under this section when operating a street-legal all-terrain vehicle on a public street or highway; and

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

27-21-111. Operation limitations.

A street-legal all-terrain vehicle shall not be operated on a public street or highway if:

(1) The operation of a street-legal all-terrain vehicle is prohibited, including without limitation by municipal ordinance;

(2) The posted speed limit is more than fifty-five miles per hour (55 m.p.h.); or

(3) The street-legal all-terrain vehicle cannot maintain a speed equal to the minimum posted speed limit.

27-21-112. Rules of the road applicable.

The operator of a street-legal all-terrain vehicle that is registered under this subchapter shall comply with and is subject to the same penalties for violating the rules of the road as provided under § 27-51-101 et seq.

27-21-113. Operation requirements – Passengers.

An operator of a street-legal all-terrain vehicle shall be sixteen years (16) of age or older and shall have:

(1) A current valid motorcycle operator's license or a current valid driver's license with a motorcycle endorsement as required under § 27-20-106; or

(2) A current valid driver's license an intermediate license for a person under eighteen (18) years of age, and a certificate of completion of a street-legal all-terrain education and safety program established by § 27-21-114.

27-21-114. Street-Legal All-Terrain Vehicle Education and Safety program.

(a) The University of Arkansas Cooperative Extension Service shall establish and implement the Street-Legal All-Terrain Vehicle Education and Safety Program as an added component to the all-terrain safety course provided by the 4-H youth development program to teach the safe operation of a street-legal all-terrain vehicle on public streets and highways.

(b) The Street-Legal All-Terrain Vehicle Education and Safety Program shall include, without limitation:

- (1) Basic operational skills for beginners;
- (2) Effective braking and turning;
- (3) Obstacle avoidance maneuvers;
- (4) The preparation and dissemination of street-legal all-terrain vehicle information and safety advice to the public;
- (5) At least ten (10) hours of hands-on street-legal all-terrain vehicle riding instruction; and
- (6) A written examination on the main objectives taught by the Street-Legal All-Terrain Vehicle Education and Safety Program.

(c) A person who enrolls in the Street-Legal All-Terrain Vehicle Education and Safety Program may:

- (1) Be charged a fee of not more than two hundred dollars (\$200) by the University of Arkansas Cooperative Extension Service to defray the expenses of the Street-Legal All-Terrain Vehicle Education and Safety Program; and
- (2) Bring his or her own street-legal all-terrain vehicle to complete the required ten (10) hours of hands-on street-legal all-terrain riding instruction required under subdivision (b)(5) of this section.

(d)(1) The University of Arkansas Cooperative Extension Service may enter into reciprocity agreements or certify street-legal all-terrain vehicle education and safety programs from other states that are similar to the program established under this section.

(2) A certificate of completion of a program subject to a reciprocity agreement certification as required in this subsection is adequate to meet the education requirement of § 27-21-113(2).

(e) If the Arkansas Off-Highway Vehicle Conservation Association develops a street-legal all-terrain vehicle education and safety program that complies with the requirements of this section, successful completion of the program shall fulfill the safety program requirement of § 27-21-113(2).

27-21-115. Interstate reciprocity agreements.

(a) The Department of Finance and Administration may enter into an interstate reciprocity agreement with other states to allow the operation of an all-terrain vehicle or a street-legal all-terrain vehicle within another

state without having to register the street-legal all-terrain vehicle or purchase an out-of-state operation permit.

(b)(1) When another state has entered into an interstate reciprocity agreement with this state, an all-terrain vehicle or street-legal all-terrain vehicle from that state may be operated on any off-road trail or public street and highway without the owner's having to register the street-legal all-terrain vehicle as required in § 27-21-110 if the all-terrain vehicle or street-legal all-terrain vehicle is currently registered in its state.

(2) However, an all-terrain vehicle from another state shall not be operated upon the public streets and highways of this state unless the all-terrain vehicle is equipped with the equipment required for the operation of a street-legal all-terrain vehicle under § 27-21-108(c).

27-21-116. Rules.

The Department of Finance and Administration and the Arkansas Game and Fish Commission may adopt rules for the implementation and administration of this subchapter.