

By: Senator Teague

SENATE RESOLUTION

TO AUTHORIZE THE INTRODUCTION OF A NONAPPROPRIATION BILL CONCERNING THE DEFENSES TO PROSECUTION FOR A VIOLATION OF OPERATING AN ALL-TERRAIN VEHICLE UPON A PUBLIC STREET OR HIGHWAY.

Subtitle

TO AUTHORIZE THE INTRODUCTION OF A NONAPPROPRIATION BILL CONCERNING THE DEFENSES TO PROSECUTION FOR A VIOLATION OF OPERATING AN ALL-TERRAIN VEHICLE UPON A PUBLIC STREET OR HIGHWAY.

BE IT RESOLVED BY THE SENATE OF THE NINETY-FIRST GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

THAT Representative Maddox is authorized to introduce a bill which, as introduced, will read substantially as follows:

"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 § 27-21-109 is amended to read as follows:
27-21-109. Defenses to prosecution — ~~Definition.~~

(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:

(A) ~~The One 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) 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) The (A) One 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) (B) 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.~~

(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 lessee 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."~~