

State of Arkansas
92nd General Assembly
Regular Session

A Bill

HOUSE BILL 1445

By: Representatives Pilkington, Bentley, Vaught, Maddox, Capp

By: Senator B. Davis

For An Act To Be Entitled

AN ACT TO AUTHORIZE THE OPERATION OF ALL-TERRAIN VEHICLES ON DESIGNATED STREETS AND ROADS; TO CREATE THE ALL-TERRAIN VEHICLE OFF-ROAD TRAIL FUND; AND FOR OTHER PURPOSES.

Subtitle

TO AUTHORIZE THE OPERATION OF ALL-TERRAIN VEHICLES ON DESIGNATED STREETS AND ROADS; AND TO CREATE THE ALL-TERRAIN VEHICLE OFF-ROAD TRAIL 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:

(263) Out-of-state operation permit fees for all-terrain vehicles, as authorized by § 27-21-112.

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

19-6-840. All-Terrain Vehicle Off-Road Trail 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 "All-Terrain Vehicle Off-Road Trail Fund".

(b) The fund shall consist of:

(1) The fees collected for an all-terrain vehicle out-of-state



operation permit as authorized by § 27-21-112; and

(2) Any other revenues authorized by law.

(c)(1) The Department of Parks and Tourism shall use the fund to create and maintain off-road trails for all-terrain vehicles.

(2) The fund may be used to maintain new and already existing off-road trails for all-terrain vehicles.

(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 § 27-20-203 is amended to read as follows:
27-20-203. No equipment or inspection requirements.

Except as may be required by ordinance under § 27-21-110, There there shall be no equipment requirement or safety inspection requirement as a precondition to registration of three-wheeled, four-wheeled, or six-wheeled all-terrain vehicles.

SECTION 4. Arkansas Code § 27-21-102, concerning definitions applicable to all-terrain vehicles, is amended to add an additional subdivision to read as follows:

(5) "Local authorities" means the officers of counties, cities, or incorporated towns.

SECTION 5. Arkansas Code § 27-21-106(a), concerning exceptions to the unlawful operation of all-terrain vehicles on public streets and highways, is amended to add an additional subdivision to read as follows:

(6) Local authorities may by ordinance designate a public street or highway within their jurisdiction for the operation of all-terrain vehicles as authorized by subsection (c) of this section.

SECTION 6. Arkansas Code § 27-21-106, concerning exceptions to the unlawful operation of all-terrain vehicles on public streets and highways, is amended to add an additional subsection to read as follows:

(c) Local authorities may by ordinance designate which public streets or highways within their jurisdiction are authorized for the operation of all-terrain vehicles.

SECTION 7. Arkansas Code Title 27, Chapter 21, Subchapter 1, is amended to add additional sections to read as follows:

27-21-110. Local ordinances.

(a) An ordinance passed by local authorities under § 27-21-106(c) shall be consistent with the provisions of this subchapter.

(b) Local authorities may by ordinance regulate the safety and operational requirements for the operation of an all-terrain vehicle upon designated public streets and highways under § 27-21-106(c), including without limitation safety and operational requirements concerning:

- (1) Operator licensing;
- (2) Liability insurance;
- (3) Operator age;
- (4) Seat belt use;
- (5) Child restraint system use;
- (6) All-terrain vehicle safety inspection prior to registration;
- (7) All-terrain vehicle safety equipment; and
- (8) All-terrain vehicle occupant safety equipment.

27-21-111. Registration of all-terrain vehicles – Resident.

The owner of an all-terrain vehicle who travels on a public street or highway designated by § 27-21-106(c) and who is a resident of Arkansas shall register the all-terrain vehicle as required by § 27-20-202.

27-21-112. Out-of-state operation permit.

(a) The operator of an all-terrain vehicle who travels on a public street or highway designated by § 27-21-106(c) and who is not a resident of Arkansas shall pay a fee and be issued an out-of-state operation permit as established by the Department of Finance and Administration.

(b) The fee authorized by subsection (a) of this section shall be twenty-four dollars (\$24.00).

(c) The out-of-state operation permit shall expire a year from the date the out-of-state operation permit was issued, and renewal is required for the operator of an all-terrain vehicle to travel on a public street or highway designated by § 27-21-106(c).

(d) The fee collected for each 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 department to defray the cost of administering out-of-state operation permits; and

(2) After meeting the requirements of subdivision (d)(1) of this section, any remaining fees collected shall be transferred to the All-Terrain Vehicle Off-Road Trail Fund under § 19-6-840.

(e) The department may adopt rules for the implementation and administration of this section.

27-21-113. Rules of the road applicable.

The operator of an all-terrain vehicle who is authorized to travel on a public street or highway designated under § 27-21-106(c) 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.