

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

State of Arkansas  
93rd General Assembly  
Regular Session, 2021

# A Bill

HOUSE BILL 1838

By: Representative Pilkington  
By: Senators B. Davis, T. Garner, Hester

## For An Act To Be Entitled

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

## Subtitle

TO AUTHORIZE LOCAL OFFICIALS TO PROVIDE FOR THE OPERATION OF ALL-TERRAIN VEHICLES ON DESIGNATED PUBLIC STREETS AND HIGHWAYS; 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:

(273) Out-of-state operation permit fees for all-terrain vehicles, as authorized by § 27-21-113.

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

19-6-843. 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 § 27-21-113; and

(2) Any other revenues authorized by law.

(c) The Department of Parks, Heritage, and Tourism shall use the fund to:

(1) Create off-road trails for all-terrain vehicles; and

(2) Maintain off-road trails for all-terrain vehicles, including 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 provided in § 27-21-111, 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 a county, city, or incorporated town.

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:

(7) A person may operate an all-terrain vehicle on a public street or highway designated for the operation of all-terrain vehicles under 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 a public street of highway within their jurisdiction 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:

27-21-111. 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 public streets and highways designated for the operation of all-terrain vehicles 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 before registration of the all-terrain vehicle;
- (7) All-terrain vehicle safety equipment; and
- (8) All-terrain vehicle occupant safety equipment.

27-21-112. Registration of all-terrain vehicles – Resident.

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

27-21-113. Out-of-state operation permit.

(a) An operator of an all-terrain vehicle who travels on a public street or highway designated for the operation of all-terrain vehicles under § 27-21-106(c) and who is not a resident of the State 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 for each permit authorized by subsection (a) of this

section shall be twenty-four dollars (\$24.00).

(c) An out-of-state operation permit shall expire one (1) 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 for the operation of all-terrain vehicles under § 27-21-106(c).

(d) The fee collected for each out-of-state operation permit required by subsection (a) 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) Any portion of the fee remaining after the distribution under subdivision (d)(1) of this section, shall be transferred to the All-Terrain Vehicle Off-Road Trail Fund.

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

27-21-114. Rules of the road applicable.

An operator of an all-terrain vehicle who is authorized to travel on a public street or highway designated for the operation of all-terrain vehicles under § 27-21-106(c) shall comply with the rules of the road as provided under § 27-51-101 et seq.