

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

State of Arkansas
93rd General Assembly
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As Engrossed: H4/19/21
A Bill

HOUSE BILL 1917

By: Representative Coleman
By: Senator B. Ballinger

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING THE REQUIREMENTS FOR THE OPERATION OF AN ALL-TERRAIN VEHICLE ON DESIGNATED PUBLIC STREETS AND HIGHWAYS; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING THE REQUIREMENTS FOR THE OPERATION OF AN ALL-TERRAIN VEHICLE ON DESIGNATED PUBLIC STREETS AND HIGHWAYS.

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

SECTION 1. Arkansas Code § 27-21-102(1)(A), concerning the definition of "all-terrain vehicle", 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~~ seventy-five inches ~~(50")~~ (75") or less in

width;

- (iii) Is equipped with nonhighway tires; and
- (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).~~

SECTION 2. Arkansas Code § 27-21-102(3), 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 a~~ nonhard-surfaced road; and.

(B) "Public streets and highways" does not include:

(i) An interstate highway;

(ii) A controlled access highway; or

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

SECTION 3. 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 authority" means a governing body of a county, city, or incorporated town, including without limitation:

(A) A city council; or

(B) Quorum court.

SECTION 4. 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 § 27-21-111.

(8) A person may, if not prohibited by local ordinance, operate an all-terrain vehicle on a public street or highway if:

(A) The public street or highway is:

(i) Outside the city limits of any municipality or incorporated town in Arkansas;

(ii) The most reasonable route of access available to him or her from:

(a) One off-road trail to another off-road trail; or

(b) His or her private property to an off-road

trail; and

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

(i) One off-road trail to another off-road trail; or

(ii) His or her private property to an off-road trail.

SECTION 5. 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) 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.

SECTION 6. Arkansas Code § 27-21-109 is amended to read as follows:

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

~~(a) It is not a 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 is a defense to prosecution under § 27-21-106 for a violation of operating an all-terrain vehicle upon a public street or highway 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) One off road trail to another off road trail; or
(B) 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:~~

~~(A) One off road trail to another off road trail; or
(B) His or her private property to an off road trail.
(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.~~

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

27-21-111. Local ordinances and other prohibitions.

(a)(1) Local authorities may by ordinance designate public streets or highways within their jurisdiction on which the operation of all-terrain vehicles is allowed or prohibited.

(2) Local authorities may erect appropriate signs along the designated public street or highway indicating the public street or highway has been designated to allow or prohibit the operation of all-terrain vehicles.

(b)(1) Local authorities may by ordinance regulate the safety and operational requirements for the operation of all-terrain vehicles upon public streets or highways under subsection (a) of this section, including without limitation safety and operational requirements concerning:

(A) Operator licensing;
(B) Liability insurance;
(C) Operator age;
(D) Speed limits for all-terrain vehicles; and

(E) All-terrain vehicle operation during all types of severe weather conditions.

(2) The regulations determined by local authorities for the operation of an all-terrain vehicle shall be at least as restrictive as the regulations for operating a motor vehicle, but the safety regulations for the operation of an all-terrain vehicle may be more restrictive than the safety regulations for the operation of a motor vehicle.

(c)(1) Public streets or highways maintained by the Arkansas Department of Transportation or the United States Forest Service are subject to the rules concerning the operation of all-terrain vehicles determined by the department or the United States Forest Service.

(2) However, if the department or the United States Forest Service does not establish rules concerning the operation of all-terrain vehicles, the ordinances passed by the local authority concerning the operation of all-terrain vehicles shall govern.

(d) An ordinance passed by local authorities shall be consistent with the laws concerning the operation of an all-terrain vehicle on a public street or highway under § 27-21-106 and any other law under this subchapter

/s/Coleman