

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

State of Arkansas  
94th General Assembly  
Regular Session, 2023

As Engrossed: H1/30/23 H2/14/23

# A Bill

HOUSE BILL 1041

By: Representatives Gonzales, Pilkington, Vaught, Bentley, M. Berry, Maddox, Steimel  
By: Senators Crowell, J. Dotson, J. Payton

## 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; AND FOR OTHER PURPOSES.

### Subtitle

TO AUTHORIZE LOCAL OFFICIALS TO PROVIDE  
FOR THE OPERATION OF ALL-TERRAIN VEHICLES  
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) and (2), concerning the definitions of "all-terrain vehicle" and "nonhighway tire", are amended to read as follows:*

*(1)(A) "All-terrain vehicle" means a self-propelled vehicle that primarily manufactured for recreational off-highway all-terrain use, including without limitation:*

- (i) ~~Has three (3), four (4), or six (6) wheels~~ Dirt bikes;*
- (ii) ~~Is fifty inches (50") or less in width~~ Utility-task vehicles;*
- (iii) ~~Is equipped with nonhighway tires~~ Recreational off-highway vehicles;*
- (iv) ~~Is designed primarily for off road recreational use~~ Multipurpose off-highway utility task vehicles; and*



~~(v) Has an engine displacement of no more than one thousand cubic centimeters (1,000 cc) Any other means of land transportation deriving motive power from any source other than muscle.~~

~~(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;~~

~~(2) "Nonhighway tire" means a pneumatic tire:~~

~~(A) Six inches (6") or more in width;~~

~~(B) Designed for use on a wheel with a rim diameter of fourteen inches (14") or less; and~~

~~(C) That uses an operating pressure of twenty pounds per square inch (20 psi) or less as recommended by the vehicle manufacturer;~~

SECTION 2. Arkansas Code § 27-21-102(4), concerning the definition of "recreational off-highway vehicle", is repealed.

~~(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 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 authorities" means the officers of a county, city, or incorporated town.

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 subsection (c) of this section.

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)(1) Except as provided in subdivision (c)(2) of this section, local authorities may by ordinance designate a public street or highway within their jurisdiction for the operation of all-terrain vehicles.

(2) A local authority shall not designate a public street or highway under subdivision (c)(1) of this section that is located within:

- (A) Bull Shoals-White River State Park;
- (B) Cane Creek State Park;
- (C) Delta Heritage Trail State Park;
- (D) Devil's Den State Park;
- (E) Hobbs State Park-Conservation Area;
- (F) Lake Fort Smith State Park;
- (G) Mount Nebo State Park;
- (H) Pinnacle Mountain State Park;
- (I) Village Creek State Park; or
- (J) Woolly Hollow State Park.

SECTION 6. Arkansas Code Title 27, Chapter 21, Subchapter 1, is amended to add additional sections to read as follows:

27-21-111. Local ordinances.

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

27-21-112. Operation requirements and rules of the road.

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:

(1) Possess a valid driver's license, instruction permit, or intermediate driver's license;

(2) Carry proof of insurance covering the all-terrain vehicle as required under the Motor Vehicle Safety Responsibility Act, § 27-19-101 et. seq., and § 27-22-101 et seq.;

(3) Ensure that the all-terrain vehicle is equipped with properly functioning headlamps, tail lamps, and break lights; and

(4) Comply with the rules of the road as provided under § 27-51-101 et seq.

/s/Gonzales