

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

State of Arkansas
94th General Assembly
Regular Session, 2023

A Bill

HOUSE BILL 1480

By: Representatives Gonzales, Pilkington, Vaught

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING THE DEFENSES TO PROSECUTION FOR OPERATING AN ALL-TERRAIN VEHICLE ON A PUBLIC STREET OR HIGHWAY; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING THE DEFENSES TO PROSECUTION FOR OPERATING AN ALL-TERRAIN VEHICLE ON 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 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)~~(1) The public street or highway was not an interstate highway;

~~(3)~~(2) 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)~~(3) 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.