

1 State of Arkansas
2 94th General Assembly
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4

As Engrossed: H1/30/23

A Bill

HOUSE BILL 1041

5 By: Representatives Gonzales, Pilkington, Vaught, Bentley, M. Berry, Maddox, Steimel
6 By: Senators Crowell, J. Dotson, J. Payton
7

For An Act To Be Entitled

9 AN ACT TO AUTHORIZE LOCAL OFFICIALS TO PROVIDE FOR
10 THE OPERATION OF ALL-TERRAIN VEHICLES ON DESIGNATED
11 PUBLIC STREETS AND HIGHWAYS; AND FOR OTHER PURPOSES.
12
13

Subtitle

15 TO AUTHORIZE LOCAL OFFICIALS TO PROVIDE
16 FOR THE OPERATION OF ALL-TERRAIN VEHICLES
17 ON DESIGNATED PUBLIC STREETS AND
18 HIGHWAYS.
19
20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
22

23 SECTION 1. Arkansas Code § 27-21-102(1) and (2), concerning the
24 definitions of "all-terrain vehicle" and "nonhighway tire", are amended to
25 read as follows:

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

29 (i) ~~Has three (3), four (4), or six (6) wheels~~ Dirt
30 bikes;

31 (ii) ~~Is fifty inches (50") or less in width~~ Utility-
32 task vehicles;

33 (iii) ~~Is equipped with nonhighway tires~~ Recreational
34 off-highway vehicles;

35 (iv) ~~Is designed primarily for off-road recreational~~
36 use Multipurpose off-highway utility task vehicles; and



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

4 (B) ~~“All-terrain vehicle” includes a recreational off-~~
5 ~~highway vehicle.~~

6 ~~(C) “All-terrain vehicle” does not include a golf cart,~~
7 ~~riding lawnmower, or lawn or garden tractor;~~

8 ~~(2) “Nonhighway tire” means a pneumatic tire:~~

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

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

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

14
15 SECTION 2. Arkansas Code § 27-21-102(4), concerning the definition of
16 "recreational off-highway vehicle", is repealed.

17 ~~(4)(A) “Recreational off-highway vehicle” means a vehicle that:~~

18 ~~(i) Has four (4) or six (6) wheels;~~

19 ~~(ii) Is seventy-five inches (75”) or less in width;~~

20 ~~(iii) Is equipped with nonhighway tires;~~

21 ~~(iv) Is designed primarily for off-road recreational~~
22 ~~use; and~~

23 ~~(v) Has an engine displacement of no more than one~~
24 ~~thousand cubic centimeters (1,000 cc).~~

25 ~~(B) “Recreational off-highway vehicle” includes a:~~

26 ~~(i) Multipurpose off-highway utility vehicle; and~~

27 ~~(ii) Utility task vehicle.~~

28 ~~(C) “Recreational off-highway vehicle” does not include a~~
29 ~~golf cart, riding lawnmower, or lawn or garden tractor.~~

30
31 SECTION 3. Arkansas Code § 27-21-102, concerning definitions
32 applicable to all-terrain vehicles, is amended to add an additional
33 subdivision to read as follows:

34 (5) "Local authorities" means the officers of a county, city, or
35 incorporated town.

1 SECTION 4. Arkansas Code § 27-21-106(a), concerning exceptions to the
2 unlawful operation of all-terrain vehicles on public streets and highways, is
3 amended to add an additional subdivision to read as follows:

4 (7) A person may operate an all-terrain vehicle on a public
5 street or highway designated for the operation of all-terrain vehicles under
6 subsection (c) of this section.

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

11 (c) Local authorities may by ordinance designate a public street or
12 highway within their jurisdiction for the operation of all-terrain vehicles.

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

16 27-21-111. Local ordinances.

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

19
20 27-21-112. Operation requirements and rules of the road.

21 An operator of an all-terrain vehicle who is authorized to travel on a
22 public street or highway designated for the operation of all-terrain vehicles
23 under § 27-21-106(c) shall:

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

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

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

31 (4) Comply with the rules of the road as provided under § 27-51-
32 101 et seq.

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34 /s/Gonzales