

1 State of Arkansas  
2 89th General Assembly  
3 Regular Session, 2013  
4

# A Bill

HOUSE BILL 1273

5 By: Representative Hickerson  
6

## For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW CONCERNING THE OPERATION OF  
9 ALL-TERRAIN VEHICLES BY MUNICIPAL PUBLIC SAFETY  
10 OFFICIALS; AND FOR OTHER PURPOSES.  
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## Subtitle

12 TO AMEND THE LAW CONCERNING THE OPERATION  
13 OF ALL-TERRAIN VEHICLES BY MUNICIPAL  
14 PUBLIC SAFETY OFFICIALS.  
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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21 SECTION 1. Arkansas Code § 27-21-106 is amended to read as follows:

22 27-21-106. Operation on public streets and highways unlawful –  
23 Exceptions.

24 (a) It is unlawful for any person to operate an all-terrain vehicle on  
25 the public streets and highways of this state, even if the all-terrain  
26 vehicle otherwise meets the equipment standards of § 27-20-104, except under  
27 the following conditions and circumstances:

28 (1) A person may operate an all-terrain vehicle on the public  
29 streets and highways if the all-terrain vehicle is:

30 (A) Used in farming or hunting operations; and

31 (B) Operated on the public streets and highways in order  
32 to get from one (1) field to another;

33 (2)(A) An all-terrain vehicle may be operated ~~upon~~ on the public  
34 streets or highways if ~~the~~:

35 (i) ~~Vehicle~~ The all-terrain vehicle needs to make a  
36 direct crossing of the street or highway to get from one (1) area to another;



1 and

2 (ii) ~~Vehicle~~ The all-terrain vehicle:

3 (a) Comes to a complete stop;

4 (b) Yields the right-of-way to all oncoming  
5 traffic that constitutes an immediate hazard; and

6 (c) Crosses the street or highway at an angle  
7 of approximately ninety degrees (90°) to the direction of the street or  
8 highway.

9 (B)(i) In crossing divided highways, the crossing may be  
10 made only at an intersection of the highway with another public street or  
11 highway.

12 (ii) In crossings made between the hours from one-  
13 half (½) hour after sunset to one-half (½) hour before sunrise or in  
14 conditions of reduced visibility, the crossing may be made only with both  
15 front and rear lights turned on;

16 (3)(A) A person who has lost one (1) or both legs above the  
17 ankle or who otherwise has a serious walking ~~handicap~~ disability ~~shall be~~ is  
18 permitted to operate a three-wheeled, four-wheeled, or six-wheeled all-  
19 terrain vehicle as a means of transportation on any of the following:

20 (i) A nonhard surfaced road;

21 (ii) The shoulders of all state and federal  
22 highways, except as provided under subdivision (a)(3)(E) of this section; or

23 (iii) Public streets and roads when traveling on the  
24 public street or road is the most reasonable route of access available to him  
25 or her from one (1) off-road trail to another off-road trail or from his or  
26 her private property to an off-road trail.

27 (B) An all-terrain vehicle used as provided under  
28 subdivision (a)(3)(A) of this section by a person who has a serious walking  
29 ~~handicap~~ disability shall be equipped with a red flag at least six inches  
30 (6") wide and twelve inches (12") long on a pole or staff extending at least  
31 thirty-six inches (36") above the level of the seat.

32 (C) For the purposes of this subdivision (a)(3), serious  
33 walking ~~handicap~~ disability means any walking ~~handicap~~ disability certified  
34 as serious by a licensed physician.

35 (D) A person operating an all-terrain vehicle as provided  
36 under subdivision (a)(3)(A) of this section shall carry on his or her person

1 or on the vehicle the physician's certificate certifying that the person has  
2 a serious walking ~~handicap~~ disability.

3 (E) A person operating an all-terrain vehicle as provided  
4 under subdivision (a)(3)(A) of this section shall not operate the all-terrain  
5 vehicle on any part of the federal interstate highway system or on fully-  
6 controlled access highways;

7 (4)(A) An on-duty law enforcement officer or a person performing  
8 an official law enforcement function may operate an all-terrain vehicle on  
9 public streets and highways;.

10 (B) A municipal on-duty firefighter or a person performing  
11 an official firefighting function may operate an all-terrain vehicle on  
12 public streets and highways.

13 (C) An emergency medical technician or a person performing  
14 an official emergency medical technician function may operate an all-terrain  
15 vehicle on public streets and highways; and

16 (5) An employee of a utility, telecommunications, or cable  
17 company working during a time of emergency or severe weather may operate an  
18 all-terrain vehicle on public streets and highways.

19 (b) When two (2) or more all-terrain vehicles are operating together  
20 on a public street or highway as permitted in limited circumstances in this  
21 chapter, the all-terrain vehicles shall be operated in single file except  
22 while overtaking another vehicle. The operator of an all-terrain vehicle  
23 overtaking another vehicle proceeding in the same direction shall pass at a  
24 safe distance to the left until safely clear of the overtaken vehicle.  
25 Nothing in this subsection shall be construed to prohibit an operator of an  
26 all-terrain vehicle from overtaking and passing upon the right another  
27 vehicle ~~which~~ that is making or about to make a left turn if the overtaking  
28 and passing is accomplished in accordance with Arkansas law.

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