

1 State of Arkansas
2 92nd General Assembly
3 Regular Session
4

A Bill

HOUSE BILL 1445

5 By: Representatives Pilkington, Bentley, Vaught, Maddox, Capp
6 By: Senator B. Davis
7

For An Act To Be Entitled

9 AN ACT TO AUTHORIZE THE OPERATION OF ALL-TERRAIN
10 VEHICLES ON DESIGNATED STREETS AND ROADS; TO CREATE
11 THE ALL-TERRAIN VEHICLE OFF-ROAD TRAIL FUND; AND FOR
12 OTHER PURPOSES.
13
14

Subtitle

15 TO AUTHORIZE THE OPERATION OF ALL-TERRAIN
16 VEHICLES ON DESIGNATED STREETS AND ROADS;
17 AND TO CREATE THE ALL-TERRAIN VEHICLE
18 OFF-ROAD TRAIL FUND.
19
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
23

24 SECTION 1. Arkansas Code § 19-6-301, concerning special revenues
25 enumerated, is amended to add an additional subdivision to read as follows:

26 (263) Out-of-state operation permit fees for all-terrain
27 vehicles, as authorized by § 27-21-112.
28

29 SECTION 2. Arkansas Code Title 19, Chapter 6, Subchapter 8, is amended
30 to add an additional section to read as follows:

31 19-6-840. All-Terrain Vehicle Off-Road Trail Fund.

32 (a) There is created on the books of the Treasurer of State, the
33 Auditor of State, and the Chief Fiscal Officer of the State a special revenue
34 fund to be known as the "All-Terrain Vehicle Off-Road Trail Fund".

35 (b) The fund shall consist of:

36 (1) The fees collected for an all-terrain vehicle out-of-state



1 operation permit as authorized by § 27-21-112; and

2 (2) Any other revenues authorized by law.

3 (c)(1) The Department of Parks and Tourism shall use the fund to
4 create and maintain off-road trails for all-terrain vehicles.

5 (2) The fund may be used to maintain new and already existing
6 off-road trails for all-terrain vehicles.

7 (d) Moneys remaining in the fund at the end of each fiscal year shall
8 carry forward and be made available for the purposes stated in this section
9 in the next fiscal year.

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11 SECTION 3. Arkansas Code § 27-20-203 is amended to read as follows:
12 27-20-203. No equipment or inspection requirements.

13 Except as may be required by ordinance under § 27-21-110, There there
14 shall be no equipment requirement or safety inspection requirement as a
15 precondition to registration of three-wheeled, four-wheeled, or six-wheeled
16 all-terrain vehicles.

17
18 SECTION 4. Arkansas Code § 27-21-102, concerning definitions
19 applicable to all-terrain vehicles, is amended to add an additional
20 subdivision to read as follows:

21 (5) "Local authorities" means the officers of counties, cities,
22 or incorporated towns.

23
24 SECTION 5. Arkansas Code § 27-21-106(a), concerning exceptions to the
25 unlawful operation of all-terrain vehicles on public streets and highways, is
26 amended to add an additional subdivision to read as follows:

27 (6) Local authorities may by ordinance designate a public street
28 or highway within their jurisdiction for the operation of all-terrain
29 vehicles as authorized by subsection (c) of this section.

30
31 SECTION 6. Arkansas Code § 27-21-106, concerning exceptions to the
32 unlawful operation of all-terrain vehicles on public streets and highways, is
33 amended to add an additional subsection to read as follows:

34 (c) Local authorities may by ordinance designate which public streets
35 or highways within their jurisdiction are authorized for the operation of
36 all-terrain vehicles.

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

4 27-21-110. Local ordinances.

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

7 (b) Local authorities may by ordinance regulate the safety and
8 operational requirements for the operation of an all-terrain vehicle upon
9 designated public streets and highways under § 27-21-106(c), including
10 without limitation safety and operational requirements concerning:

11 (1) Operator licensing;

12 (2) Liability insurance;

13 (3) Operator age;

14 (4) Seat belt use;

15 (5) Child restraint system use;

16 (6) All-terrain vehicle safety inspection prior to registration;

17 (7) All-terrain vehicle safety equipment; and

18 (8) All-terrain vehicle occupant safety equipment.

19
20 27-21-111. Registration of all-terrain vehicles – Resident.

21 The owner of an all-terrain vehicle who travels on a public street or
22 highway designated by § 27-21-106(c) and who is a resident of Arkansas shall
23 register the all-terrain vehicle as required by § 27-20-202.

24
25 27-21-112. Out-of-state operation permit.

26 (a) The operator of an all-terrain vehicle who travels on a public
27 street or highway designated by § 27-21-106(c) and who is not a resident of
28 Arkansas shall pay a fee and be issued an out-of-state operation permit as
29 established by the Department of Finance and Administration.

30 (b) The fee authorized by subsection (a) of this section shall be
31 twenty-four dollars (\$24.00).

32 (c) The out-of-state operation permit shall expire a year from the
33 date the out-of-state operation permit was issued, and renewal is required
34 for the operator of an all-terrain vehicle to travel on a public street or
35 highway designated by § 27-21-106(c).

36 (d) The fee collected for each all-terrain vehicle as required by

1 subsection (b) of this section shall be distributed as follows:

2 (1) Five dollars (\$5.00) to the State Central Services Fund to
3 be used by the department to defray the cost of administering out-of-state
4 operation permits; and

5 (2) After meeting the requirements of subdivision (d)(1) of this
6 section, any remaining fees collected shall be transferred to the All-Terrain
7 Vehicle Off-Road Trail Fund under § 19-6-840.

8 (e) The department may adopt rules for the implementation and
9 administration of this section.

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11 27-21-113. Rules of the road applicable.

12 The operator of an all-terrain vehicle who is authorized to travel on a
13 public street or highway designated under § 27-21-106(c) under this
14 subchapter shall comply with and is subject to the same penalties for
15 violating the rules of the road as provided under § 27-51-101 et seq.