

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

A Bill

HOUSE BILL 1480

5 By: Representatives Gonzales, Pilkington, Vaught
6

For An Act To Be Entitled

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

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13 TO AMEND THE LAW CONCERNING THE DEFENSES
14 TO PROSECUTION FOR OPERATING AN ALL-
15 TERRAIN VEHICLE ON A PUBLIC STREET OR
16 HIGHWAY.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. Arkansas Code § 27-21-109 is amended to read as follows:
23 27-21-109. Defenses to prosecution – Definition.

24 (a) It is not a defense to a prosecution under this chapter that the
25 driver or operator possesses a valid driver’s license or motorcycle
26 operator’s license.

27 (b) It is a defense to prosecution under § 27-21-106 for a violation
28 of operating an all-terrain vehicle upon a public street or highway if the
29 all-terrain vehicle operator can show by a preponderance of the evidence
30 that:

31 ~~(1) The public street or highway was outside the city limits of~~
32 ~~any municipality or incorporated town in Arkansas;~~

33 (2)(1) The public street or highway was not an interstate
34 highway;

35 (3)(2) Traveling on the public street or highway was the most
36 reasonable route of access available to him or her from:



- 1 (A) One off-road trail to another off-road trail; or
- 2 (B) His or her private property to an off-road trail; and

3 ~~(4)~~(3) His or her purpose for riding on the public street or
 4 highway was to get from:

5 (A) One off-road trail to another off-road trail; or

6 (B) His or her private property to an off-road trail.

7 (c) As used in this section, "his or her private property" means real
 8 property that an operator of an all-terrain vehicle:

9 (1) Owns;

10 (2) Leases;

11 (3) Resides at with the owner or lessee of the real property; or

12 (4) Is staying at for a specific period of time as an invitee,

13 including without limitation a:

14 (A) Vacation resort;

15 (B) Rental cabin;

16 (C) Deeded timeshare; or

17 (D) Right-to-use timeshare.

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