

1 State of Arkansas  
2 93rd General Assembly  
3 Regular Session, 2021  
4

# A Bill

HOUSE BILL 1838

5 By: Representative Pilkington  
6 By: Senators B. Davis, T. Garner, Hester  
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; TO CREATE THE ALL-  
12 TERRAIN VEHICLE OFF-ROAD TRAIL FUND; AND FOR OTHER  
13 PURPOSES.  
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## Subtitle

16 TO AUTHORIZE LOCAL OFFICIALS TO PROVIDE  
17 FOR THE OPERATION OF ALL-TERRAIN VEHICLES  
18 ON DESIGNATED PUBLIC STREETS AND  
19 HIGHWAYS; AND TO CREATE THE ALL-TERRAIN  
20 VEHICLE OFF-ROAD TRAIL FUND.  
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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26 SECTION 1. Arkansas Code § 19-6-301, concerning special revenues  
27 enumerated, is amended to add an additional subdivision to read as follows:

28 (273) Out-of-state operation permit fees for all-terrain  
29 vehicles, as authorized by § 27-21-113.  
30

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

33 19-6-843. All-Terrain Vehicle Off-Road Trail Fund.

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



1       **(b) The fund shall consist of:**

2               **(1) The fees collected for an all-terrain vehicle out-of-state**  
 3 **operation permit, as authorized by § 27-21-113; and**

4               **(2) Any other revenues authorized by law.**

5       **(c) The Department of Parks, Heritage, and Tourism shall use the fund**  
 6 **to:**

7               **(1) Create off-road trails for all-terrain vehicles; and**

8               **(2) Maintain off-road trails for all-terrain vehicles, including**  
 9 **already existing off-road trails for all-terrain vehicles.**

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

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 14       SECTION 3. Arkansas Code § 27-20-203 is amended to read as follows:

15       27-20-203. No equipment or inspection requirements.

16       **Except as provided in § 27-21-111, There there** shall be no equipment  
 17 requirement or safety inspection requirement as a precondition to  
 18 registration of three-wheeled, four-wheeled, or six-wheeled all-terrain  
 19 vehicles.

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

24               **(5) "Local authorities" means the officers of a county, city, or**  
 25 **incorporated town.**

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

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

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

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

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

6       27-21-111. Local ordinances.

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

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

14           (1) Operator licensing;

15           (2) Liability insurance;

16           (3) Operator age;

17           (4) Seat belt use;

18           (5) Child-restraint system use;

19           (6) All-terrain vehicle safety inspection before registration of  
20 the all-terrain vehicle;

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

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

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24       27-21-112. Registration of all-terrain vehicles – Resident.

25       An owner of an all-terrain vehicle who travels on a public street or  
26 highway designated for the operation of all-terrain vehicles under § 27-21-  
27 106(c) and who is a resident of the State of Arkansas shall register the all-  
28 terrain vehicle as required by § 27-20-202.

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30       27-21-113. Out-of-state operation permit.

31       (a) An operator of an all-terrain vehicle who travels on a public  
32 street or highway designated for the operation of all-terrain vehicles under  
33 § 27-21-106(c) and who is not a resident of the State of Arkansas shall pay a  
34 fee and be issued an out-of-state operation permit as established by the  
35 Department of Finance and Administration.

36       (b) The fee for each permit authorized by subsection (a) of this

1 section shall be twenty-four dollars (\$24.00).

2 (c) An out-of-state operation permit shall expire one (1) year from  
3 the date the out-of-state operation permit was issued, and renewal is  
4 required for the operator of an all-terrain vehicle to travel on a public  
5 street or highway designated for the operation of all-terrain vehicles under  
6 § 27-21-106(c).

7 (d) The fee collected for each out-of-state operation permit required  
8 by subsection (a) of this section shall be distributed as follows:

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

12 (2) Any portion of the fee remaining after the distribution  
13 under subdivision (d)(1) of this section, shall be transferred to the All-  
14 Terrain Vehicle Off-Road Trail Fund.

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

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18 27-21-114. Rules of the road applicable.

19 An operator of an all-terrain vehicle who is authorized to travel on a  
20 public street or highway designated for the operation of all-terrain vehicles  
21 under § 27-21-106(c) shall comply with the rules of the road as provided  
22 under § 27-51-101 et seq.

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