

1 State of Arkansas
2 91st General Assembly
3 Fiscal Session, 2018

HR 1008

4
5 By: Representative Maddox
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7 **HOUSE RESOLUTION**

8 TO AUTHORIZE THE INTRODUCTION OF A NONAPPROPRIATION
9 BILL CONCERNING THE DEFENSES TO PROSECUTION FOR A
10 VIOLATION OF OPERATING AN ALL-TERRAIN VEHICLE UPON A
11 PUBLIC STREET OR HIGHWAY.
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14 **Subtitle**

15 TO AUTHORIZE THE INTRODUCTION OF A
16 NONAPPROPRIATION BILL CONCERNING THE
17 DEFENSES TO PROSECUTION FOR A VIOLATION
18 OF OPERATING AN ALL-TERRAIN VEHICLE UPON
19 A PUBLIC STREET OR HIGHWAY.
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22 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIRST GENERAL
23 ASSEMBLY OF THE STATE OF ARKANSAS:

24
25 THAT Representative Maddox is authorized to introduce a bill which, as
26 introduced, will read substantially as follows:
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28 "For An Act To Be Entitled
29 AN ACT TO AMEND THE LAW CONCERNING THE DEFENSES TO PROSECUTION FOR A
30 VIOLATION OF OPERATING AN ALL-TERRAIN VEHICLE UPON A PUBLIC STREET OR
31 HIGHWAY; AND FOR OTHER PURPOSES.
32

33 Subtitle
34 TO AMEND THE LAW CONCERNING THE DEFENSES TO PROSECUTION FOR A VIOLATION OF
35 OPERATING AN ALL-TERRAIN VEHICLE UPON A PUBLIC STREET OR HIGHWAY.
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1 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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 3 SECTION 1. Arkansas Code § 27-21-109 is amended to read as follows:
 4 27-21-109. Defenses to prosecution — ~~Definition.~~

5 (a) It is no defense to a prosecution under this chapter that the
 6 driver or operator possesses a valid driver's license or motorcycle
 7 operator's license.

8 (b) It shall be a defense to prosecution under § 27-21-106 for a
 9 violation of operating an all-terrain vehicle upon the public streets or
 10 highways if the all-terrain vehicle operator can show by a preponderance of
 11 the evidence that:

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

14 (2) The public street or highway was not an interstate highway;

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

17 (A) ~~The One off-road trail where he or she parked the~~
 18 ~~motor vehicle used to transport the all-terrain vehicle to another off-road~~
 19 ~~trail; or~~

20 (B) His or her private property to an off-road trail ~~or to~~
 21 ~~a tract of land that is private property; and~~

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

24 ~~(i) The (A) One off-road trail where he or she~~
 25 ~~parked the motor vehicle used to transport the all-terrain vehicle to another~~
 26 ~~off-road trail; or~~

27 ~~(ii) (B) His or her private property to an off-road~~
 28 ~~trail or to a tract of land that is private property.~~

29 ~~(B) However, an all-terrain vehicle shall not travel more~~
 30 ~~than three (3) miles on a public street or highway to get to one (1) of the~~
 31 ~~destinations authorized under subdivision (b)(4)(A) of this section.~~

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

34 (1) Owns;

35 (2) Leases;

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

1 (4) Is staying at for a specific period of time as an invitee,
2 including without limitation a:

- 3 (A) Vacation resort;
- 4 (B) Rental cabin;
- 5 (C) Deeded timeshare; or
- 6 (D) Right-to-use timeshare.

7 ~~(d)(1) An operator of an all-terrain vehicle shall:~~

8 ~~(A) Carry proof when operating an all-terrain vehicle on a~~
9 ~~public street or highway of:~~

10 ~~(i) His or her property interest in the private~~
11 ~~property; and~~

12 ~~(ii) The location of his or her private property;~~
13 ~~and~~

14 ~~(B) Display upon demand of a peace officer the proof~~
15 ~~required by subdivision (d)(1) of this section.~~

16 ~~(2) A person operating an all-terrain vehicle with a private~~
17 ~~property owner who presents the proof required by subdivision (d)(1)(A) of~~
18 ~~this section shall have the same authority as the private property owner to~~
19 ~~operate his or her all-terrain vehicle on a public street or highway for the~~
20 ~~purposes of this section."~~

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