

## ARKANSAS STATUTES TITLE 27 MOTOR VEHICLES

### **27-20-201. Penalty.**

Any owner of a three-wheeled or four-wheeled all-terrain cycle failing to register it within thirty (30) calendar days after the transfer date or the date of release of a lien by a prior lienholder whichever is greater shall be assessed an additional penalty of three dollars (\$3.00) for each ten-calendar-day period or fraction thereof for which he or she fails to properly register the cycle until the penalty reaches the same amount as the registration fee of the cycle to be registered.

### **27-20-202. Registration required.**

(a) All owners of three-wheeled or four-wheeled all-terrain cycles that are not otherwise required to be registered by law shall register them with the Director of the Department of Finance and Administration within thirty (30) calendar days of acquiring them.

(b)(1) The owners shall offer proof of ownership satisfactory to the Department of Finance and Administration.

(2)(A)(i) If the person seeking to register the all-terrain cycle cannot offer satisfactory proof of ownership, the department may register it if the person seeking registration posts a bond equal to at least one and one-half (1 1/2) times the market value of the all-terrain cycle.

(ii) The bond shall be a cash bond, a letter of credit, a surety bond issued by a fidelity or surety company authorized to do business in Arkansas, or a personal bond signed by at least two (2) property owners in this state.

(iii) The bond shall be for a period of three (3) years and made payable to the department to be used by the department to pay any valid claim arising from the disputed ownership of the all-terrain cycle.

(B)(i) If the three-wheeled or four-wheeled all-terrain cycle was manufactured on or before December 31, 1992, then proof of ownership shall not be required to obtain registration, and a statement of ownership shall be accepted as proof of ownership.

(ii) The statement of ownership may be prepared by the person and shall contain the following information:

- (a) The person's name;
  - (b) A description of the cycle;
  - (c) A statement that the cycle was manufactured on or before December 31, 1992;
  - (d) A statement of ownership; and
  - (e) The person's signature.
- (c) The cost of registration shall be five dollars (\$5.00).

**27-20-203.**

There shall be no equipment requirement or safety inspection requirement as a precondition to registration of three-wheeled or four-wheeled all-terrain cycles.

**27-20-204.**

The tax imposed by the Arkansas Gross Receipts Act of 1941, § 26-52-101 et seq., or the Arkansas Compensating Tax Act of 1949, § 26-53-101 et seq., on the sale of three-wheeled or four-wheeled all-terrain cycles shall be due and paid to the Director of the Department of Finance and Administration at the time of registration by the owners. History. Acts 1983, No. 872, § 1; A.S.A. 1947, § 75-1717.

**27-20-205.**

(a) The Director of the Department of Finance and Administration shall issue a certificate of title to the owner of a three-wheeled or four-wheeled all-terrain cycle that has been registered with the Department of Finance and Administration.

(b) The certificate shall identify the owner's name and address, the vehicle manufacturer, model, year, identification number, seller, date of sale, lienholder, and lienholder's address.

**27-20-206.**

The Director of the Department of Finance and Administration shall furnish the owners of three-wheeled or four-wheeled all-terrain cycles that have been registered with the Department of Finance and Administration a numbered license decal which shall be attached to the left front side of the cycle.

**27-20-207.**

No renewal of registration of three-wheeled or four-wheeled all-terrain cycles shall be required.

**27-20-208.**

The Director of the Department of Finance and Administration may promulgate such rules and regulations as necessary to implement this subchapter.

## **Chapter 21**

### **All Terrain Vehicles**

**27-21-101.**

It is the intent and purpose of this chapter to regulate the use of recreational all-terrain vehicles by restricting their use on the public streets and highways of this state. This law seeks to ensure the safety and general welfare of the citizens of Arkansas by limiting the situations where all-terrain vehicles are permitted to be used in a dangerous and unsafe fashion.

**27-21-102. Definitions.**

As used in this chapter, unless the context otherwise requires:

- (1) "All-terrain vehicle" shall mean every three-wheeled, four-wheeled, or six-wheeled

vehicle seventy-five inches (75") or less in width, having a dry weight of eight hundred pounds (800 lbs.) or less, equipped with low pressure tires designed primarily for off-road recreational use and having an engine displacement of no more than six hundred fifty cubic centimeters (650 cc). The term "all-terrain vehicle" shall not include any golf cart, riding lawnmower, or lawn or garden tractor;

(2) "Low pressure tire" means a pneumatic tire six inches (6") or more in width designed for use on a wheel with a rim diameter of twelve inches (12") or less and utilizing an operating pressure of ten pounds per square inch (10 psi) or less as recommended by the vehicle manufacturer.

(3) "Public streets and highways" means the part of the street, road, or highway, including the improved road shoulder, which is open to vehicular traffic and which is maintained by the state or by a political subdivision of the State of Arkansas, and includes any federal highways.

**27-21-103.**

Nothing in this chapter shall be construed to require an all-terrain vehicle to be registered as a motor vehicle, motorcycle, or motor-driven cycle for operation on the public streets and highways.

**27-21-104.**

Any person violating the provisions of this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00) or imprisoned not more than thirty (30) days, or shall be both fined and imprisoned.

**27-21-105.**

The officers and employees of the Arkansas State Game and Fish Commission, the Arkansas State Highway and Transportation Department, and the Arkansas Forestry Commission shall have no authority to enforce the provisions of this law.

**27-21-106.**

(a) It shall be unlawful for any person to operate an all-terrain vehicle upon the public streets and highways of this state, notwithstanding the fact that the vehicle may otherwise meet the equipment standards as set forth in § 27-20-104, except under the following conditions and circumstances:

(1) An all-terrain vehicle may be operated upon the public streets and highways where the vehicle is used in farming or hunting operations and must be operated on the public streets and highways in order to get from one (1) field to another;

(2) An all-terrain vehicle may be operated upon the public streets or highways if the vehicle needs to make a direct crossing of the street or highway to get from one (1) area to another and if the vehicle comes to a complete stop, yields the right-of-way to all oncoming traffic that constitutes an immediate hazard, and crosses the street or highway at an angle of approximately ninety degrees (90°) to the direction of the street or highway. In crossing divided highways, the

crossing may only be made at an intersection of the highway with another public street or highway. In crossings made between the hours from one-half (1/2) hour after sunset to one-half (1/2) hour before sunrise or in conditions of reduced visibility, the crossing may only be made with both front and rear lights turned on;

(3)(A) Any person who has lost one (1) or both legs above the ankle or who otherwise has a serious walking handicap shall be permitted to operate a three-wheeled or four-wheeled all-terrain vehicle as a means of transportation upon any nonhard surfaced road in the state and upon the rights-of-way of all state and federal highways other than the rights-of-way of the federal interstate highway system.

(B) Each vehicle, while being ridden on a non-hard surfaced road or on the right-of-way of a state or federal highway as authorized in this subdivision by a person who has a serious walking handicap, shall be equipped with a red flag at least six inches (6") wide and twelve inches (12") long on a pole or staff extending at least thirty-six inches (36") above the level of the seat.

(C) For the purposes of this subdivision, "serious walking handicap" means any walking handicap certified as serious by a licensed physician.

(D) Any person operating an all-terrain vehicle on a non-hard surfaced road or on the right-of-way of a state or federal highway pursuant to the authority granted in this subdivision shall carry on his or her person or on the vehicle the physician's certificate certifying that the person has a serious walking handicap.

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

**27-21-107.**

(a)(1) A person twelve (12) years of age or older shall be entitled to operate an all-terrain vehicle in this state if the use is in compliance with all other provisions of this chapter.

(2) A person less than twelve (12) years of age shall be entitled to operate an all-terrain vehicle in this state only if he or she is under the direct supervision of a person who is at least eighteen (18) years of age or if he or she is on land owned by, leased, rented, or under the direct control of his or her parent or legal guardian, or if he or she is on land with the permission of the owner.

(b) A person shall not operate an all-terrain vehicle in this state:

(1) At a rate of speed greater than is reasonable and proper under the conditions then existing.

(2) During the hours from one-half (1/2) hour after sunset to one-half (1/2) hour before sunrise without displaying a lighted headlight and a lighted taillight.

**27-21-108.**

(a) Every all-terrain vehicle operated in this state shall be equipped with an adequate muffler system in good working condition. Every all-terrain vehicle operated in this state shall be equipped with a United States Forest Service-qualified spark arrester.

(b) No person shall:

(1)(A) Equip the exhaust system of an all-terrain vehicle with a cutout, bypass, or similar device;

(B) Operate an all-terrain vehicle with an exhaust so modified;

(2) Operate an all-terrain vehicle with the spark arrester removed or modified except for use in closed-course competition events.

**27-21-109.**

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

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

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

(2) The public street or highway was not a United States interstate highway;

(3) Traveling on the public street or highway was the most reasonable route of access available to him or her from one (1) off-road trail to another off-road trail or from his or her private property to an off-road trail; and

(4) His or her purpose for riding on the public street or highway was to get from one (1) off-road trail to another off-road trail or his or her purpose for riding on the public street or highway was to get from his or her private property to an off-road trail.

## **Title 26**

### **26-52-513.**

When any person engaged in the business of selling motor vehicles, motorcycles, motor-driven cycles, three or four-wheeled all-terrain cycles, or motorized bicycles, sells any motorcycle or motor-driven cycle that is designed or manufactured exclusively for competition or off-road use, or sells any three or four-wheel all-terrain cycle or motorized bicycle, the person shall collect and remit the taxes at the same time and in the same manner as other gross receipts taxes collected by the person. However, nothing in this section shall be construed so as to affect the manner in which state and local taxes are collected on motorcycles and motor-driven cycles registered for use on the streets and highways of this state.