

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

**Act 1568 of the Regular Session**

1 State of Arkansas

*As Engrossed: S3/7/05 S3/22/05*

2 85th General Assembly

**A Bill**

3 Regular Session, 2005

HOUSE BILL 2086

4  
5 By: Representative Clemons

6 By: *Senator J. Taylor*

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8  
9 **For An Act To Be Entitled**

10 AN ACT TO CLARIFY THAT NITROUS OXIDE SHALL NOT BE  
11 USED IN ANY MOTOR VEHICLE OR MOTORCYCLE DRIVEN ON  
12 THE STREETS OR HIGHWAYS; TO MAKE THE USE OF  
13 NITROUS OXIDE IN A MOTOR VEHICLE OR MOTORCYCLE  
14 THAT IS DRIVEN IN A RACE ON THE STREETS OR  
15 HIGHWAYS AN ADDITIONAL OFFENSE; TO PRESCRIBE  
16 PENALTIES FOR THE USE OF NITROUS OXIDE IN MOTOR  
17 VEHICLES OR MOTORCYCLES DRIVEN ON THE STREETS OR  
18 HIGHWAYS; AND FOR OTHER PURPOSES.

19  
20 **Subtitle**

21 ERIC'S LAW: THE NITROUS OXIDE  
22 PROHIBITION ACT.

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24  
25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

26  
27 SECTION 1. Arkansas Code Title 27, Chapter 37 is amended to add an  
28 additional subchapter to read as follows:

29 27-37-801. Title.

30 The title of this subchapter shall be known and may be cited as "Eric's  
31 Law: The Nitrous Oxide Prohibition Act".

32  
33 27-37-802. Definitions.

34 For the purposes of this subchapter:

35 (1)(A) "Motorcycle" means a motor vehicle having a saddle for



1 the use of the rider and designed to travel on not more than three (3) wheels  
2 in contact with the ground.

3 (B) "Motorcycle" does not include a tractor;

4 (2) "Nitrous oxide" means a gas or liquid form of nitrous oxide  
5 that is used to increase the speed or performance of a motor vehicle or  
6 motorcycle; and

7 (3) "Street or highway" means the entire width between property  
8 lines of every way or place of whatever nature when any part thereof is open  
9 to the use of the public, as a matter of right, for purposes of vehicular  
10 traffic.

11  
12 27-37-803. Use prohibited.

13 (a)(1) Except as provided under subdivision (a)(2) of this section, a  
14 person shall not operate a motor vehicle or motorcycle on a street or highway  
15 that is equipped to supply the engine with nitrous oxide.

16 (2) This section shall not prohibit:

17 (A) A person from operating a motor vehicle or motorcycle  
18 that is equipped to supply the engine with nitrous oxide if the system  
19 supplying nitrous oxide is made inoperative by:

20 (i) Disconnecting the line feeding nitrous oxide to  
21 the engine; or

22 (ii) Removing the container or containers of nitrous  
23 oxide from the motor vehicle or motorcycle; or

24 (B) A person from operating a tow vehicle or a  
25 recreational vehicle that is equipped to supply the engine with nitrous  
26 oxide.

27 (b) A person who violates the provisions of this section is guilty of  
28 a Class C misdemeanor.

29  
30 SECTION 2. Arkansas Code § 27-50-302 is amended to read as follows:

31 27-50-302. Classification of traffic violations.

32 The following traffic law violations shall be known as offenses and  
33 classified as indicated:

34 (1) Racing on a highway - Class A misdemeanor;

35 (2) Reckless driving - Class B misdemeanor;

36 (3) Driving with lights off to avoid detection, identification,

1 or apprehension - Class B misdemeanor;

2 (4) Hazardous driving - Class C misdemeanor;

3 (5) Leaving the scene of an accident involving property damage  
4 only - Class C misdemeanor;

5 (6) Wrong way on one way - Class C misdemeanor;

6 (7) Speeding in excess of 15 MPH over posted speed limit - Class  
7 C misdemeanor;

8 (8) Using nitrous oxide in a motor vehicle or motorcycle on a  
9 street or highway as prohibited under § 27-37-803 - Class C misdemeanor; and

10 ~~(8)~~(9) More than three (3) violations in a twelve-month period -  
11 Class C misdemeanor.

12  
13 SECTION 3. Arkansas Code § 27-50-309 is amended to read as follows:

14 27-50-309. Racing on public highways.

15 (a) Any person driving a motor vehicle or motor bicycle upon a public  
16 highway in this state in a race shall, upon conviction, be punished as  
17 prescribed in § 27-50-302.

18 (b)(1) It is unlawful and considered an additional offense for a  
19 person to use nitrous oxide in a race on a public street or highway in this  
20 state as prohibited under § 27-37-803.

21 (2) A person who pleads guilty to, nolo contendere to, or is  
22 found guilty of a violation under subdivision (b)(1) of this section shall be  
23 punished as prescribed under § 27-50-302.

24  
25 /s/ Clemons

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28 APPROVED: 4/05/2005

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