

Department of Finance and Administration

Legislative Impact Statement

Bill: HB1445

Bill Subtitle: TO AUTHORIZE THE OPERATION OF ALL-TERRAIN VEHICLES ON DESIGNATED STREETS AND ROADS; AND TO CREATE THE ALL-TERRAIN VEHICLE OFF-ROAD TRAIL FUND.

Basic Change :

Sponsors: Reps. Pilkington, Bentley, Vaught, Maddox, Capp and Sen. Davis

HB1445 would authorize the operation of all-terrain vehicles on public streets and highways designated by local authorities. Under current law, a person may not operate an all-terrain vehicle on a public street or highway except in certain narrow circumstances, such as for use in farming or hunting operations or by an employee of a utility working during a time of emergency or severe weather. This bill would authorize the officers of a county, city, or incorporated town to enact an ordinance that permits the operation of an all-terrain vehicle on a public street or highway located within the jurisdiction of the county, city, or incorporated town and designated by the officers. Under current law, neither the state nor its political subdivisions can impose equipment or inspection requirements as a precondition to registration of an all-terrain vehicle. This bill would allow the city, county, or incorporated town to include provisions in the ordinance that impose safety and operation requirements such as operator licensing, equipment and safety inspection requirements, operator age, and use of seat belts and child restraint systems. An operator of an all-terrain vehicle who travels on a public street or highway designated by an ordinance enacted under this bill would have to comply with the same rules of the road and would be subject to the same penalties for violating the rules of the road as any other operator of a motor vehicle on a public street or highway. The owner of an all-terrain vehicle who travels on a public street or highway designated by an ordinance enacted under this bill and who is a resident of Arkansas must register the vehicle with the DFA within thirty calendar days of acquiring the all-terrain vehicle.

The bill would create an additional state permitting requirement for an operator of an all-terrain vehicle who is not a resident of Arkansas. The bill then would authorize use of the associated fees to create a state fund for the creation and maintenance of off-road trails for all-terrain vehicles. Under current law, the state does not require a permit for the operation of an all-terrain vehicle. Under this bill, an operator of an all-terrain vehicle who is not a resident of Arkansas and who travels on a public street or highway designated by ordinance must pay a \$24.00 fee and obtain an out-of-state operation permit as established by the DFA. The out-of-state permit would expire after one year and would be renewable. The bill provides for distribution of the \$24.00 permit fee in the amount of \$5.00 to the State Central Services Fund for use by the DFA to defray the cost of administering out-of-state operating permits and provides for distribution of the remaining amount to a designated special All-Terrain Vehicle Off-Road Trail Fund. The bill directs the Department of Parks and Tourism to use the All-Terrain Vehicle Off-Road Trail Fund for the creation and maintenance of new and already existing off-road trails for all-terrain vehicles. Monies remaining in the fund at the end of each fiscal year would carry forward to the next fiscal year.

This bill creates additional recordkeeping and certification duties for the DFA Director. Most significantly, the bill would require the DFA to create and implement an out-of-state operator permitting regime. The DFA would collect the \$24.00 per operator out-of-state permitting fee and issue out-of-state operator permits. The DFA would have to create a system to record and track the yearly permits. The DFA also would be responsible for enforcing against violations of the bill's registration and out-of-state permitting requirements.

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This bill also would require DFA to administer a new designated fund for the creation and maintenance of off-road trails for all-terrain vehicles. DFA would retain a portion of the out-of-state permit fees for administration and distribute the remainder of the fees to the Department of Parks and Tourism.

Revenue Impact :

Unknown increase in Revenue for All-Terrain Vehicle Off-Road Trail Fund.

Taxpayer Impact :

Out of State All-Terrain Vehicle owners will be required to obtain an out-of-state operation permit prior to operating their ATV on public streets or highways in Arkansas.

Resources Required :

Computer systems would need to be programmed for issuing permits and maintain data for law enforcement. Programming is estimated to cost \$172,500.00.

Time Required :

Adequate time has been provided.

Procedural Changes :

Update Motor Vehicle Procedures Manual and distribute to Revenue Offices.

Other Comments :

None.

Legal Analysis :

None.