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JUSTICE BUILDING, LITTLE ROCK 72201

(501) 371-2007

OPINION NO. 85-135

June 17, 1985

Honorable Sturgis Miller
State Representative
Route 2, 4410 Town & Country Lane
Pine Bluff, AR 71603

Dear Representative Miller:

This letter is written in response to your request for an opinion regarding Act 1011 of 1985. Your specific question was whether Act 1011 of 1985 will be applicable to all terrain vehicles that were equipped and licensed for street use prior to the effective date of that Act.

You correctly stated in your letter that under present law certain all terrain vehicles, if properly equipped and licensed, may legally operated on the public streets and highways. In fact, several people have so equipped their all terrain vehicles and have obtained licenses from the Motor Vehicle Division. Act 1011 of 1985 provides that all terrain vehicles, as defined in Act 1011 of 1985, may not be operated upon the public streets and highways of this State, even though the vehicles may otherwise meet the necessary equipment requirements.

The operation of a motor vehicle upon the streets or highways of the State of Arkansas is a privilege. The State has the inherent authority to regulate what type of vehicle may operate upon the streets and the manner in which the vehicle may operate. This Act specifically prohibits all terrain vehicles from operating on the public streets and highways of the State. The mere fact that such vehicles have previously been licensed will not operate as a bar to the clear intent of this Act. It appears that, as of June 28, 1985, all terrain vehicles may not operate upon the streets and highways of this State unless they fit into the one exception provided in Act 1011 of 1985.

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The foregoing opinion, which I hereby approve, was
prepared by Assistant Attorney General Randel K. Miller.

Sincerely,


STEVE CLARK
Attorney General

SC/RKM/ljm