

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

3

HOUSE BILL 1087
Committee Substitute Favorable 4/29/97
Senate Judiciary Committee Substitute Adopted 8/11/97

Short Title: Motorized Vehicle Trespass.

(Public)

Sponsors:

Referred to: Appropriations.

April 21, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE TRESPASSING WITH A MOTORIZED ALL TERRAIN
3 VEHICLE A MISDEMEANOR.

4 The General Assembly of North Carolina enacts:

5 Section 1. Chapter 14 of the General Statutes is amended by adding a new
6 section to read:

7 "**§ 14-159.3. Trespass to land on motorized all terrain vehicle.**

8 (a) No person shall operate any motorized all terrain vehicle:

9 (1) On any private property not owned by the operator, without the consent
10 of the owner;

11 (2) Within the banks of any stream or waterway, the adjacent lands of
12 which are not owned by the operator, without the consent of the owner
13 or outside the restrictions imposed by the owner; or

14 (3) Within 25 feet of the banks of any stream, waterway, lake, or pond, the
15 adjacent lands of which are not owned by the operator, without the
16 consent of the owner of the adjacent lands.

17 (b) A 'motorized all terrain vehicle', as used in this section, is a two or more
18 wheeled vehicle designed for recreational off-road use.

1 (c) A violation of this section shall be a Class 2 misdemeanor."

2 Section 2. G.S. 14-134.2 reads as rewritten:

3 **"§ 14-134.2. Operating motor vehicle upon utility easements after being forbidden**
4 **to do so.**

5 If any person, without permission, shall ride, drive or operate a minibike, motorbike,
6 motorcycle, jeep, dune buggy, automobile, truck or any other motor ~~vehicle-vehicle~~, other
7 than a motorized all terrain vehicle as defined in G.S. 14-159.3, upon a utility easement
8 upon which the owner or holder of the easement or agent of the owner or holder of the
9 easement has posted on the easement a "no trespassing" sign or has otherwise given oral
10 or written notice to the person not to so ride, drive or operate such a vehicle upon the said
11 easement, he shall be guilty of a Class 3 misdemeanor, provided, however, neither the
12 owner of the property nor the holder of the easement or their agents, employees, guests,
13 invitees or permittees shall be guilty of a violation under this section."

14 Section 3. This act becomes effective December 1, 1997, and applies to acts
15 committed on or after that date.