

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

S

3

SENATE BILL 189
Commerce Committee Substitute Adopted 4/27/05
Third Edition Engrossed 5/16/05

Short Title: All-Terrain Vehicle Regulation.

(Public)

Sponsors:

Referred to:

February 23, 2005

1 A BILL TO BE ENTITLED
2 AN ACT TO REGULATE THE SALES AND OPERATIONS OF ALL-TERRAIN
3 VEHICLES.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 20-4.01 reads as rewritten:

6 "§ 20-4.01. Definitions.

7 Unless the context requires otherwise, the following definitions apply throughout
8 this Chapter to the defined words and phrases and their cognates:

9 (1a) Alcohol. – Any substance containing any form of alcohol, including
10 ethanol, methanol, propanol, and isopropanol.

11 (1b) Alcohol Concentration. – The concentration of alcohol in a person,
12 expressed either as:

13 a. Grams of alcohol per 100 milliliters of blood; or

14 b. Grams of alcohol per 210 liters of breath.

15 The results of a defendant's alcohol concentration determined by a
16 chemical analysis of the defendant's breath or blood shall be reported
17 to the hundredths. Any result between hundredths shall be reported to
18 the next lower hundredth.

19 (1c) All-Terrain Vehicle or ATV. – A motorized off-highway vehicle
20 designed to travel on three or four low-pressure tires, having a seat
21 designed to be straddled by the operator and handlebars for steering
22 control.

23 ~~(1e)~~(1d) Business District. – The territory prescribed as such by ordinance of
24 the Board of Transportation.

25 ..."

26 SECTION 2. Article 3 of Chapter 20 is amended by adding a new Part to
27 read:

28 "Part 10C. Operation of All-Terrain Vehicles.

1 **"§ 20-171.10. Age restrictions.**

2 (a) No person less than 8 years of age shall operate an all-terrain vehicle.

3 (b) All-terrain vehicles with engine capacity less than 70 cubic centimeter
4 displacement shall be operated only by persons who are 8 years of age or older.

5 (c) All-terrain vehicles with engine capacity up to and including 90 cubic
6 centimeter displacement shall be operated only by persons 12 years of age or older.

7 (d) All-terrain vehicles with engine capacity greater than 90 cubic centimeter
8 displacement shall be operated only by persons 16 years of age or older.

9 (e) All persons under the age of 16 shall be under the continuous visual
10 supervision of a person 18 years of age or older while operating an all-terrain vehicle.

11 **"§ 20-171.11. Passengers.**

12 No operator of an all-terrain vehicle shall carry a passenger, except on those vehicles
13 specifically designed by the manufacturer to carry passengers in addition to the
14 operator.

15 **"§ 20-171.12. Prohibited acts by sellers.**

16 No person shall knowingly sell or offer to sell an all-terrain vehicle:

17 (1) For use by a person under the age of 8 years.

18 (2) With an engine capacity of 70 cubic centimeter displacement or
19 greater for use by a person less than 12 years of age.

20 (3) With an engine capacity of greater than 90 cubic centimeter
21 displacement for use by a person less than 16 years of age.

22 **"§ 20-171.13. Equipment requirements.**

23 Every all-terrain vehicle sold, offered for sale, or operated in this State shall meet the
24 following equipment standards:

25 (1) It shall be equipped with a brake system maintained in good operating
26 condition.

27 (2) It shall be equipped with an effective muffler system maintained in
28 good working condition.

29 (3) It shall be equipped with a United States Forest Service qualified spark
30 arrester maintained in good working condition.

31 **"§ 20-171.14. Prohibited acts by owners and operators.**

32 (a) No person shall operate an all-terrain vehicle unless the person wears eye
33 protection and a safety helmet meeting United States Department of Transportation
34 standards for motorcycle helmets.

35 (b) No owner shall authorize an all-terrain vehicle to be operated contrary to this
36 Part.

37 (c) No person shall operate an all-terrain vehicle while under the influence of
38 alcohol, any controlled substance, or a prescription or nonprescription drug that impairs
39 vision or motor coordination.

40 (d) No person shall operate an all-terrain vehicle in a careless or reckless manner
41 so as to endanger or cause injury or damage to any person or property.

42 (e) Except as otherwise permitted by law, no person shall operate an all-terrain
43 vehicle on any public street, road, or highway except for purposes of crossing that
44 street, road, or highway.

1 (f) Except as otherwise permitted by law, no person shall operate an all-terrain
2 vehicle at anytime on an interstate or limited-access highway.

3 (g) No person shall operate an all-terrain vehicle during the hours of darkness,
4 from one-half hour after sunset to one-half hour before sunrise and at anytime when
5 visibility is reduced due to insufficient light or atmospheric conditions, without
6 displaying a lighted headlamp and taillamp, unless the use of lights is prohibited by
7 other applicable laws.

8 **"§ 20-171.15. Safety training and certificate.**

9 Effective October 1, 2006, every all-terrain vehicle operator born on or after January
10 1, 1990, shall possess a safety certificate indicating successful completion of an
11 all-terrain vehicle safety course sponsored or approved by the All-Terrain Vehicle
12 Safety Institute.

13 **"§ 20-171.16. Penalties.**

14 (a) Any person violating the provisions of G.S. 20-171.10, 20-171.12, or
15 20-171.14(e) or (f) shall be guilty of a Class 2 misdemeanor.

16 (b) Any person violating any other provision of this Part shall be responsible for
17 an infraction and may be subject to a fine of not more than two hundred dollars
18 (\$200.00).

19 **"§ 20-171.17. Exceptions.**

20 (a) The provisions of this Part do not apply to any owner, operator, lessor, or
21 renter of a farm or ranch, or that person's employees or immediate family or household
22 members, when operating an all-terrain vehicle while engaged in farming operations.

23 (b) The provisions of this Part do not apply to any person using an all-terrain
24 vehicle for hunting or trapping purposes if the person is otherwise lawfully engaged in
25 those activities."

26 **SECTION 3.** This act becomes effective October 1, 2005.