

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 767*
Committee Substitute Favorable 4/5/07
Committee Substitute #2 Favorable 4/18/07
Senate Judiciary II (Criminal) Committee Substitute Adopted 7/23/07

Short Title: ATV Use for Emergencies.-AB

(Public)

Sponsors:

Referred to:

March 15, 2007

A BILL TO BE ENTITLED

AN ACT TO ALLOW ALL LAW ENFORCEMENT OFFICERS AND ALL FIRE, RESCUE, AND EMERGENCY MEDICAL SERVICES PERSONNEL THROUGHOUT THE STATE TO USE ALL-TERRAIN VEHICLES ON SOME PUBLIC HIGHWAYS WHILE ACTING IN THE COURSE AND SCOPE OF THEIR DUTIES; TO ALLOW CERTAIN MUNICIPAL AND COUNTY EMPLOYEES CURRENTLY AUTHORIZED TO USE ALL-TERRAIN VEHICLES ON SOME PUBLIC HIGHWAYS WHILE ACTING IN THE COURSE AND SCOPE OF THEIR DUTIES TO CONTINUE; TO REPEAL LOCAL ACTS ON THE SUBJECT; AND TO MANDATE THAT ATV SAFETY COURSES BE APPROVED BY THE COMMISSIONER OF INSURANCE.

The General Assembly of North Carolina enacts:

SECTION 1. Article 3 of Chapter 20 of the General Statutes is amended by adding a new section to read:

"§ 20-171.23. Motorized all-terrain vehicles of law enforcement officers and fire, rescue, and emergency medical services permitted on certain highways.

(a) Law enforcement officers acting in the course and scope of their duties may operate motorized all-terrain vehicles, as defined in G.S. 14-159.3(b) and owned or leased by the agency, or under the direct control of the incident commander, on: (i) public highways where the speed limit is 35 miles per hour or less; and (ii) nonfully controlled access highways with higher speeds for the purpose of traveling from a speed zone to an adjacent speed zone where the speed limit is 35 miles per hour or less.

(b) Fire, rescue, and emergency medical services personnel acting in the course and scope of their duties may operate motorized all-terrain vehicles, as defined in G.S. 14-159.3(b) and owned or leased by fire, rescue, or emergency medical services departments, or under the direct control of the incident commander, on: (i) public highways where the speed limit is 35 miles per hour or less; and (ii) nonfully controlled

1 access highways with higher speeds for the purpose of traveling from a speed zone to an
2 adjacent speed zone where the speed limit is 35 miles per hour or less.

3 (c) This Part and all other State laws governing the operation of all-terrain
4 vehicles apply to the operation of all-terrain vehicles authorized by this section.

5 (d) An all-terrain vehicle operated pursuant to this section shall be equipped with
6 operable front and rear lights and a horn.

7 (e) A person operating an all-terrain vehicle pursuant to this section shall observe
8 posted speed limits and shall not exceed the manufacturer's recommended speed for the
9 vehicle.

10 (f) A person operating an all-terrain vehicle pursuant to this section shall carry
11 an official identification card or badge."

12 **SECTION 2.** Article 3 of Chapter 20 of the General Statutes is amended by
13 adding a new section to read:

14 **"§ 20-171.24. Motorized all-terrain vehicle use by employees of listed**
15 **municipalities and counties permitted on certain highways.**

16 (a) Municipal and county employees may operate motorized all-terrain vehicles,
17 as defined in G.S. 14-159.3(b) and owned or leased by the agency, on: (i) public
18 highways where the speed limit is 35 miles per hour or less; and (ii) nonfully controlled
19 access highways with higher speeds for the purpose of traveling from a speed zone to an
20 adjacent speed zone where the speed limit is 35 miles per hour or less.

21 (b) This Part and all other State laws governing the operation of all-terrain
22 vehicles apply to the operation of all-terrain vehicles authorized by this section.

23 (c) An all-terrain vehicle operated pursuant to this section shall be equipped with
24 operable front and rear lights and a horn.

25 (d) A person operating an all-terrain vehicle pursuant to this section shall observe
26 posted speed limits and shall not exceed the manufacturer's recommended speed for the
27 vehicle.

28 (e) A person operating an all-terrain vehicle pursuant to this section shall carry
29 an official identification card or badge.

30 (f) This section applies to the Towns of Ansonville, Atlantic Beach, Burgaw,
31 Carolina Beach, Cramerton, Dallas, Davidson, Duck, Emerald Isle, Franklin, Indian
32 Beach, Kill Devil Hills, Kitty Hawk, Kure Beach, Murphy, Nags Head, North Topsail
33 Beach, Oakboro, Ocean Isle Beach, Pine Knoll Shores, Stanley, Surf City, Sylva,
34 Topsail Beach, and Wrightsville Beach, the Cities of Albemarle, Belmont, Cherryville,
35 Gastonia, Kings Mountain, Mount Holly, and Rockingham and the Counties of
36 Cleveland, Currituck, Gaston, Surry, and Wilkes only."

37 **SECTION 3.(a)** S.L. 2004-108, Section 1 of S.L. 2005-305, S.L. 2006-25,
38 Sections 1 and 2 of S.L. 2006-116, Section 1 of S.L. 2006-166, Section 36 of S.L.
39 2006-264, and S.L. 2007-4 are repealed.

40 **SECTION 3.(b)** G.S. 20-114.3 is repealed.

41 **SECTION 4.** G.S. 20-171.20 reads as rewritten:

42 **"§ 20-171.20. Safety training and certificate.**

43 Effective October 1, 2006, every all-terrain vehicle operator born on or after January
44 1, 1990, shall possess a safety certificate indicating successful completion of an

1 all-terrain vehicle safety course sponsored or approved by the All-Terrain Vehicle
2 Safety ~~Institute~~. Institute or by another all-terrain vehicle safety course approved by the
3 Commissioner of Insurance. The North Carolina Community College System is
4 authorized to provide all-terrain vehicle safety training, approved by the Commissioner,
5 to persons less than 18 years of age."

6 **SECTION 5.** This act becomes effective October 1, 2007.