

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 1087  
Committee Substitute Favorable 4/29/97  
Senate Judiciary Committee Substitute Adopted 8/11/97  
Fourth Edition Engrossed 8/18/97

Short Title: Motorized Vehicle Trespass.

(Public)

Sponsors:

Referred to: Appropriations.

April 21, 1997

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

The General Assembly of North Carolina enacts:

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

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

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

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

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

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

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

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

1 **"§ 14-134.2. Operating motor vehicle upon utility easements after being forbidden**  
2 **to do so.**

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

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