

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

S

4

SENATE BILL 189
Commerce Committee Substitute Adopted 4/27/05
Third Edition Engrossed 5/16/05
House Committee Substitute Favorable 7/6/05

Short Title: All-Terrain Vehicle Regulation.

(Public)

Sponsors:

Referred to:

February 23, 2005

A BILL TO BE ENTITLED

AN ACT TO REGULATE THE SALES AND OPERATIONS OF ALL-TERRAIN
VEHICLES.

The General Assembly of North Carolina enacts:

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

"§ 20-4.01. **Definitions.**

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

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

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

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

b. Grams of alcohol per 210 liters of breath.

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

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

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

...."

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

read:

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

2 **"§ 20-171.10. Age restrictions.**

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

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

6 (c) All-terrain vehicles with engine capacity from 70 cubic centimeter
7 displacement up to and including 90 cubic centimeter displacement shall be operated
8 only by persons 12 years of age or older.

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

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

13 **"§ 20-171.11. Passengers.**

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

17 **"§ 20-171.12. Prohibited acts by sellers.**

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

19 (1) For use by a person under the age of eight years.

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

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

24 **"§ 20-171.13. Equipment requirements.**

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

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

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

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

33 **"§ 20-171.14. Prohibited acts by owners and operators.**

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

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

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

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

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

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

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

11 **"§ 20-171.15. Safety training and certificate.**

12 Effective October 1, 2006, every all-terrain vehicle operator born on or after January
13 1, 1990, shall possess a safety certificate indicating successful completion of an
14 all-terrain vehicle safety course sponsored or approved by the All-Terrain Vehicle
15 Safety Institute.

16 **"§ 20-171.16. Penalties.**

17 (a) Any person violating the provisions of G.S. 20-171.10, 20-171.12, or
18 20-171.14(e) or (f) shall be guilty of a Class 2 misdemeanor.

19 (b) Any person violating any other provision of this Part shall be responsible for
20 an infraction and may be subject to a fine of not more than two hundred dollars
21 (\$200.00).

22 **"§ 20-171.17. Exceptions.**

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

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

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