

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 767*
Committee Substitute Favorable 4/5/07

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 enforcing the laws of the State may use 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 public highways where the speed limit is 35 miles per hour or less. Law enforcement officers may operate motorized all-terrain vehicles on 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 use 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 public highways where the speed limit is 35 miles per hour or less and may operate motorized all-terrain vehicles on nonfully controlled access highways with higher speeds for the purpose of

1 traveling from a speed zone to an adjacent speed zone where the speed limit is 35 miles
2 per hour or less.

3 (c) Part 10C of Article 3 of this Chapter and all other State laws governing the
4 operation of all-terrain vehicles apply to the operation of all-terrain vehicles authorized
5 by this section.

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

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

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

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

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

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

23 (b) Part 10C of Article 3 of this Chapter and all other State laws governing the
24 operation of all-terrain vehicles apply to the operation of all-terrain vehicles authorized
25 by this section.

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

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

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

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

40 **SECTION 3.** S.L. 2004-108, Section 1 of S.L. 2005-305, S.L. 2006-25,
41 Sections 1 and 2 of S.L. 2006-116, Section 1 of S.L. 2006-166, Section 36 of S.L.
42 2006-264, and S.L. 2007-4 are repealed.

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

44 "**§ 20-171.20. Safety training and certificate.**

1 Effective October 1, 2006, every all-terrain vehicle operator born on or after January
2 1, 1990, shall possess a safety certificate indicating successful completion of an
3 all-terrain vehicle safety course sponsored or approved by the All-Terrain Vehicle
4 Safety ~~Institute~~. Institute or by another all-terrain vehicle safety course approved by the
5 Commissioner of Insurance."

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