

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

Short Title: ATV Use for Emergencies.-AB

(Public)

Sponsors:

Referred to:

March 15, 2007

A BILL TO BE ENTITLED

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

11 The General Assembly of North Carolina enacts:

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

14 **"§ 20-171.23. Motorized all-terrain vehicles of law enforcement officers and fire,**  
15 **rescue, and emergency medical services permitted on certain highways.**

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

23 (b) Fire, rescue, and emergency medical services personnel acting in the course  
24 and scope of their duties may use motorized all-terrain vehicles, as defined in  
25 G.S. 14-159.3(b) and owned or leased by fire, rescue, or emergency medical services  
26 departments, or under the direct control of the incident commander, on public highways  
27 where the speed limit is 35 miles per hour or less and may operate motorized all-terrain  
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1 vehicles on nonfully controlled access highways with higher speeds for the purpose of  
2 traveling from a speed zone to an adjacent speed zone where the speed limit is 35 miles  
3 per hour or less.

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

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

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

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

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

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

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

43 **"§ 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.