

GENERAL ASSEMBLY OF NORTH CAROLINA
1997 SESSION

SESSION LAW 1997-487
HOUSE BILL 1087

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:

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

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

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

In the General Assembly read three times and ratified this the 27th day of August, 1997.

s/ Dennis A. Wicker

President of the Senate

s/ Harold J. Brubaker
Speaker of the House of Representatives

s/ James B. Hunt, Jr.
Governor

Approved 11:09 a.m. this 10th day of September, 1997