

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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SENATE BILL 189

Short Title: All-Terrain Vehicle Regulation. (Public)

Sponsors: Senators Purcell; Allran, Bingham, Dannelly, Dorsett, and Kinnaird.

Referred to: Commerce.

February 23, 2005

1 A BILL TO BE ENTITLED
2 AN ACT TO REGULATE THE SALES AND OPERATIONS OF ALL-TERRAIN
3 VEHICLES.

4 The General Assembly of North Carolina enacts:

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

6 "**§ 20-4.01. Definitions.**

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

9 (1a) Alcohol. – Any substance containing any form of alcohol, including
10 ethanol, methanol, propanol, and isopropanol.

11 (1b) Alcohol Concentration. – The concentration of alcohol in a person,
12 expressed either as:

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

14 b. Grams of alcohol per 210 liters of breath.

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

19 (1c) All-Terrain Vehicle or ATV. – A motorized off-highway vehicle
20 designed to travel on three or four low-pressure tires, having a seat
21 designed to be straddled by the operator and handlebars for steering
22 control.

23 ~~(1e)~~(1d) Business District. – The territory prescribed as such by ordinance of
24 the Board of Transportation."

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

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

28 "**§ 20-171.10. Age restrictions.**

29 (a) No person less than 12 years of age shall operate an all-terrain vehicle.

1 (b) All-terrain vehicles with engine capacity up to and including 90 cubic
2 centimeter displacement shall be operated only by persons 12 years of age or older.

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

5 (d) All persons under the age of 16 shall be under the continuous supervision of a
6 person 18 years of age or older while operating an all-terrain vehicle.

7 **"§ 20-171.11. Passengers.**

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

11 **"§ 20-171.12. Prohibited acts by sellers.**

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

13 (1) For use by a person under the age of 12 years.

14 (2) With an engine capacity of greater than 90 cubic centimeter
15 displacement for use by a person less than 16 years of age.

16 **"§ 20-171.13. Equipment requirements.**

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

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

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

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

25 (4) When operated during the hours of darkness, from one-half hour after
26 sunset to one-half hour before sunrise and at any time when visibility
27 is reduced due to insufficient light or atmospheric conditions, it shall
28 display a lighted headlamp and taillamp, unless the use of lights is
29 prohibited by other applicable laws like those prohibiting the use of
30 lamps when hunting at night.

31 **"§ 20-171.14. Prohibited acts by owners and operators.**

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

35 (b) No owner shall authorize or permit an all-terrain vehicle to be operated
36 contrary to this Part.

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

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

42 (e) No person shall operate an all-terrain vehicle on any public street, road, or
43 highway except for purposes of crossing that street, road, or highway.

1 (f) No person shall operate an all-terrain vehicle at anytime on an interstate or
2 limited-access highway.

3 **"§ 20-171.15. Safety training and certificate.**

4 (a) On or before May 1, 2006, every all-terrain vehicle operator born on or after
5 January 1, 1990, shall possess a safety certificate indicating successful completion of an
6 all-terrain vehicle safety course sponsored or approved by the All-Terrain Vehicle
7 Safety Institute.

8 (b) On or before October 1, 2006, every all-terrain operator shall possess the
9 safety certificate required by subsection (a) of this section.

10 **"§ 20-171.16. Penalties.**

11 (a) Any person violating the provisions of G.S. 20-171.10, 20-171.12, or
12 20-171.14(e) or (f) shall be guilty of a Class 2 misdemeanor and may be subject to a
13 fine of not more than one thousand dollars (\$1,000) for each violation.

14 (b) Any person violating any other provision of this Part shall be responsible for
15 an infraction and may be subject to a fine of not more than two hundred dollars
16 (\$200.00)."

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