

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

**SENATE BILL 189
RATIFIED BILL**

AN ACT TO PROHIBIT THE OPERATION OF ALL-TERRAIN VEHICLES BY PERSONS LESS THAN EIGHT YEARS OLD, TO RESTRICT THE OPERATION OF ALL-TERRAIN VEHICLES BY PERSONS EIGHT TO FIFTEEN YEARS OLD BASED ON ENGINE CAPACITY, TO PROHIBIT SELLERS FROM KNOWINGLY SELLING ALL-TERRAIN VEHICLES FOR USE BY PERSONS LESS THAN EIGHT YEARS OLD OR FOR USE BY PERSONS EIGHT TO FIFTEEN YEARS OLD IN VIOLATION OF THE ENGINE CAPACITY LIMITATIONS, TO REQUIRE SAFETY TRAINING FOR ATV OPERATORS, AND TO CREATE INFRACTIONS FOR VIOLATIONS.

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.

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

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

"§ 20-171.10. Age restrictions.

(a) It is unlawful for any parent or legal guardian of a person less than eight years of age to knowingly permit that person to operate an all-terrain vehicle.

(b) It is unlawful for any parent or legal guardian of a person less than 12 years of age to knowingly permit that person to operate an all-terrain vehicle with an engine capacity of 70 cubic centimeter displacement or greater.

(c) It is unlawful for any parent or legal guardian of a person less than 16 years of age to knowingly permit that person to operate an all-terrain vehicle with an engine capacity greater than 90 cubic centimeter displacement.

(d) It is unlawful for any parent or legal guardian of a person less than 16 years of age to knowingly permit that person to operate an all-terrain vehicle unless the person is under the continuous visual supervision of a person 18 years of age or older while operating the all-terrain vehicle.

(e) Subsections (b) and (c) of this section do not apply to any parent or legal guardian of a person born on or before August 15, 1997, who permits that person to operate an all-terrain vehicle and who establishes proof that the parent or legal guardian owned the all-terrain vehicle prior to August 15, 2005.

"§ 20-171.11. Passengers.

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

"§ 20-171.12. Prohibited acts by sellers.

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

- (1) For use by a person under the age of eight years.
- (2) With an engine capacity of 70 cubic centimeter displacement or greater for use by a person less than 12 years of age.
- (3) With an engine capacity of greater than 90 cubic centimeter displacement for use by a person less than 16 years of age.

"§ 20-171.13. Equipment requirements.

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

- (1) It shall be equipped with a brake system maintained in good operating condition.
- (2) It shall be equipped with an effective muffler system maintained in good working condition.
- (3) It shall be equipped with a United States Forest Service qualified spark arrester maintained in good working condition.

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

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

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

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

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

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

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

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

"§ 20-171.15. Safety training and certificate.

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

"§ 20-171.16. Penalties.

Any person violating any of the provisions of this Part shall be responsible for an infraction and may be subject to a fine of not more than two hundred dollars (\$200.00).

"§ 20-171.17. Exceptions.

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

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

SECTION 3. This act becomes effective December 1, 2005, and applies to offenses committed on or after that date.

In the General Assembly read three times and ratified this the 9th day of August, 2005.

Beverly E. Perdue
President of the Senate

James B. Black
Speaker of the House of Representatives

Michael F. Easley
Governor

Approved _____ .m. this _____ day of _____, 2005