

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 1006

Short Title: All-Terrain Vehicles.

(Public)

Sponsors: Representative Smith.

Referred to: Transportation.

April 19, 1993

1 A BILL TO BE ENTITLED

2 AN ACT TO REGULATE ALL-TERRAIN VEHICLES.

3 The General Assembly of North Carolina enacts:

4 Section 1. Chapter 20 of the General Statutes is amended by adding a new
5 Article to read:

6 **"ARTICLE 7B.**
7 **"ALL-TERRAIN VEHICLES.**

8 **"§ 20-219.30. Short title.**

9 This Article shall be known and may be cited as the 'All-Terrain Vehicle Regulation
10 Act'.

11 **"§ 20-219.31. Definitions.**

12 (1) 'All-terrain vehicle' means any motorized off-highway vehicle 50
13 inches (1,270 mm) or less in width, having a dry weight of 600 pounds
14 (273 kg) or less, traveling on three or more low-pressure tires having a
15 seat or saddle designed to be straddled by the operator or a flat bench
16 seat and handlebars or steering wheel for steering control, and such
17 other off-highway vehicles as may be designated by the department.

18 (2) 'Dealer' means any person engaged in the business of selling, leasing,
19 or renting all-terrain vehicles at retail, at a regular place of business.

20 **"§ 20-219.32. Requirements of dealers to distribute safety information.**

21 Dealers shall distribute information to all-terrain vehicle purchasers on State laws,
22 safety requirements, training programs, operating characteristics, and potential risk of
23 injury associated with all-terrain vehicles, as is herein authorized to be prescribed by the
24 Commissioner.

1 **"§ 20-219.33. Prohibition against all-terrain vehicle operation by persons under 16**
2 **years of age.**

3 No person under 16 years of age shall operate an all-terrain vehicle anywhere in this
4 State, at any time or under any circumstances.

5 **"§ 20-219.34. Licensing requirement.**

6 (a) No person 16 years of age or older shall operate an all-terrain vehicle on any
7 highway or in any public vehicular area of this State unless the person holds an all-
8 terrain vehicle endorsement issued by this State; provided, however, that no operator's
9 license or endorsement is required when the person is operating the vehicle as part of a
10 prescribed vehicle safety education, training, and skills demonstration program and is
11 under the direct supervision of a certified all-terrain vehicle safety instructor.

12 (b) A current operator's license is required to be eligible for an all-terrain
13 endorsement. To obtain an all-terrain vehicle endorsement, a person must demonstrate
14 competence to operate an all-terrain vehicle by passing an operators test and a written or
15 oral test concerning all-terrain vehicles and must pay the fee for all-terrain vehicle
16 endorsement.

17 **"§ 20-219.35. Operation on highways prohibited.**

18 (a) Except as provided in this section, an all-terrain vehicle shall not be driven or
19 operated on any highway, or the right-of-way appurtenant thereto, of this State.

20 (b) The crossing of a highway is permitted only if:

21 (1) The all-terrain vehicle is driven or moved upon a highway only for the
22 purpose of crossing from one property to another and the crossing is
23 made at an angle of approximately 90 degrees to the direction of the
24 highway and at a place where no obstruction prevents a quick and safe
25 crossing;

26 (2) The vehicle is brought to a complete stop before crossing the shoulder
27 or main traveled way of the highway;

28 (3) The operator yields the right-of-way to all oncoming traffic that
29 constitutes an immediate potential hazard;

30 (4) In crossing a divided highway, the crossing is made only at an
31 intersection of the highway with another public street, road, or
32 highway; and

33 (5) Both the headlight and taillight are on when the crossing is made, if
34 the all-terrain vehicle is equipped with a headlight and a taillight.

35 (c) The crossing of any interstate or limited access highway is not permitted.

36 **"§ 20-219.36. Helmet and eye protection required.**

37 No person shall operate, ride, or be otherwise propelled on an all-terrain vehicle
38 within this State unless the person wears a safety helmet meeting United States
39 Department of Transportation standards for motorcycle helmets and eye protection
40 meeting same Department standards.

41 **"§ 20-219.37. Spark arrester.**

42 Every all-terrain vehicle must be equipped with a United States Forest Service
43 qualified spark arrester.

44 **"§ 20-219.38. Responsibility of owner.**

1 No owner shall authorize or permit an all-terrain vehicle to be operated contrary to
2 this Article.

3 **"§ 20-219.39. Rule making.**

4 The Commissioner is authorized to adopt rules for the carrying out of this Article
5 and is hereby vested with the power and is charged with the duty of administering and
6 enforcing the provisions of this Article. The Commissioner may perform other such
7 acts and exercise such other powers and duties as are authorized by this Article.

8 **"§ 20-219.40. Civil penalties.**

9 Any person who violates any section of this act other than G.S. 20-219.3(a) shall
10 be subject to a civil penalty not to exceed two hundred dollars (\$200.00) for each such
11 violation.

12 **"§ 20-219.41. Nonapplication to certain motorized vehicles.**

13 This Article shall have no application to G.S. 20-175.5."

14 Sec. 2. This act becomes effective January 1, 1994.