

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

H

1

HOUSE BILL 473

Short Title: All-Terrain Vehicle Registration.

(Public)

Sponsors: Representatives Baker; Sauls and K. Williams.

Referred to: Judiciary III.

March 13, 2003

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THE REGISTRATION OF ALL-TERRAIN VEHICLES.

The General Assembly of North Carolina enacts:

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

"Part 11C. All-Terrain Vehicles.

"§ 20-175.10. Title.

This Part shall be known as the 'All-Terrain Vehicle Registration Act.'

"§ 20-175.11. Purpose.

The General Assembly finds that the increasing use of all-terrain vehicles in this State has generated safety, recreational, and environmental issues. The purpose of this act is to regulate the use of all-terrain vehicles to protect the environment, to ensure that the recreational use of all-terrain vehicles is compatible with other recreational uses within this State, to promote the health and safety of the operators and the general public by requiring adherence to certain rules designed to ensure the safe operation of the vehicles, and to restrict the use of all-terrain vehicles to areas where that use is appropriate and permitted.

"§ 20-175.12. Definitions.

As used in this Part, unless the context otherwise indicates, the following terms have the following meanings:

- (1) 'All-terrain vehicle' or 'ATV' means any nonhighway recreational vehicle when used for cross-country travel on trails or on any one of the following or a combination of any of the following: land, water, snow, ice, marsh, swampland, and natural terrain. An 'all-terrain vehicle' or 'ATV' shall not include: an electric personal assistive mobility device; a snowmobile, an airmobile, or a construction or logging vehicle when any of these is used in performance of its common functions; a farm vehicle used for farming purposes; or a

1 vehicle used exclusively for emergency, military, law enforcement, or
2 fire control purposes.

3 (2) 'Commissioner' means the Commissioner of Motor Vehicles.

4 (3) 'Division' means the Division of Motor Vehicles.

5 (4) 'Operate' includes an attempt to operate and shall be construed to cover
6 all things connected with the presence of all-terrain vehicles whether
7 they are in motion or rest.

8 **"§ 20-175.13. Registration.**

9 (a) An all-terrain vehicle may not be operated unless registered pursuant to this
10 Part except when operated:

11 (1) On the property of the owner of the all-terrain vehicle.

12 (2) For official use by a federal, state, or municipal agency only if the all-
13 terrain vehicle is identified with the name or seal of the agency in a
14 manner approved by the Commissioner.

15 (3) Solely on privately owned land when the operator is specifically
16 invited to do so by the owner of that property and has on his person the
17 written consent of the owner.

18 (b) An all-terrain vehicle registration shall become void two years from the first
19 day of the month following the month of issue, except the registration of a vehicle
20 registered pursuant to G.S. 20-175.15(b) of this title shall become void on the last day of
21 February next following the date of issue.

22 (c) The registration of an all-terrain vehicle does not constitute a license to cross
23 or operate an all-terrain vehicle on public or private lands.

24 (d) An all-terrain vehicle that does not comply with the provisions of this Part
25 may not be registered by the Division.

26 (e) An all-terrain vehicle owned by a person who is a resident of any other state
27 shall be deemed properly registered for the purpose of this Part if it is registered in
28 accordance with the laws of the state in which the owner resides, but only to the extent
29 that a similar exemption or privilege is granted under the laws of that state for all-terrain
30 vehicles registered in this State by a resident of this State.

31 **"§ 20-175.14. Transfer of registration.**

32 The registration of an all-terrain vehicle ends when the owner transfers title to
33 another person. The former owner shall immediately return to the Division the
34 registration certificate and registration plate previously assigned to the transferred all-
35 terrain vehicle with the date of sale, name, and residence of the new owner endorsed on
36 the back of the certificate. When a person transfers the ownership of a registered all-
37 terrain vehicle to another person, files a new application, and pays a fee of ten dollars
38 (\$10.00), he may have registered in his name another all-terrain vehicle for the
39 remainder of the registration year without payment of any additional registration fee.

40 **"§ 20-175.15. Registration fees and plates.**

41 (a) The registration fee for all-terrain vehicles other than as provided for in
42 subsection (b) of this section is thirty-five dollars (\$35.00). Duplicate registration
43 certificates may be obtained upon payment of a fee of ten dollars (\$10.00) to the
44 Division.

1 (b) Any person engaged in the manufacture or sale of all-terrain vehicles may
2 obtain registration certificates and registration plates, subject to rules issued by the
3 Commissioner, which shall be valid for the following purposes only: testing, adjusting,
4 demonstrating, temporary use of customers for a period not to exceed seven days, and
5 use at fairs, shows, or races when no charge is made. Fees for these registration
6 certificates shall be forty-five dollars (\$45.00) for the first certificate issued to any
7 person and five dollars (\$5.00) for any additional certificate issued to the same person
8 within the current registration period.

9 **"§ 20-175.16. Equipment.**

10 (a) All all-terrain vehicles shall be equipped with all of the following:

- 11 (1) One or more headlights that shall be operated from 30 minutes after
12 sunset to 30 minutes before sunrise.
13 (2) A red rear light.
14 (3) Brakes in good mechanical condition.
15 (4) An efficient muffler and any other equipment needed to meet the noise
16 level specifications of subsection (b) of this section.
17 (5) If equipped with a windshield, it shall be free from sharp and jagged
18 edges.
19 (6) A United States Forest Service qualified spark arrester.

20 (b) Subject to rules issued by the Commissioner, all all-terrain vehicles shall be
21 equipped with a muffler system and other equipment or devices that reduce the
22 maximum machine operating noise to a noise level of not more than 82 decibels at 50
23 feet in a normal operating environment.

24 (c) No person shall sell or offer to sell an all-terrain vehicle unless it complies
25 with the sound requirements of subsection (b) of this section. No all-terrain vehicle shall
26 be equipped in any manner that permits the operator to bypass the muffler system. No
27 person shall sell or offer to sell at either wholesale or retail a replacement exhaust
28 muffler system that will not meet or exceed the exhaust noise reduction capabilities of
29 the all-terrain vehicle. Any person selling or offering to sell an all-terrain vehicle or
30 replacement muffler system, whether at wholesale or retail, shall include in the
31 specifications precise information concerning the designed maximum sound levels of
32 the all-terrain vehicle or replacement muffler system.

33 (d) This section and G.S. 20-175.15 shall not apply to any all-terrain vehicle
34 entered into a racing contest sponsored by a racing or all-terrain vehicle organization or
35 association when the all-terrain vehicle is actually participating in or practicing or
36 preparing for a racing event at an area specially provided for the purpose.

37 **"§ 20-175.17. Operation.**

38 (a) A person may only operate or permit an all-terrain vehicle owned by him or
39 under his control to be operated in accordance with this Part.

40 (b) An all-terrain vehicle may not be operated:

- 41 (1) On or along a public highway, except that an all-terrain vehicle being
42 used for agricultural purposes may be operated not closer than three
43 feet from the traveled portion of a highway for the purpose of traveling
44 within the confines of a farm.

- 1 (2) Across a public highway unless all of the following are met:
2 a. The crossing is made at an angle of approximately 90 degrees to
3 the direction of the highway at a place where no obstruction
4 prevents a quick and safe crossing.
5 b. The operator brings the all-terrain vehicle to a complete stop
6 before entering the traveled portion of the highway.
7 c. The operator yields the right-of-way to motor vehicles and
8 pedestrians using the highway.
9 d. The operator is 12 years of age or older and that any operator
10 under 16 years of age shall be under the direct supervision of a
11 person 18 years of age or older.
12 (3) On any privately owned land or body of private water unless any of the
13 following apply:
14 a. The owner or a member of the immediate family of the owner
15 of the land is the operator.
16 b. The operator has, on his person, the written consent of the
17 owner or lessee of the land to operate an all-terrain vehicle in
18 the specific area and during specific hours or days in which the
19 operator is operating, or proof that he is a member of a club or
20 association to which consent has been given orally or in writing.
21 c. The owner of the land has designated the area for use by all-
22 terrain vehicles by posting the area in a manner approved by the
23 Commissioner to give reasonable notice that the use is
24 permitted.
25 (4) On any public land, body of public water, or natural area unless the use
26 of all-terrain vehicles is specifically authorized by the Secretary of the
27 Department of Environment and Natural Resources.
28 (5) By any person under 12 years of age unless any of the following apply:
29 a. He is on land owned by his parents, family, or guardian.
30 b. He has written permission from the landowner or lessee.
31 c. He is under the direct supervision of a person at least 18 years
32 of age.
33 (6) In any manner intended or reasonably to be expected to harass, drive,
34 or pursue any wildlife.
35 (7) If the registration certificate or consent form is not available for
36 inspection and the registration number, or plate of a size and type
37 approved by the Commissioner, is not displayed on the all-terrain
38 vehicle in a manner approved by the Commissioner.
39 (8) While the operator is under the influence of drugs or intoxicating
40 beverages as defined in this Chapter.
41 (9) In a careless or negligent manner or in a manner so as to endanger a
42 person or property.
43 (10) Within a public or private cemetery.
44 (11) On a sidewalk unless permitted by a local governing body.

1 (c) In addition to all of the other requirements, an all-terrain vehicle may not be
2 operated:

3 (1) If equipped with an exhaust system with a cut out, bypass, or similar
4 device.

5 (2) With the spark arrester removed or modified, except for use in closed
6 course competition events.

7 **"§ 20-175.18. Penalties and revocation of registration.**

8 (a) A person who violates a provision of this Part shall be punished pursuant to
9 G.S. 20-176 (a) and (b).

10 (b) In addition to the fines provided in subsection (a) of this section, the Division
11 may suspend or revoke the registration of an all-terrain vehicle involved in a violation
12 of this Part.

13 **"§ 20-175.19. Landowner liability.**

14 No public or private landowner shall be liable for any property damage or personal
15 injury sustained by any person operating or riding as a passenger on an all-terrain
16 vehicle or upon a vehicle or other device drawn by an all-terrain vehicle upon the public
17 or private landowner's property, whether or not the public or private landowner has
18 given permission to use the land unless the public or private landowner charges a fee to
19 the operator or owner of the all-terrain vehicle for the use of the property or unless
20 damage or injury is intentionally inflicted by the landowner."

21 **SECTION 2.** This act becomes effective December 1, 2003.