

February 23, 2005

**S 189. ALL-TERRAIN VEHICLE REGULATION. TO REGULATE THE SALES AND OPERATIONS OF ALL-TERRAIN VEHICLES.** Enacts new Article 3 of GS Ch. 20 to regulate sellers and operators of an "all-terrain vehicle" (ATV), defined at GS 20-4.01 as a motorized off-highway vehicle designed to travel on three or four low-pressure tires and having a seat designed to be straddled by the operator and handlebars for steering control. ATV operators must be 12 years of age for ATVs with engine capacity up to and including 90 cubic centimeter displacement and 16 years of age for ATVs with engine capacity greater than 90 cubic centimeter displacement. All persons under age 16 must be supervised continuously by a person 18 years old or older while operating the vehicle, and passengers are permitted only on ATVs specifically designed to carry a passenger. Prohibits sellers from knowingly selling an ATV for use by a person less than the minimum applicable age based on engine capacity. Sets equipment standards for brakes, mufflers, spark arresters, and lights. Requires eye protection and safety helmet for operators, prohibits operation while under the influence of alcohol or drugs, prohibits careless or reckless operation, and prohibits owners of ATVs from permitting operation of an ATV in a manner contrary to the act. Prohibits operation on a public street, road, or highway except for crossing, and prohibits operation anytime on an interstate or limited access highway. Requires safety training and certification. Violation of the provisions governing age of operator, sales, and operation on public roads is a Class 2 misdemeanor. Violation of other provisions is an infraction subject to a fine of not more than \$200. Effective October 1, 2005.

**Intro. by Purcell.**

Ref. to Commerce

GS 20

April 27, 2005

**S 189. ALL-TERRAIN VEHICLE REGULATION.** Intro. 2/23/05. Senate committee substitute makes the following changes to 1st edition. Modifies proposed GS 20-171.10 to require that all persons under age 16 must be under the continuous visual supervision (was, continuous supervision) of a person 18 years old or older while operating an all-terrain vehicle. Makes technical changes.

May 12, 2005

**S 189. ALL-TERRAIN VEHICLE REGULATION.** Intro. 2/23/05. Senate amendment makes the following changes to 2nd edition. Modifies proposed Article 3 of GS Chapter 20 to require that ATV operators be at least eight years old (was, twelve years old) and to provide that only individuals eight years old and older may operate an ATV with an engine capacity of less than 70 cubic centimeter displacement. Prohibits the sale of an ATV for use by a person under eight (was, twelve years old) and the sale of a 70 cubic centimeters or greater ATV for use by a person less than 12 years old (was, prohibited sales of a 90 cc or greater ATV for use by a person less than 16 years old). Enacts new GS 20-171.17 to exempt from act's prohibitions individuals operating ATVs while engaged in farming operations or while hunting or trapping, regardless of individual's age.

July 6, 2005

**S 189. ALL-TERRAIN VEHICLE REGULATION.** Intro. 2/23/05. House committee substitute makes the following changes to 3rd edition. Makes technical changes only.

July 20, 2005

**S 189. ALL-TERRAIN VEHICLE REGULATION.** Intro. 2/23/05. House committee substitute makes the following changes to 4th edition. Revises proposed Part 10C of Article 3 of GS Chapter 20 to (1) rewrite age restrictions to prohibit parent or guardian from knowingly permitting an underage person to operate an all-terrain vehicle (ATV) (was, prohibited underage person from operating ATV); (2) delete exceptions for hunting and farming; and (3) provide that all violations are an infraction (was, made underage use violations, seller violations, and operating ATV on

public roads and highways a Class 2 misdemeanor). Makes title more specific. Changes effective date from October 1, 2005, to offenses committed on or after December 1, 2005.

July 27, 2005

**S 189. ALL-TERRAIN VEHICLE REGULATION.** Intro. 2/23/05. House amendment makes the following changes to 5th edition. Modifies proposed GS 20-171.10 to prohibit a parent or legal guardian of a person less than 12 years old to knowingly permit that person to operate an all-terrain vehicle with an engine capacity of 70 cubic centimeter displacement or greater (was, greater than 70 cubic centimeter displacement).

July 28, 2005

**S 189. ALL-TERRAIN VEHICLE REGULATION.** Intro. 2/23/05. House amendments make the following changes to 5th edition, as amended. Amendment #3 reinstates proposed 20-171.17 to exempt the use of all-terrain vehicles in farming operations or in hunting or trapping activities from act's proposed restrictions on ATV use. Amendment #4 also exempts any person who owned the ATV prior to the effective date of act.

August 4, 2005

**S 189. ALL-TERRAIN VEHICLE REGULATION.** Intro. 2/23/05. Conference report recommends the following changes to 6th edition to reconcile matters in controversy. Deletes GS 20-171.17(c), which exempted from act any person who owned an all-terrain vehicle prior to the effective date of act. Enacts new GS 20-171.10(e) to exempt from vehicle size restrictions applicable to persons between the ages of eight and fifteen any parent or legal guardian of a person born on or before August 15, 1997, who establishes proof that the parent or legal guardian owned the all-terrain vehicle prior to August 15, 2005.

August 22, 2005

**SL 2005-282 (S 189). ALL-TERRAIN VEHICLE REGULATION. 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.** Summarized in *Daily Bulletin* 2/23/05, 4/27/05, 5/12/05, 7/6/05, 7/20/05, 7/27/05, 7/28/05, and 8/4/05. Enacted August 18, 2005. Effective December 1, 2005.