

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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SENATE BILL 501
Transportation Committee Substitute Adopted 5/15/13
PROPOSED HOUSE COMMITTEE SUBSTITUTE S501-PCS85259-SU-42

Short Title: Clarify ATV Definition.

(Public)

Sponsors:

Referred to:

March 28, 2013

A BILL TO BE ENTITLED

AN ACT TO MODIFY THE DEFINITION OF ALL-TERRAIN VEHICLE TO REFLECT
CHANGES IN THE TYPES OF ALL-TERRAIN VEHICLES SOLD IN NORTH
CAROLINA, AND TO AUTHORIZE MUNICIPALITIES AND COUNTIES TO
REGULATE OPERATION OF ALL-TERRAIN VEHICLES ON SOME PUBLIC
STREETS AND HIGHWAYS.

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:

...

(1c) All-Terrain Vehicle or ATV. – A motorized ~~off-highway~~ vehicle 50 inches or less in width that is designed to travel on three or four more low-pressure tires, having a seat designed to be straddled by the operator and handlebars for steering control and manufactured for off-highway use. The terms "All-Terrain Vehicle" or "ATV" do not include a golf cart or a utility vehicle, as defined in this section, or a riding lawn mower.

...

(48c) Utility Vehicle. – ~~Vehicle designed and manufactured for general maintenance, security, recreational, and landscaping purposes, but does not include vehicles designed and used primarily for the transportation of persons or property on a street or highway.~~ A motor vehicle that is (i) designed for off-road use and (ii) used for general maintenance, security, agricultural, or horticultural purposes. "Utility vehicle" does not include an all-terrain vehicle or golf cart, as defined in this section, or a riding lawn mower.

...."

SECTION 2. G.S. 20-171.16 reads as rewritten:

"§ 20-171.16. 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. A passenger on an all-terrain vehicle under the age of 16 shall wear eye protection and a safety helmet meeting United States Department of Transportation standards for motorcycle helmets."

SECTION 3. G.S. 153A-245 reads as rewritten:



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1 "§ 153A-245. Regulation of golf carts and all-terrain vehicles on streets, roads, and
2 highways.

3 (a) Notwithstanding the provisions of G.S. 20-50 and G.S. 20-54, a county may, by
4 ordinance, regulate the operation of golf carts, as defined in G.S. 20-4.01(12a), and all-terrain
5 vehicles, as defined in G.S. 20-4.01(1c), on any public street, road, or highway where the speed
6 limit is 35 miles per hour or less within the county that is located in any unincorporated areas of
7 the county or on any property owned or leased by the county.

8 (b) By ordinance, a county may require the registration of golf ~~earts,carts~~ and all-terrain
9 vehicles, charge a fee for the registration, specify who is authorized to operate golf ~~earts,carts~~
10 and all-terrain vehicles, and specify the required equipment, load limits, and the hours and
11 methods of operation of golf ~~earts,carts~~ and all-terrain vehicles. No person less than 16 years of
12 age may operate a golf cart or all-terrain vehicle on a public street, road, or highway."

13 **SECTION 4.** G.S. 160A-300.6 reads as rewritten:

14 "§ 160A-300.6. Regulation of golf carts and all-terrain vehicles on streets, roads, and
15 highways.

16 (a) Notwithstanding the provisions of G.S. 20-50 and G.S. 20-54, a city may, by
17 ordinance, regulate the operation of golf carts, as defined in G.S. 20-4.01(12a), and all-terrain
18 vehicles, as defined in G.S. 20-4.01(1c), on any public street, road, or highway where the speed
19 limit is 35 miles per hour or less within its municipal limits or on any property owned or leased
20 by the city.

21 (b) By ordinance, a city may require the registration of golf ~~earts,carts~~ and all-terrain
22 vehicles, charge a fee for the registration, specify who is authorized to operate golf ~~earts,carts~~
23 and all-terrain vehicles, and specify the required equipment, load limits, and the hours and
24 methods of operation of golf ~~earts,carts~~ and all-terrain vehicles. No person less than 16 years of
25 age may operate a golf cart or all-terrain vehicle on a public street, road, or highway."

26 **SECTION 5.** This act becomes effective December 1, 2013, and applies to
27 offenses committed on or after that date.