

## **Important Information Regarding North Carolina's ATV Safety Law**

On August 18, 2005, North Carolina Governor Michael F. Easley signed the landmark ATV safety bill, HB 189, which was sponsored by Senator William R. Purcell. This new bill took effect on December 1, 2005.

### **Major provisions of the new law include:**

- Effective October 1, 2006: Requires every ATV operator born on or after January 1, 1990 to possess a safety certificate indicating successful completion of an ATV safety course sponsored or approved by the All Terrain Vehicle Safety Institute.
- Prohibits parent or guardian from knowingly permitting a person:
  - Under age 8 to operate an ATV;
  - \*Under age 12 to operate an ATV of 70cc or greater;
  - \*Under age 16 to operate an ATV over 90cc;
  - Under age 16 to operate an ATV unless under the continuous visual supervision of a person at least age 18.  
\* For any parent or guardian of a person born on or before August 15, 1997, the prohibitions marked with an asterisk above do not apply if the parent or guardian establishes proof that the parent or guardian owned the ATV prior to August 15, 2005.
- Prohibits the carrying of passengers unless the ATV was specifically designed by the manufacturer to carry passengers.
- Prohibits a person from knowingly selling or offering to sell an ATV:
  - For use by a person under the age of 8.
  - That is 70cc or greater for use by a person under the age of 12.
  - That is greater than 90cc for use by a person under the age of 16.
- Requires every ATV operator to wear eye protection and a helmet that meets U.S. DOT standards.
- Prohibits ATV operation:
  - While under the influence of alcohol, any controlled substance, or a drug that impairs vision or motor coordination.
  - On any interstate or limited access highway at any time, or on any public street, road, or highway except to cross.
  - During the hours of darkness without displaying a lighted headlamp and tail lamp.
- Requires all ATVs sold or operated in the state to be equipped with a brake system, an effective muffler system and a U.S. Forest Service qualified spark arrester, all maintained in good working condition.
- Sets penalties for violation.
- Persons using ATVs for farming, hunting or trapping are exempt from the law's provisions.

**In addition to the above, the ATV Safety Institute adheres to the ATV manufacturer's minimum age recommendation warning labels on the ATV. For all ASI ATV RiderCourses, the age of the rider must meet any manufacturer's recommendations for the vehicle ridden. Additionally, the instructor may limit the use of any vehicle deemed to create a safety hazard.**