

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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SENATE BILL 1800*
Agriculture/Environment/Natural Resources Committee Substitute Adopted
6/10/08
House Committee Substitute Favorable 7/1/08

Short Title: MV Definitions/Fed. Compliance/ATV Use. (Public)

Sponsors:

Referred to:

May 21, 2008

A BILL TO BE ENTITLED

1 AN ACT TO AMEND THE DEFINITIONS OF "HAZARDOUS MATERIALS" AND
2 "STATE" UNDER NORTH CAROLINA'S MOTOR VEHICLE LAWS IN ORDER
3 TO COMPLY WITH FEDERAL LAW, AS RECOMMENDED BY THE JOINT
4 LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE; TO ALLOW
5 CERTAIN NATURAL GAS UTILITY EMPLOYEES AND CONTRACTORS TO
6 USE ALL-TERRAIN VEHICLES ON PUBLIC HIGHWAYS WHILE ACTING IN
7 THE COURSE AND SCOPE OF THEIR EMPLOYMENT; AND TO AMEND
8 THE MOTOR VEHICLE DEALERS AND MANUFACTURERS LICENSE LAW
9 GOVERNING THE LOCATION OF ADDITIONAL OR RELOCATED NEW
10 MOTOR VEHICLE DEALERS.
11

12 The General Assembly of North Carolina enacts:

13 **SECTION 1.** G.S. 20-4.01 reads as rewritten:

14 **"§ 20-4.01. Definitions.**

15 Unless the context requires otherwise, the following definitions apply throughout
16 this Chapter to the defined words and phrases and their cognates:

17 ...

18 (12c) Hazardous Materials. – ~~Materials designated as hazardous by the~~
19 ~~United States Secretary of Transportation under 49 U.S.C. § 1803.~~Any
20 material that has been designated as hazardous under 49 U.S.C. § 5103
21 and is required to be placarded under Subpart F of Part 172 of Title 49
22 of the Code of Federal Regulations (1 October 2007 Edition), or any
23 quantity of a material listed as a select agent or toxin under Part 73 of
24 Title 42 of the Code of Federal Regulations (1 October 2007 Edition).

25 ...

26 (45) State. – A state, territory, or possession of the United States, District of
27 Columbia, Commonwealth of Puerto Rico, a province of Canada, or

1 the Sovereign Nation of the Eastern Band of the Cherokee Indians with
2 tribal lands, as defined in 18 U.S.C. § 1151, located within the
3 boundaries of the State of North Carolina. For provisions in this
4 Chapter that apply to commercial drivers licenses, "state" means a
5 state of the United States and the District of Columbia.

6"

7 **SECTION 2.** Article 3 of Chapter 20 of the General Statutes is amended by
8 adding a new section to read:

9 **§ 20-171.25. Motorized all-terrain vehicle use by certain employees of natural gas**
10 **utilities permitted on public highways and rights-of-way.**

11 (a) Natural gas utility employees and contractors engaged in pipeline safety, leak
12 survey, and patrolling activities, acting in the course and scope of their employment,
13 may operate motorized all-terrain vehicles owned or leased by the utility on public
14 highways and rights-of-way only to the extent necessary to perform those activities.

15 (b) This Part and all other State laws governing the operation of all-terrain
16 vehicles apply to the operation of all-terrain vehicles authorized by this section.

17 (c) An all-terrain vehicle operated pursuant to this section shall be equipped with
18 operable front and rear lights and a horn.

19 (d) A person operating an all-terrain vehicle pursuant to this section shall observe
20 posted speed limits and shall not exceed the manufacturer's recommended speed for the
21 vehicle.

22 (e) A person operating an all-terrain vehicle pursuant to this section shall carry
23 an official company identification card or badge."

24 **SECTION 3.** G.S. 20-305(5)a.5. is repealed.

25 **SECTION 4.** This act is effective when it becomes law.