

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007**

**SESSION LAW 2008-156
SENATE BILL 1800**

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

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:

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

...
(45) State. – A state, territory, or possession of the United States, District of Columbia, Commonwealth of Puerto Rico, a province of Canada, or the Sovereign Nation of the Eastern Band of the Cherokee Indians with tribal lands, as defined in 18 U.S.C. § 1151, located within the boundaries of the State of North Carolina. For provisions in this Chapter that apply to commercial drivers licenses, "state" means a state of the United States and the District of Columbia.

..."

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

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

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

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

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

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

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

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

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

In the General Assembly read three times and ratified this the 10th day of July, 2008.

s/ Beverly E. Perdue
President of the Senate

s/ Joe Hackney
Speaker of the House of Representatives

s/ Michael F. Easley
Governor

Approved 3:29 a.m. this 3rd day of August, 2008