



## Off-Highway Vehicle (OHV) Safety Regulations for the National Forests in NC:



*These Regulations apply to Motorcycles and All-Terrain Vehicles (ATV's). ATV's are generally defined as having a seat to be straddled by the operator and a handlebar for steering, with 3, 4 or 6-wheels, and under 60 inches in width. As posted in the Code of Federal Regulations (36 CFR 261.50, a&b).*

- 1) All Forest ATV and motorcycle operators and riders are required to wear eye protection and a helmet that meets US Dept. of Transportation motorcycle safety standards.
- 2) It is unlawful for a parent or legal guardian to knowingly permit:
  - A child under age 8 to operate any ATV or motorcycle.
  - A child under age 12 to operate any ATV 70cc or larger.
  - A child under age 16 to operate any ATV 90cc or larger.
  - A child under age 16 to operate any ATV or motorcycle unless under the continuous visual supervision of a person over age 18.
- 3) An OHV operator cannot carry passengers unless the machine was specifically designed by the manufacturer for such purposes.
- 4) Users cannot operate an ATV or motorcycle from one-half hour after sunset to one-half hour before sunrise without a working headlight and taillight.
- 5) All ATV's and motorcycles must have a properly installed spark arrester in good working order that meets USFS or SAE specifications.
- 6) All ATV's and motorcycles must have an operable braking system.
- 7) Users cannot operate an ATV or motorcycle on a forest road except to directly cross on a designated trail or parking area – unless the section of forest road is signed and designated for OHV use (or unless vehicle is licensed and street-legal).
- 8) Users cannot operate an ATV or motorcycle recklessly (in a way that could endanger persons, natural features, or property).
- 9) All ATV's and motorcycles must be ridden only on designated Forest Service trails in established OHV areas.

### **Penalties for Violations:**

Violation of these prohibitions is punishable by a fine of not more than \$5,000 or \$10,000 for an organization, or imprisonment for not more than six months, or both (16 USC 551 and 18 USC 3559 and 3571).

UNITED STATES DEPARTMENT OF AGRICULTURE  
FOREST SERVICE  
NATIONAL FORESTS IN NORTH CAROLINA

*Order Number 03-02-2006*

*OHV Safety Regulations*

Pursuant to 36 CFR 261.50 (a) and (b) the following orders apply to the Pisgah, Nantahala, Uwharrie, and Croatan National Forests in North Carolina. This order is in effect from May 12, 2006 through May 12, 2011.

This order applies to all motorcycles being driven off of designated roadways and all-terrain vehicles (ATV's). For the purpose of this order, ATV's are defined as having a seat to be straddled by the operator and a handlebar for steering, with 3, 4 or 6-wheels, and under 60 inches in width.

1. For public health and safety, ATV and motorcycle operators and riders must wear eye protection and a helmet that meets United States Department of Transportation motorcycle safety standards. **36 CFR 261.53 (e) and 36 CFR 261.55(d)**
2. For public health and safety, it is unlawful for a parent or legal guardian to knowingly permit:
  - A child under age 8 to operate any ATV or motorcycle.
  - A child under age 12 to operate any ATV 70cc or larger.
  - A child under age 16 to operate any ATV 90cc or larger.
  - A child under age 16 to operate any ATV or motorcycle unless under the continuous visual supervision of a person over age 18. **36 CFR 261.53 (e) and 36 CFR 261.55(d)**
3. For public health and safety, an OHV operator cannot carry passenger(s) unless the manufacturer specifically designed the vehicle for such purposes. **36 CFR 261.53(e) and 36 CFR 261.55(d)**
4. An OHV operator cannot operate any internal or external combustion engine without a spark arresting device properly installed, maintained and in effective working order meeting either: (1) Department of Agriculture, Forest Service Standard 5100-1a; or (2) Appropriate Society of Automotive Engineers (SAE) recommended practice J3335 (b) AND J350 (A). **36 CFR 261.52(j)**

Violation of these prohibitions set forth above is punishable by a fine of not more than \$5,000 for an individual and \$10,000 for an organization, or imprisonment for not more than six months, or both. See 16 U.S.C. 551, and 18 USC 3559 and 3571.

Pursuant to 36 CFR 261.50 (e), the following persons are exempted from this order:

- 1) Any Federal, State, or local officer, or member of an organized rescue or firefighting force in the performance of an official duty.

Executed in Asheville, North Carolina this 12<sup>th</sup> day of May, 2006.

/s/ Marisue Hilliard

MARISUE HILLIARD  
Forest Supervisor  
National Forests in North Carolina

Violation of these prohibitions set forth above is punishable by a fine of not more than \$5,000 for an individual and \$10,000 for an organization, or imprisonment for not more than six months, or both. See 16 U.S.C. 551, and 18 USC 3559 and 3571.