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

Order Number: 03-02-2006

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 January 30, 2012 through January 30, 2017.

This order applies to all motorcycles being driven off of designated roadways and all-terrain vehicles (ATVs). For the purpose of this order, ATVs are defined as having a seat to be straddled by the operator and a handlebar for steering, with three, four or six 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 the 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 Agriculture Engineers (SAE) recommended practice J53335 (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 and organization, or imprisonment for not more than six (6) months, or both. 16 U.S.C. 551, 18 U.S.C. 3559 and 3571.

Pursuant to 36 CFR, section 261.50(e), the following persons are exempt 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.

This prohibition is in addition to general prohibitions in 36 CFR 261, Subpart A.

Executed in Asheville, North Carolina this 28th day of January, 2012.

Diane Rubiaco
(Acting) Forest Supervisor
National Forests in North Carolina

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