

N.C.P.I.-Crim. 222.70  
TRESPASS TO LAND ON A MOTORIZED ALL TERRAIN VEHICLE.  
MISDEMEANOR.  
GENERAL CRIMINAL VOLUME  
JUNE 2015  
N.C. Gen. Stat. § 14-159.3  
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222.70 TRESPASS TO LAND ON A MOTORIZED ALL TERRAIN VEHICLE.

The defendant has been charged with Trespass to Land on a Motorized All Terrain Vehicle<sup>1</sup>.

For you to find the defendant guilty of this offense, the State must prove two things beyond a reasonable doubt.

First, that the defendant operated a motorized all terrain vehicle.

And Second, that the defendant operated the motorized all terrain vehicle [on private property now owned by the defendant without written consent of the owner<sup>2</sup>] [within the banks of a [stream] [waterway]<sup>3</sup> and [without the consent of the owner] [outside the restrictions imposed by the owner]].

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant operated a motorized all terrain vehicle [on private property not owned by the defendant and without written consent of the owner] [within the banks of a [stream] [waterway] and [without consent of the owner] [was outside the restrictions imposed by the owner]] it would be your duty to return a verdict of guilty. If you do not so find or have a reasonable doubt as to one or both of these things, it would be your duty to return a verdict of not guilty.

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1 N.C. Gen. Stat. § 14-159.3(a1) defines a "motorized all terrain vehicle" as a two or more wheeled vehicle designed for recreational off-road use.

2 A landowner who gives a person written consent to operate an all-terrain vehicle on the landowner's property owes the person the same duty of care that the landowner

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owes a trespasser.

3 This excludes a sound or Atlantic Ocean, the adjacent lands of which are not owned by the defendant.