

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

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 Vehicle¹.

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 owner²] [within the banks of a [stream] [waterway]³ 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.

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.

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

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 owes a trespasser.

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