

**From:** [Paul Stevens](#)  
**To:** [Barry Munyan](#)  
**Cc:** [Mike Murray](#); [Russ Wilson](#); [Wouter Ketel](#)  
**Subject:** Re: PVA Language  
**Date:** 02/08/2011 03:50 PM  
**Attachments:** [NC Motor Vehicle Charges in Public Vehicular Areas.jpg](#)

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Thanks Barry. I've attached the NC laws that apply to the PVA.

Mike Murray,

I'm fine with using the CALO language for our rule, with solicitor's concurrence.

Thanks,

Paul K. Stevens  
Chief Ranger  
National Park Service  
Outer Banks Group  
1401 National Park Drive  
Manteo, NC 27954

(252) 473-2111 ext. 119 (office)  
(252) 475-8307 (cellular)



NC Motor Vehicle Charges in Public Vehicular Areas.jpg

▼ [Barry Munyan/CALO/NPS](#)

**Barry  
Munyan/CALO/NPS**

02/08/2011 10:12 AM

To Paul Stevens/CAHA/NPS@NPS  
cc Mike Murray/CAHA/NPS@NPS, Russ  
Wilson/WASO/NPS@NPS, Wouter  
Ketel/CALO/NPS@NPS, Mike Tranel/AKSO/NPS@NPS  
Subject Re: PVA Language

Paul

This is the language we use in our compendium and plan on using in our ORV Rule.

*"Notwithstanding the definition of "Public Vehicular Area" (PVA) in North Carolina law, the operator of a vehicle must comply with all North Carolina traffic laws at all times, whether in motion or parked, as if operating on a North Carolina highway."*

Since the statute states it does not limit assimilation through 18 USC 13, it would follow that 4.2 CFR could also assimilate state law.

Barry Munyan  
Chief Ranger (LE)  
Cape Lookout National Seashore  
252-728-2250 ext. 3034

▼ Paul Stevens/CAHA/NPS

**Paul  
Stevens/CAHA/NPS**

02/07/2011 05:16 PM

To Barry Munyan/CALO/NPS@NPS, Wouter  
Ketel/CALO/NPS@NPS  
cc Russ Wilson/WASO/NPS@NPS, Mike  
Murray/CAHA/NPS@NPS  
Subject PVA Language

Barry/Wouter,

Russ Wilson advised you guys were working on some language concerning Public Vehicular Areas (PVA) as designated by the State of NC. Could you send me the language on what you have developed for your ORV plan/regulation. We might need to get the information into our ORV regulation which is on the fast track to be completed. I've attached the state law below.

Paul K. Stevens  
Chief Ranger  
National Park Service  
Outer Banks Group  
1401 National Park Drive  
Manteo, NC 27954

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32) Public Vehicular Area. – Any area within the State of North Carolina that meets one or more of the following requirements:

a. The area is used by the public for vehicular traffic at any time, including by way of illustration and not limitation any drive, driveway, road, roadway, street, alley, or parking lot upon the grounds and premises of any of the following:

1. Any public or private hospital, college, university, school, orphanage, church, or any of the institutions, parks or

other facilities maintained and supported by the State of North Carolina or any of its subdivisions.

2. Any service station, drive-in theater, supermarket, store, restaurant, or office building, or any other business, residential, or municipal establishment providing parking space whether the business or establishment is open or closed.

3. Any property owned by the United States and subject to the jurisdiction of the State of North Carolina. (The inclusion of property owned by the United States in this definition shall not limit assimilation of North Carolina law when applicable under the provisions of Title 18, United States Code, section 13).

b. The area is a beach area used by the public for vehicular traffic.

c. The area is a road used by vehicular traffic within or leading to a gated or non-gated subdivision or community, whether or not the subdivision or community roads have been offered for dedication to the public.

d. The area is a portion of private property used by vehicular traffic and designated by the private property owner as a public vehicular area in accordance with G.S. 20-219.4.

### MOTOR VEHICLE CHARGES IN PUBLIC VEHICULAR AREAS

§ 20-4.01(32) A Public Vehicular Area Is Any Area That meets one or more of the following requirements.

- (a) The area is generally Open to and Used by the Public for Vehicular Traffic, Including by Way of Illustration and Not Limitation Any Drive, Driveway, Road, Roadway, Street, Alley or Parking Lot upon the Grounds and Premises of any of the following:
1. Any Public or Private Hospital, College, University, School, Orphanage, Church, or Any of the Institutions, Parks or Other Facilities Maintained and Supported by the State of North Carolina or Any of its Subdivisions.
  2. Any Service Station, Drive-in Theater, Supermarket, Store, Restaurant, or Office Building, or Any Other Business, Residential, or Municipal Establishment Providing Parking Space for Customers, Patrons, or The Public.
  3. Any Property Owned by the United States and Subject to the Jurisdiction of the State of North Carolina.
- (b) The area is a beach area used by the public for vehicular traffic.
- (c) The area is a road opened to vehicular traffic within or leading to a subdivision for use by subdivision residents, their guests, and members of the public, whether or not the subdivision roads have been offered for dedication to the public.
- (d) The area is a portion of private property used for vehicular traffic and designated by the private property owner as a public vehicular area in accordance with § 20-219.4."

§ 20-219.4. Public vehicular area designated. (a) Any area of private property used for vehicular traffic may be designated by the property owner as a public vehicular area by registering the area with the Department of Transportation and by erecting signs identifying the area as a public vehicular area in conformity with rules adopted by the Department of Transportation.

The Following Motor Vehicle Violations May Be Charged When the Violation Takes Place on a PVA:

- § 20-10.1 Operating Moped by Person under 16 Years Old.
- § 20-29 Failure to Produce License and Exhibit For Examination
- § 20-37.6(e) Unlawful Parking in Handicapped Parking Space.
- § 20-127(d) Colored/Tinted Windows
- § 20-129(c) Without Burning Headlamps on Motorcycle.
- § 20-129(d) Without Burning Rearlamp on Motorcycle.
- § 20-138.1(a) Driving While Impaired.
- § 20-138.3 Provisional Licensee.
- § 20-138.7(a)(1) Transporting an Open Container of Alcoholic Beverage
- § 20-138.7(a)(2) Transporting an Open Container of Alcoholic Beverage after Consuming
- § 20-140(b) Reckless Driving (Careless and Reckless).
- § 20-140.2 Operating Overloaded or Overcrowded Vehicle.
- § 20-140.4(a)(1) Motorcycle with Greater Number of Passengers than Designed to Carry.
- § 20-140.4(a)(2) Operating Motorcycle Without Wearing Safety Helmet.
- § 20-141(a) Exceeding Safe Speed.
- § 20-141.4(a1) Death by Vehicle (Felony)
- § 20-141.4(a2) Death by Vehicle (Misdemeanor)
- § 20-141.5. Speeding to Elude Arrest.
- § 20-154(a) Unsafe Movement.
- § 20-166.1 Failure to Notify Law Enforcement Agency of and Accident
- § 20-162(b) Parking in Fire Lane
- § 20-163 Leaving Unattended Vehicle with Engine Running.
- § 20-166 Hit and Run.
- § 20-183.8 Inspection Sticker
- § 20-218(b) Exceeding School Bus Speed Limits
- § 20-218.2 Exceeding Nonprofit Activity Bus Speed Limits
- § 20-313 Motor Vehicle Without Insurance
- § 18B-401(a) Consumption by Driver of Malt Beverage or Unfortified Wine.