

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE BILL 45*

Short Title: Off-Road Vehicle Trust Fund. (Public)

Sponsors: Senators Bingham; Allran, Apodaca, Blake, Brunstetter, Davis, Dorsett, Forrester, Goodall, Hartsell, Hoyle, Purcell, and Stevens.

Referred to: Commerce.

February 4, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE ALL-TERRAIN VEHICLES AND MOTORCYCLES THAT ARE
3 USED AS OFF-ROAD VEHICLES TO BE REGISTERED WITH THE DIVISION OF
4 MOTOR VEHICLES, TO CREATE A NONREVERTING REVENUE FUND IN THE
5 DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES DESIGNATED
6 AS THE OFF-ROAD VEHICLE TRUST FUND TO BE USED TO PROVIDE
7 ALL-TERRAIN VEHICLE SAFETY TRAINING, ACQUIRE NEW LANDS, MANAGE
8 LANDS, AND DEVELOP OFF-ROAD VEHICLE PARKS, TRAILS, AND FACILITIES,
9 AND TO CREATE A NEW OFF-ROAD RECREATION PROGRAM.

10 The General Assembly of North Carolina enacts:

11 **SECTION 1.** G.S. 20-50(a) reads as rewritten:

12 "(a) A vehicle intended to be operated ~~upon any highway of in~~ this State ~~must shall~~ be
13 registered with the Division in accordance with G.S. 20-52, unless specifically exempted from
14 registration pursuant to G.S. 20-51 or used solely for agricultural purposes, and the owner of
15 the vehicle must comply with G.S. 20-52 before operating the vehicle. A vehicle that is leased
16 to an individual who is a resident of this State is a vehicle intended to be operated ~~upon a~~
17 ~~highway of in~~ this State.

18 The Commissioner of Motor Vehicles or the Commissioner's duly authorized agent is
19 empowered to grant a special one-way trip permit to move a vehicle without license upon good
20 cause being shown. When the owner of a vehicle leases the vehicle to a carrier of passengers or
21 property and the vehicle is actually used by the carrier in the operation of its business, the
22 license plates may be obtained by the lessee, upon written consent of the owner, after the
23 certificate of title has been obtained by the owner. When the owner of a vehicle leases the
24 vehicle to a farmer and the vehicle is actually used by the farmer in the operation of a farm, the
25 license plates may be obtained by the farmer at the applicable farmer rate, upon written consent
26 of the owner, after the certificate of title has been obtained by the owner. The lessee shall make
27 application on an appropriate form furnished by the Division and file such evidence of the lease
28 as the Division may require."

29 **SECTION 2.** Chapter 20 of the General Statutes is amended by adding a new
30 section to read:

31 **"§ 20-63.2. Off-Road vehicle registrations.**

32 (a) Any all-terrain vehicle or motorcycle registered for off-road use only shall be
33 registered in the same manner as any other vehicle registered pursuant to this Chapter. An
34 all-terrain vehicle or motorcycle registered for off-road use only shall be issued a registration
35 plate that is different in color or design so that law enforcement officers can easily recognize
36 the registration plate and the fact the vehicle upon which the plate is affixed is to be operated



1 off the roads, streets, and highways of this State. Any all-terrain vehicle or motorcycle
2 registered as an off-road vehicle shall be subject to the same title and registration fees as any
3 other vehicle subject to registration under this Chapter.

4 (b) There is no requirement that a vehicle registered for off-road use have insurance on
5 the vehicle or that the owner provide proof of financial responsibility prior to the vehicle being
6 registered.

7 (c) The Division shall collect any sales and use tax, and any other tax the Division is
8 required to collect pursuant to Chapter 105 of the General Statutes, on an off-road vehicle being
9 registered. If the applicant paid the sales and use tax to a dealer in North Carolina, proof of
10 payment to a dealer will be acceptable proof to register the vehicle. If the off-road vehicle was
11 purchased outside of North Carolina, the Division shall collect the applicable sales and use tax
12 and submit it to the Department of Revenue."

13 **SECTION 3.** Chapter 20 of the General Statutes is amended by adding a new
14 section to read:

15 **"§ 20-63.3. Off-Road Vehicle Trust Fund.**

16 (a) Fund. – The Off-Road Vehicle Trust Fund is hereby created as a special,
17 interest-bearing, and nonreverting fund in the Department of Environment and Natural
18 Resources. The Fund shall be treated as a special trust fund and shall be credited with interest
19 by the State Treasurer pursuant to G.S. 147-69.2 and G.S. 147-69.3.

20 (b) Disposition of Fees. – All monies from State, federal, and private sources dedicated
21 to off-road vehicle recreation trails shall be credited to the Off-Road Vehicle Trust Fund.
22 Eighty percent (80%) of the Fund shall be used for repair, expansion, and maintenance of
23 off-road vehicle recreation trails and to provide law enforcement on the recreation trails.
24 Twenty percent (20%) of the Fund shall be used to provide off-road and all-terrain vehicle
25 safety training."

26 **SECTION 4.** Chapter 20 of the General Statutes is amended by adding a new
27 section to read:

28 **"§ 20-63.4. North Carolina Off-Road Vehicle Recreation Program.**

29 (a) There shall be created within the Department of Environment and Natural
30 Resources a North Carolina Off-Road Vehicle Recreation Program to coordinate the planning,
31 development, and management of public off-road vehicle recreation areas, parks, trails, and
32 facilities.

33 (b) In consultation with the State land managing agencies, off-road vehicle
34 organizations, the off-road vehicle industry, and environmental organizations, the North
35 Carolina Off-Road Vehicle Recreation Program shall review the inventory of public lands to
36 determine the feasibility of providing public access for off-road vehicle recreation and trails.
37 The Department shall provide a report to the 2010 Regular Session of the 2009 General
38 Assembly by March 1, 2010. The report should include at least two appropriate locations for
39 public access for off-road vehicle recreational use and the applicable cost of providing each
40 facility. The cost section of the report shall fully explain the fiscal approach of renovating,
41 maintaining, and operating each site and include a recommended fee structure to support the
42 ongoing maintenance and operation of the program. The report shall also include the benefits
43 and risks of offering each site for off-road vehicle recreational use."

44 **SECTION 5.** G.S. 20-87 is amended by adding a new subdivision to read:

45 **"§ 20-87. Passenger vehicle registration fees.**

46 These fees shall be paid to the Division annually for the registration and licensing of
47 passenger vehicles, according to the following classifications and schedules:

48 ...

49 (13) Off-Road Vehicles. – The base fee on an off-road vehicle shall be fifteen
50 dollars (\$15.00) except that when a motorcycle is equipped with an
51 additional form of device designed to transport persons or property, the base

1 fee shall be twenty-two dollars (\$22.00). An additional fee of ten dollars
2 (\$10.00) is imposed on each off-road vehicle registered under this
3 subdivision in addition to the base fee. The revenue from the additional fee,
4 in addition to any other funds appropriated for this purpose, shall be used to
5 fund the Off-Road Vehicle Trust Fund created in G.S. 20-63.3."

6 **SECTION 6.** This act becomes effective July 1, 2009.