

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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SENATE BILL 241
Transportation Committee Substitute Adopted 4/21/21
House Committee Substitute Favorable 5/11/21
House Committee Substitute #2 Favorable 5/26/21
Fifth Edition Engrossed 5/26/21

Short Title: Modified Utility Vehicle Def/Use of Funds.

(Public)

Sponsors:

Referred to:

March 15, 2021

A BILL TO BE ENTITLED

AN ACT AMENDING MOTOR VEHICLE LAWS REGULATING MODIFIED UTILITY VEHICLES, AUTHORIZING THE DIVISION OF MOTOR VEHICLES TO ISSUE A CERTIFICATE OF TITLE FOR ALL-TERRAIN VEHICLES AND UTILITY VEHICLES, AND DIRECTING THE USE OF CERTAIN FUNDS APPROPRIATED TO THE DEPARTMENT OF TRANSPORTATION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-4.01(27) reads as rewritten:

"(27) Passenger Vehicles. –

...

g2. Modified utility vehicle. – A motor vehicle that (i) is manufactured or upfitted by a licensed manufacturer, dealer, or person or business otherwise engaged in vehicle manufacturing or modification for off-road use with equipment required by ~~G.S. 20-121.1(2)~~, G.S. 20-121.1(2a), except a vehicle identification number, and (ii) has four wheels, ~~an engine displacement greater than 2,400 cubic centimeters~~, an overall length of ~~42-110~~ inches or greater, an overall width of 58 inches or greater, an overall height of ~~70-60~~ inches or greater, a maximum speed capability of 40 miles per hour or greater, and does not require an operator or passenger to straddle a seat. "Modified utility vehicle" does not include an all-terrain vehicle, golf cart, or utility vehicle, as defined in this section, or a riding lawn mower.

...."

SECTION 2. G.S. 20-121.1 reads as rewritten:

"§ 20-121.1. Operation of a low-speed vehicle, mini-truck, or modified utility vehicle on certain roadways.

The operation of a low-speed vehicle, mini-truck, or modified utility vehicle is authorized with the following restrictions:

- (1) A low-speed vehicle may be operated only on streets and highways where the posted speed limit is 35 miles per hour or less. A mini-truck or modified utility vehicle may be operated only on streets and highways where the posted speed limit is 55 miles per hour or ~~less~~-less; provided, a modified utility vehicle may



not be operated on any street or highway having four or more travel lanes unless the posted speed limit is 35 miles per hour or less. This subdivision does not prohibit a low-speed vehicle, mini-truck, or modified utility vehicle from crossing a road or street at an intersection where the road or street being crossed has a posted speed limit of more than 35 miles per hour.

(2) ~~A low-speed vehicle, mini-truck, or modified utility vehicle or mini-truck shall be equipped with headlamps, stop lamps, turn signal lamps, tail lamps, reflex reflectors, parking brakes, rearview mirrors, windshields, windshield wipers, speedometer, seat belts, and a vehicle identification number. Any such required equipment shall be maintained in proper working order. If a modified utility vehicle does not have a vehicle identification number, upon application by the owner, the Division shall assign a vehicle identification number to the modified utility vehicle prior to registration.~~

(2a) A modified utility vehicle shall be equipped with headlamps, stop lamps, turn signal lamps, tail lamps, reflex reflectors, parking brakes, rearview mirrors, a speedometer, seat belts, and a vehicle identification number. Any such required equipment shall be maintained in proper working order. If a modified utility vehicle does not have a vehicle identification number, upon application by the owner, the Division shall assign a vehicle identification number to the modified utility vehicle prior to registration. The operator of and all passengers on a modified utility vehicle that is not equipped with a windshield and windshield wipers shall wear a safety helmet, with a retention strap properly secured, that complies with Federal Motor Vehicle Safety Standard (FMVSS) 218.

...
 (4) ~~The Notwithstanding the provisions of any other subdivision of this section, the Department of Transportation may prohibit the operation of low-speed vehicles, mini-trucks, or modified utility vehicles on any road or highway if it determines that the prohibition is necessary in the interest of safety.~~

...."

SECTION 2.3.(a) Article 3 of Chapter 20 of the General Statutes is amended by adding a new section to read:

"§ 20-53.6. Titling of all-terrain vehicles and utility vehicles.

Any owner of an all-terrain vehicle or a utility vehicle may apply to the Division for a certificate of title by completing an application on a form provided by the Division and paying the fee established under G.S. 20-85(a)(1). The application form shall require, at a minimum, the following:

- (1) The owner's name.
- (2) The owner's mailing address and residence address.
- (3) The owner's drivers license number, which shall be provided as authorized by G.S. 20-52(a)(1a)b.
- (4) A description of the vehicle, including the make and model."

SECTION 2.3.(b) G.S. 20-54 reads as rewritten:

"§ 20-54. Authority for refusing registration or certificate of title.

The Division shall refuse registration or issuance of a certificate of title or any transfer of registration upon any of the following grounds:

- ...
- (8) The vehicle is a golf cart or utility vehicle cart. If the vehicle is a utility vehicle, the Division shall refuse registration or any transfer of registration but shall issue a certificate of title as provided by G.S. 20-53.6.

...."

1 **SECTION 3.** Notwithstanding Article 8 of Chapter 143 of the General Statutes,
2 G.S. 136-28.1, and any other provision of law to the contrary, the Department of Transportation,
3 Ferry Division, shall lease a passenger ferry vessel for operation between Hatteras and Ocracoke.
4 The term of the lease shall end no later than September 12, 2021. Of the funds appropriated in
5 S.L. 2020-91 from the Highway Fund to the Department of Transportation, the sum of nine
6 hundred forty-three thousand dollars (\$943,000) in nonrecurring funds shall be used by the
7 Division to lease and operate the ferry.

8 **SECTION 4.** Sections 1, 2, and 2.3 of this act become effective October 1, 2021.
9 The remainder of this act is effective when it becomes law.