

February 5, 2009

**H 86. OFF-ROAD VEHICLE TRUST FUND (=S 45).** Filed 2/5/09. *TO REQUIRE ALL-TERRAIN VEHICLES AND MOTORCYCLES THAT ARE USED AS OFF-ROAD VEHICLES TO BE REGISTERED WITH THE DIVISION OF MOTOR VEHICLES, TO CREATE A NONREVERTING REVENUE FUND IN THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES DESIGNATED AS THE OFF-ROAD VEHICLE TRUST FUND TO BE USED TO PROVIDE ALL-TERRAIN VEHICLE SAFETY TRAINING, ACQUIRE NEW LANDS, MANAGE LANDS, AND DEVELOP OFF-ROAD VEHICLE PARKS, TRAILS, AND FACILITIES, AND TO CREATE A NEW OFF-ROAD RECREATION PROGRAM.*

Identical to S 45, filed 2/3/09.

**Intro. by Weiss.**

GS 20

April 22, 2009

**H 86. ATV & MOTORCYCLES OFF-ROAD FUND (NEW).** Filed 2/5/09. House committee substitute makes the following changes to 1st edition.

Deletes changes to GS 20-50(a) requiring all vehicles in the state to be registered with the Division of Motor Vehicles (DMV) unless specifically exempted. Instead, enacts new subsection (a1) to require the registration with the DMV of an all-terrain vehicle (ATV) or motorcycle that meets all of the following criteria: (1) it is not otherwise required to be registered; (2) it was manufactured in 2005 or later, and (3) it is intended for off-road operation. Provides an exemption from the registration requirements for vehicles that are: (1) exempted from registration under GS 20-51 or used primarily for agricultural purposes or (2) used by law enforcement, fire, rescue, and emergency medical service personnel in the performance of their duties.

Specifies that any ATV or motorcycle registered for off-road use is subject to the title and registration fees provided in GS 20-85 (Title and registration fees) and GS 20-87 (Passenger vehicle registration fees) and requires a Product Identification Number or Vehicle Identification Number to be supplied at registration and a manufacturer's certificate of origin or title to be registered.

Deletes proposed GS 20-63.3 that created the Off-Road Vehicle Trust Fund and deletes proposed GS 20-63.4 that created within the Department of Environment and Natural Resources (DENR) a North Carolina Off-Road Vehicle Recreation Program. Enacts new GS 113A-96, creating the All Terrain Vehicle and Motorcycle Off-Road Fund (Fund) in DENR. Provides that the Fund is a special revenue fund with monies from state and private sources dedicated to ATV and motorcycle recreation trails credited to the Fund. Provides, unless otherwise specified by the General Assembly, that the funds be used as follows: (1) at least 77% for acquisition, construction, maintenance, and operation of ATV and motorcycle recreation trails and to provide law enforcement on recreational trails; (2) up to 20% for safety training for operators of ATV and motorcycles registered for off-road use; and (3) up to 3% for administration of the Fund.

Amends GS 143B-333 to add to the duties of the NC Trails Committee recommending to the Secretary of Environment and Natural Resources (Secretary) expenditures from the Fund in the form of grants to federal, state, and local governments and qualified nonprofit organizations to be used for purposes that are the same as designated in proposed GS 113A-96 (see above paragraph). Provides general criteria for the awarding of the grants.

Also amends GS 113A-88 to direct that the Secretary award grants from the fund, based on the recommendation of the North Carolina Trails Committee, to federal, state, and local governments and qualified nonprofit organizations to be used for purposes the same as designated in proposed GS 113A-96.

Replaces the term *off-road vehicle* with *all-terrain vehicle or motorcycle for off-road use*. Makes technical corrections.

Changes the title to: *AN ACT TO REQUIRE ALL-TERRAIN VEHICLES AND MOTORCYCLES MEETING CERTAIN CRITERIA TO BE REGISTERED WITH THE DIVISION OF MOTOR VEHICLES, TO CHARGE A REGISTRATION FEE FOR ALL-TERRAIN VEHICLES OR MOTORCYCLES REGISTERED FOR OFF-ROAD USE, TO CREATE A SPECIAL REVENUE FUND IN THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES DESIGNATED AS THE ALL-TERRAIN VEHICLE AND MOTORCYCLE OFF-ROAD FUND TO*

*BE USED FOR ACQUISITION, CONSTRUCTION, MAINTENANCE AND OPERATION OF ALL-TERRAIN VEHICLE AND MOTORCYCLE RECREATION TRAILS AND TO PROVIDE SAFETY TRAINING FOR OPERATORS OF ALL-TERRAIN VEHICLES AND MOTORCYCLES REGISTERED FOR OFF-ROAD USE.*

Effective July 1, 2010 (was, July 1, 2009).

May 7, 2009

**H 86. ATV & MOTORCYCLES OFF-ROAD FUND.** Filed 2/5/09. House committee substitute makes the following changes to 2nd edition. Places the proposed new statute regarding registration of all-terrain vehicles and motorcycles for off-road use in new GS 20-53.1 (was, GS 20-63.2). Clarifies that motorcycles registered for off-road use (as well as all-terrain vehicles registered for off-road use) are not required to have insurance or provide proof of financial responsibility prior to the vehicle being registered. Amends new GS 113A-96 to clarify that funds in the All-Terrain Vehicle and Motorcycle Off-Road Fund used for the acquisition, construction, maintenance, and operation of all-terrain vehicle and motorcycle recreation trails, to provide law enforcement on the trails, and for safety training for operators of all-terrain vehicles and motorcycles registered for off-road use are to be disbursed in the form of grants. Adds a new subsection GS 113A-96(c) that sets out criteria for grants disbursed from the All-Terrain Vehicle and Motorcycle Off-Road Fund. Makes technical, conforming, and organizational changes.