

February 3, 2009

**S 45. OFF-ROAD VEHICLE TRUST FUND.** Filed 2/3/09. *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.*

Amends GS 20-50(a) to require vehicles operated in the state to be registered with the Division of Motor Vehicles (DMV), unless specifically exempted from registration under GS 20-51 or used only for agricultural purposes. Current law only requires registration of vehicles intended to be operated on state highways.

Enacts GS 20-63.2 requiring all-terrain vehicles or motorcycles registered for off-road use only to be (1) registered in the same manner as any other vehicle, (2) issued a plate that is different in color and design, and (3) subjected to the same title and registration fee as any other vehicle. Vehicles registered for off-road use are not required to be insured prior to registration. Requires the DMV to collect any sales and use tax and any other taxes that the DMV is required to collect on any off-road vehicle being registered. Enacts new GS 20-63.3 establishing the Off-Road Vehicle Trust Fund (Fund) as a special, interest-bearing, nonreverting fund in the Department of Environment and Natural Resources (DENR). Requires all state, federal and private source funds dedicated to off-road vehicle recreation trails to be credited to the Fund with 80% of the Fund being used for repair, expansion, and maintenance of off-road vehicle recreation trails and to provide law enforcement on the trails, and 20% being used to provide off-road and all-terrain vehicle safety training.

Enacts new GS 20-63.4 creating the North Carolina Off-Road Vehicle Recreation Program (Program) within DENR to coordinate the planning, development, and management of public off-road vehicle recreation areas, parks, trails, and facilities. Requires the Program, in consultation with other agencies and organizations, to review the inventory of public lands to determine the feasibility of providing public access for off-road vehicle recreation and trails and report to the 2010 regular session of the General Assembly by March 1, 2010. Specifies information that must be included in the report.

Amends GS 20-87 to set the base registration fee for an off-road vehicle at \$15 and at \$22 for a motorcycle equipped with an additional device for the transportation of persons or property. Imposes an additional \$10 fee on each off-road vehicle registered; the revenue from the additional fee is to be used to fund the Fund. Effective July 1, 2009.

**Intro. by Bingham.**

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