

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 86*
Committee Substitute Favorable 4/22/09
PROPOSED COMMITTEE SUBSTITUTE H86-PCS80403-SVf-15

Short Title: ATV & Motorcycles Off-Road Fund.

(Public)

Sponsors:

Referred to:

February 9, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE ALL-TERRAIN VEHICLES AND MOTORCYCLES MEETING
3 CERTAIN CRITERIA TO BE REGISTERED WITH THE DIVISION OF MOTOR
4 VEHICLES, TO CHARGE A REGISTRATION FEE FOR ALL-TERRAIN VEHICLES
5 OR MOTORCYCLES REGISTERED FOR OFF-ROAD USE, TO CREATE A SPECIAL
6 REVENUE FUND IN THE DEPARTMENT OF ENVIRONMENT AND NATURAL
7 RESOURCES DESIGNATED AS THE ALL-TERRAIN VEHICLE AND
8 MOTORCYCLE OFF-ROAD FUND TO BE USED FOR ACQUISITION,
9 CONSTRUCTION, MAINTENANCE, AND OPERATION OF ALL-TERRAIN
10 VEHICLE AND MOTORCYCLE RECREATION TRAILS AND TO PROVIDE SAFETY
11 TRAINING FOR OPERATORS OF ALL-TERRAIN VEHICLES AND MOTORCYCLES
12 REGISTERED FOR OFF-ROAD USE.

13 The General Assembly of North Carolina enacts:

14 **SECTION 1.** G.S. 20-50 is amended by adding a new subsection to read:

15 "(a1) Except for vehicles exempted from registration under G.S. 20-51 or used primarily
16 for agricultural purposes or by law enforcement, fire, rescue, and emergency medical service
17 personnel in the performance of their duties, an all-terrain vehicle or motorcycle that meets all
18 of the following criteria shall be registered with the Division in accordance with G.S. 20-53.1:

- 19 (1) The all-terrain vehicle or motorcycle is not otherwise required to be
20 registered.
21 (2) The all-terrain vehicle or motorcycle was manufactured in the year 2005 or
22 later.
23 (3) The all-terrain vehicle or motorcycle is intended for off-road operation."

24 **SECTION 2.** Article 3 of Chapter 20 of the General Statutes is amended by adding
25 a new section to read:

26 **"§ 20-53.1. Registration of all-terrain vehicles and motorcycles for off-road use.**

27 (a) An all-terrain vehicle or motorcycle required to be registered under G.S. 20-50(a1)
28 must be registered in the same manner as any other vehicle registered under this Chapter and in
29 accordance with this section.

30 (b) An owner registering an all-terrain vehicle or motorcycle for off-road use must
31 supply the following at the time of registration:

- 32 (1) The Product Identification Number or Vehicle Identification Number.



1 (2) A manufacturers certificate of origin or title, or an inspection and indemnity
2 bond if a manufacturers certificate of origin or title is not available.

3 (c) The Division must issue an all-terrain vehicle or motorcycle being registered under
4 this section a registration plate or sticker that is different in color or design so that law
5 enforcement officers can easily recognize the registration plate or sticker and the fact that the
6 vehicle upon which the plate or sticker is affixed must be operated off the roads, streets, and
7 highways of this State.

8 (d) An all-terrain vehicle or motorcycle registered for off-road use is subject to the title
9 and registration fees provided in G.S. 20-85 and G.S. 20-87.

10 (e) There is no requirement that all-terrain vehicle or motorcycle registered for off-road
11 use have insurance on the vehicle or that the owner provide proof of financial responsibility
12 prior to the vehicle being registered.

13 (f) The Division must collect any sales and use tax, and any other tax the Division is
14 required to collect pursuant to Chapter 105 of the General Statutes, on an all-terrain vehicle or
15 motorcycle being registered for off-road use. If the applicant paid the sales and use tax to a
16 dealer in North Carolina, proof of payment to a dealer will be acceptable proof to register the
17 vehicle. If the off-road vehicle was purchased outside of North Carolina, the Division shall
18 collect the applicable sales and use tax and submit it to the Department of Revenue."

19 **SECTION 3.** G.S. 20-87 is amended by adding a new subdivision to read:

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

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

23 ...

24 (13) Off-Road All-Terrain Vehicles and Motorcycles. – The base fee on an
25 all-terrain vehicle or motorcycle registered for off-road use shall be fifteen
26 dollars (\$15.00) except that when an all-terrain vehicle or motorcycle is
27 equipped with an additional device designed to transport persons or
28 property, the base fee shall be twenty-two dollars (\$22.00). A fee of ten
29 dollars (\$10.00) is imposed on each all-terrain vehicle and motorcycle
30 registered under this subdivision in addition to the base fee. The revenue
31 from the additional fee, in addition to any other funds appropriated for this
32 purpose, shall be used to fund the All-Terrain Vehicle and Motorcycle
33 Off-Road Fund created in G.S. 113A-96."

34 **SECTION 4.** Article 6 of Chapter 113A of the General Statutes is amended by
35 adding a new section to read:

36 **"§ 113A-96. All-Terrain Vehicle and Motorcycle Off-Road Fund.**

37 (a) Fund Created. – There is established an All-Terrain Vehicle and Motorcycle
38 Off-Road Fund in the Department of Environment and Natural Resources. The Fund shall be a
39 special revenue fund consisting of all monies from State and private sources. All monies from
40 State and private sources dedicated to all-terrain vehicle and motorcycle recreation trails shall
41 be credited to the Fund.

42 (b) Use. – Unless otherwise specified by the General Assembly, or the terms and
43 conditions of a gift or grant, funds in the All-Terrain Vehicle and Motorcycle Off-Road Fund
44 shall be allocated and used as follows:

45 (1) At least seventy-seven percent (77%) shall be disbursed in the form of grants
46 for acquisition, construction, maintenance, and operation of all-terrain
47 vehicle and motorcycle recreation trails and to provide law enforcement on
48 the recreation trails.

49 (2) Up to twenty percent (20%) shall be disbursed in the form of grants for
50 safety training for operators of all-terrain vehicles and motorcycles
51 registered for off-road use.

1 (3) Up to three percent (3%) shall be used for administration of the All-Terrain
2 Vehicle and Motorcycle Off-Road Fund.

3 (c) Grant Criteria. – Grants from the All-Terrain Vehicle and Motorcycle Off-Road
4 Fund are not intended to supersede any other applicable laws, rules, or policies regarding
5 off-highway vehicles. Grants may be awarded to federal, State, and local governments, and to
6 qualified nonprofit organizations. An application for a grant from the All-Terrain Vehicle and
7 Motorcycle Off-Road Fund must demonstrate that the proposed project would not do any of the
8 following:

9 (1) Result in significant adverse effects on water quality, wetlands, wildlife,
10 threatened or endangered species, or other environmentally sensitive
11 features.

12 (2) Conflict with other existing land management plans and purposes, or with
13 other established trail uses.

14 (3) Create or perpetuate safety hazards to riders, spectators, neighbors, or
15 bystanders.

16 (4) Create or perpetuate noise, dust, traffic congestion, or other features
17 objectionable to adjacent landowners."

18 **SECTION 5.** G.S. 143B-333 is amended by adding a new subdivision to read:

19 **"§ 143B-333. North Carolina Trails Committee – creation; powers and duties.**

20 There is hereby created the North Carolina Trails Committee of the Department of
21 Environment and Natural Resources. The Committee shall have the following functions and
22 duties:

23 (1) To meet not less than two times annually to advise the Department on all
24 matters directly or indirectly pertaining to trails, their use, extent, location,
25 and the other objectives and purposes of G.S. 113A-88.

26 (2) To coordinate trail development among local governments, and to assist
27 local governments in the formation of their trail plans and advise the
28 Department of its findings.

29 (3) To advise the Secretary of trail needs and potentials pursuant to
30 G.S. 113A-88.

31 (4) To recommend to the Secretary expenditures from the All-Terrain Vehicle
32 and Motorcycle Off-Road Fund in the form of grants to federal, State, and
33 local governments, and to qualified nonprofit organizations, for the
34 acquisition, construction, maintenance, and operation of all-terrain vehicle
35 and motorcycle off-road recreation trails, to provide law enforcement for the
36 trails, and to provide safety training for the operators of all-terrain vehicles
37 and motorcycles registered for off-road use. Grants shall be recommended
38 consistent with the criteria in G.S. 113A-96(c)."

39 **SECTION 6.** G.S. 113A-88 is amended by adding a new subsection to read:

40 **"§ 113A-88. North Carolina Trails Committee; composition; meetings and functions.**

41 (a) Repealed by Session Laws 1973, c. 1262, s. 82.

42 (b) The Committee shall meet in various sections of the State not less than two times
43 annually to advise the Department on all matters directly or indirectly pertaining to trails, their
44 use, extent, location, and the other objectives and purposes of this Article.

45 (c) The Committee shall coordinate trail development among local governments, and
46 shall assist local governments in the formation of their trail plans and advise the Department
47 quarterly of its findings.

48 (d) The Secretary, with advice of the Committee, shall study ~~trail needs~~ trail needs and
49 potentials, and make additions to the State Trails System as needed. He shall submit an annual
50 report to the Governor and General Assembly on trail activities by the Department, including
51 rights-of-way that have been established and on the program for implementing this Article.

1 Each report shall include a short statement on the significance of the various trails to the
2 System. The Secretary shall make such rules as to trail development, management, and use that
3 are necessary for the proper implementation of this Article.

4 (e) The Secretary, upon the recommendation of the Committee, shall award grants from
5 the All-Terrain Vehicle and Motorcycle Off-Road Fund to federal, State, and local
6 governments, and to qualified nonprofit organizations, for acquisition, construction,
7 maintenance, and operation of all-terrain vehicle and motorcycle off-road recreation trails, to
8 provide law enforcement for the trails, and to provide safety training for the operators of
9 all-terrain vehicles and motorcycles registered for off-road use."

10 **SECTION 7.** This act becomes effective July 1, 2010.