

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
Proposed Conference Committee Substitute S241-PCCS35293-SU-1

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

Sponsors:

Referred to:

March 15, 2021

1 A BILL TO BE ENTITLED
2 AN ACT AMENDING MOTOR VEHICLE LAWS REGULATING MODIFIED UTILITY
3 VEHICLES AND DIRECTING THE USE OF CERTAIN FUNDS APPROPRIATED TO
4 THE DEPARTMENT OF TRANSPORTATION.

5 The General Assembly of North Carolina enacts:

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

7 "(27) Passenger Vehicles. –

8 ...

9 g2. Modified utility vehicle. – A motor vehicle that (i) is manufactured or
10 upfitted by a licensed manufacturer, dealer, or person or business
11 otherwise engaged in vehicle manufacturing or modification for
12 off-road use with equipment required by G.S. 20-121.1(2),
13 G.S. 20-121.1(2a), except a vehicle identification number, and (ii) has
14 four wheels, an engine displacement greater than 2,400 cubic
15 centimeters, an overall length of 142-110 inches or greater, an overall
16 width of 58 inches or greater, an overall height of 70-60 inches or
17 greater, a maximum speed capability of 40 miles per hour or greater,
18 and does not require an operator or passenger to straddle a seat.
19 "Modified utility vehicle" does not include an all-terrain vehicle, golf
20 cart, or utility vehicle, as defined in this section, or a riding lawn
21 mower.

22"

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

24 "**§ 20-121.1. Operation of a low-speed vehicle, mini-truck, or modified utility vehicle on**
25 **certain roadways.**

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

- 28 (1) A low-speed vehicle may be operated only on streets and highways where the
29 posted speed limit is 35 miles per hour or less. A mini-truck or modified utility
30 vehicle may be operated only on streets and highways where the posted speed
31 limit is 55 miles per hour or ~~less~~-less; provided, a modified utility vehicle may
32 not be operated on any street or highway having four or more travel lanes



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1 unless the posted speed limit is 35 miles per hour or less. This subdivision
 2 does not prohibit a low-speed vehicle, mini-truck, or modified utility vehicle
 3 from crossing a road or street at an intersection where the road or street being
 4 crossed has a posted speed limit of more than 35 miles per hour.

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

13 (2a) A modified utility vehicle shall be equipped with headlamps, stop lamps, turn
 14 signal lamps, tail lamps, reflex reflectors, parking brakes, rearview mirrors, a
 15 speedometer, seat belts, and a vehicle identification number. Any such
 16 required equipment shall be maintained in proper working order. If a modified
 17 utility vehicle does not have a vehicle identification number, upon application
 18 by the owner, the Division shall assign a vehicle identification number to the
 19 modified utility vehicle prior to registration. The operator of and all
 20 passengers on a modified utility vehicle that is not equipped with a windshield
 21 and windshield wipers shall wear a safety helmet, with a retention strap
 22 properly secured, that complies with Federal Motor Vehicle Safety Standard
 23 (FMVSS) 218.

24 ...
 25 (4) ~~The~~ Notwithstanding the provisions of any other subdivision of this section,
 26 the Department of Transportation may prohibit the operation of low-speed
 27 vehicles, mini-trucks, or modified utility vehicles on any road or highway if it
 28 determines that the prohibition is necessary in the interest of safety.

29"
 30 **SECTION 2.3.** G.S. 20-286(10) reads as rewritten:
 31 "(10) Motor vehicle. – Any motor propelled vehicle, trailer or semitrailer, required
 32 to be registered under the laws of this State. This term does not include
 33 modified utility vehicles or mopeds, as that term is defined in G.S. 20-4.01.
 34"

35 **SECTION 3.** Notwithstanding Article 8 of Chapter 143 of the General Statutes,
 36 G.S. 136-28.1, and any other provision of law to the contrary, the Department of Transportation,
 37 Ferry Division, shall lease a passenger ferry vessel for operation between Hatteras and Ocracoke.
 38 The term of the lease shall end no later than August 15, 2021. Except as otherwise provided in
 39 this section, of the funds appropriated in S.L. 2020-91 from the Highway Fund to the Department
 40 of Transportation, the sum of seven hundred thousand dollars (\$700,000) in nonrecurring funds
 41 shall be used by the Division to lease and operate the ferry. The Division shall exercise the opt-out
 42 clause of the lease when the Division determines the State-owned ferry for passenger service on
 43 the Hatteras-Ocracoke route can be operationalized within 30 days if the cost of opting out is less
 44 than the cost of completing the term of the lease. Following the expiration or termination of the
 45 lease, any remaining funds shall be deposited in the Ferry Systemwide reserve account
 46 established in G.S. 136-82(f2) for use in accordance with that subsection.

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