

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE DRH10213-MAf-300 (4/3)

Short Title: Off-Highway Vehicle Trust Fund.

(Public)

Sponsors: Representative Crawford.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO REQUIRE ALL 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 ACQUIRE NEW LANDS, MANAGE LANDS, AND DEVELOP OFF-ROAD VEHICLE PARKS, TRAILS, AND FACILITIES, AND TO CREATE A NEW OFF-ROAD RECREATION PROGRAM.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-50(a) reads as rewritten:

"(a) A vehicle intended to be operated ~~upon any highway of~~ in this State must be registered with the Division in accordance with G.S. 20-52, unless specifically exempted from registration pursuant to G.S. 20-51, and the owner of the vehicle must comply with G.S. 20-52 before operating the vehicle. A vehicle that is leased to an individual who is a resident of this State is a vehicle intended to be operated ~~upon a highway of~~ in this State.

The Commissioner of Motor Vehicles or the Commissioner's duly authorized agent is empowered to grant a special one-way trip permit to move a vehicle without license upon good cause being shown. When the owner of a vehicle leases the vehicle to a carrier of passengers or property and the vehicle is actually used by the carrier in the operation of its business, the license plates may be obtained by the lessee, upon written consent of the owner, after the certificate of title has been obtained by the owner. When the owner of a vehicle leases the vehicle to a farmer and the vehicle is actually used by the farmer in the operation of a farm, the license plates may be obtained by the farmer at the applicable farmer rate, upon written consent of the owner, after the certificate of title has been obtained by the owner. The lessee shall make application on an appropriate

1 form furnished by the Division and file such evidence of the lease as the Division may
2 require."

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

5 **"§ 20-63.2. Off-Road vehicle registrations.**

6 (a) Any vehicle registered for off-road use only shall be registered in the same
7 manner as any other vehicle registered pursuant to this Chapter. A vehicle registered for
8 off-road use only shall be issued a registration plate that is different in color or design so
9 that law enforcement officers can easily recognize the registration plate and the fact the
10 vehicle upon which the plate is affixed is to be operated off the roads, streets, and
11 highways of this State. Off-road vehicles shall be subject to the same title and
12 registration fees as any other vehicle subject to registration under this Chapter.

13 (b) There is no requirement that a vehicle registered for off-road use have
14 insurance on the vehicle or that the owner provide proof of financial responsibility prior
15 to the vehicle being registered.

16 (c) The Division shall collect any taxes due on an off-road vehicle being
17 registered. If the applicant paid the sales and use tax to a dealer in North Carolina, proof
18 of payment to a dealer will be acceptable proof to register the vehicle. If the off-road
19 vehicle was purchased outside of North Carolina, the Division shall collect the
20 applicable sales and use tax and submit it to the Department of Revenue."

21 **SECTION 3.** Chapter 20 of the General Statutes is amended by adding a
22 new section to read:

23 **"§ 20-63.3. Off-Road Vehicle Trust Fund.**

24 (a) Fund. – The Off-Road Vehicle Trust Fund is hereby created as a special,
25 interest-bearing, and nonreverting fund in the Department of Environment and Natural
26 Resources. The Fund shall be treated as a special trust fund and shall be credited with
27 interest by the State Treasurer pursuant to G.S. 147-69.2 and G.S. 147-69.3. The Fund
28 shall be used for repair, expansion, and maintenance of off-road vehicle recreation
29 trails.

30 (b) Disposition of Fees. – All monies from State, federal, and private sources
31 dedicated to off-road vehicle recreation trails shall be credited to the Off-Road Vehicle
32 Trust Fund."

33 **SECTION 4.** Chapter 20 of the General Statutes is amended by adding a
34 new section to read:

35 **"§ 20-63.4. North Carolina Off-Road Vehicle Recreation Program.**

36 (a) There shall be created within the Department of Environment and Natural
37 Resources a North Carolina Off-Road Vehicle Recreation Program to coordinate the
38 planning, development, and management of public off-highway vehicle recreation areas,
39 parks, trails, and facilities.

40 (b) In consultation with the State land managing agencies, off-road vehicle
41 organizations, the off-road vehicle industry, and environmental organizations shall
42 review the inventory of public lands to determine the feasibility of providing public
43 access for off-road vehicle recreation and trails. The Department shall provide a report
44 to the 2008 Regular Session of the 2007 General Assembly by March 1, 2008. The

1 report should include at least two appropriate locations for public access for
2 off-highway vehicle recreational use and the applicable cost of providing each facility.
3 The cost section of the report shall fully explain the fiscal approach of renovating,
4 maintaining, and operating each site and include a recommended fee structure to
5 support the ongoing maintenance and operation of the program. The report shall also
6 include the benefits and risks of offering each site for off-road vehicle recreational use.

7 **SECTION 5.** G.S. 20-87 is amended by adding a new subdivision to read:

8 "**§ 20-87. Passenger vehicle registration fees.**

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

11 ...

12 (13) Off-Road Vehicles. – The base fee on an off-road vehicle shall be
13 fifteen dollars (\$15.00) except that when a motorcycle is equipped
14 with an additional form of device designed to transport persons or
15 property, the base fee shall be twenty-two dollars (\$22.00). An
16 additional fee of five dollars (\$5.00) is imposed on each off-road
17 vehicle registered under this subdivision in addition to the base fee.
18 The revenue from the additional fee, in addition to any other funds
19 appropriated for this purpose, shall be used to fund the Off-Road
20 Vehicle Trust Fund created in G.S. 20-63.3."

21 **SECTION 6.** This act becomes effective December 1, 2007.