

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE BILL 882

Short Title: ATV & Motorcycles Off-Road Fund. (Public)

Sponsors: Representative Crawford (Primary Sponsor).
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Transportation, if favorable, Agriculture, if favorable, Finance.

May 4, 2011

A BILL TO BE ENTITLED

AN ACT TO REQUIRE ALL-TERRAIN VEHICLES AND MOTORCYCLES MEETING CERTAIN CRITERIA TO BE REGISTERED WITH THE WILDLIFE RESOURCES COMMISSION, 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.

The General Assembly of North Carolina enacts:

SECTION 1. Article 21 of Chapter 113 of the General Statutes is amended by adding a new section to read:

"§ 113-278. Registration of certain off-road vehicles required.

Except for vehicles exempted from registration under G.S. 20-51 or used primarily for agricultural purposes or by law enforcement, fire, rescue, and emergency medical service personnel in the performance of their duties, an all-terrain vehicle or motorcycle shall be registered with the Wildlife Resources Commission in accordance with G.S. 113-278.1 if it meets all of the following criteria:

(1) The all-terrain vehicle or motorcycle is not otherwise required to be registered.

(2) The all-terrain vehicle or motorcycle was manufactured in the year 2005 or later.

(3) The all-terrain vehicle or motorcycle is intended for off-road operation."

SECTION 2. Article 21 of Chapter 113 of the General Statutes is amended by adding a new section to read:

"§ 113-278.1. Registration of all-terrain vehicles and motorcycles for off-road use.

(a) An all-terrain vehicle or motorcycle required to be registered pursuant to G.S. 113-278 must be registered with the Wildlife Resources Commission in accordance with this section.

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

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



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

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

9 (d) All all-terrain vehicles or motorcycles registered for off-road use are subject to the
10 following title and registration fees:

11 (1) Registration fees. – The base fee on an all-terrain vehicle or motorcycle
12 registered for off-road use shall be fifteen dollars (\$15.00), except that when
13 an all-terrain vehicle or motorcycle is equipped with an additional device
14 designed to transport persons or property, the base fee shall be twenty-two
15 dollars (\$22.00). A fee of ten dollars (\$10.00) is imposed on each all-terrain
16 vehicle or motorcycle registered under this subdivision in addition to the
17 base fee. The revenue from the additional fee, in addition to any other funds
18 appropriated for this purpose, shall be used to fund the All-Terrain Vehicle
19 and Motorcycle Off-Road Fund created in G.S. 113A-96.

20 (2) Title fees. – The fee for a title on an all-terrain vehicle or motorcycle
21 registered for off-road use shall be fifty dollars (\$50.00). The revenue from
22 the title fee shall be retained by the Wildlife Resources Commission to
23 operate the registration and titling system for off-road vehicles required to be
24 registered pursuant to G.S. 113-278.

25 (e) There is no requirement that an all-terrain vehicle or motorcycle registered for
26 off-road use has insurance on the vehicle or that the owner provides proof of financial
27 responsibility prior to the vehicle being registered.

28 (f) The Wildlife Resources Commission must collect any sales and use tax, and any
29 other tax required to be collected pursuant to Chapter 105 of the General Statutes, on an
30 all-terrain vehicle or motorcycle being registered for off-road use. If the applicant paid the sales
31 and use tax to a dealer in North Carolina, proof of payment to a dealer will be acceptable proof
32 to register the vehicle. If the off-road vehicle was purchased outside of North Carolina, the
33 Commission shall collect the applicable sales and use tax and submit it to the Department of
34 Revenue."

35 **SECTION 3.** Article 6 of Chapter 113A of the General Statutes is amended by
36 adding a new section to read:

37 **"§ 113A-96. All-Terrain Vehicle and Motorcycle Off-Road Fund.**

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

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

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

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

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

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

12 (1) Result in significant adverse effects on water quality, wetlands, wildlife,
13 threatened or endangered species, or other environmentally sensitive
14 features.

15 (2) Conflict with other existing land management plans and purposes or with
16 other established trail uses.

17 (3) Create or perpetuate safety hazards to riders, spectators, neighbors, or
18 bystanders.

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

21 **SECTION 4.** G.S. 143B-333 is amended by adding a new subdivision to read:

22 **"§ 143B-333. North Carolina Trails Committee – creation; powers and duties.**

23 There is hereby created the North Carolina Trails Committee of the Department of
24 Environment and Natural Resources. The Committee shall have the following functions and
25 duties:

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

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

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

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

42 **SECTION 5.** G.S. 113A-88 is amended by adding a new subsection to read:

43 **"§ 113A-88. North Carolina Trails Committee; composition; meetings and functions.**

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

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

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

1 (d) The Secretary, with advice of the Committee, shall study trail needs and potentials,
2 and make additions to the State Trails System as needed. He shall submit an annual report to
3 the Governor and General Assembly on trail activities by the Department, including
4 rights-of-way that have been established and on the program for implementing this Article.
5 Each report shall include a short statement on the significance of the various trails to the
6 System. The Secretary shall make such rules as to trail development, management, and use that
7 are necessary for the proper implementation of this Article.

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

14 **SECTION 6.** This act becomes effective July 1, 2011.