

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE BILL 642

Short Title: Require Off-Road Vehicles to Be Registered. (Public)

Sponsors: Senators Berger of Franklin; and Kinnaird.

Referred to: Commerce.

March 18, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE ALL-TERRAIN VEHICLES AND MOTORCYCLES THAT ARE
3 USED AS OFF-ROAD VEHICLES TO BE REGISTERED WITH THE DIVISION OF
4 MOTOR VEHICLES.

5 The General Assembly of North Carolina enacts:

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

7 "(a) A vehicle intended to be operated ~~upon any highway of in~~ this State ~~must shall~~ be
8 registered with the Division in accordance with G.S. 20-52, unless specifically exempted from
9 registration pursuant to G.S. 20-51 or used solely for agricultural purposes, and the owner of
10 the vehicle must comply with G.S. 20-52 before operating the vehicle. A vehicle that is leased
11 to an individual who is a resident of this State is a vehicle intended to be operated ~~upon a~~
12 highway of in this State.

13 The Commissioner of Motor Vehicles or the Commissioner's duly authorized agent is
14 empowered to grant a special one-way trip permit to move a vehicle without license upon good
15 cause being shown. When the owner of a vehicle leases the vehicle to a carrier of passengers or
16 property and the vehicle is actually used by the carrier in the operation of its business, the
17 license plates may be obtained by the lessee, upon written consent of the owner, after the
18 certificate of title has been obtained by the owner. When the owner of a vehicle leases the
19 vehicle to a farmer and the vehicle is actually used by the farmer in the operation of a farm, the
20 license plates may be obtained by the farmer at the applicable farmer rate, upon written consent
21 of the owner, after the certificate of title has been obtained by the owner. The lessee shall make
22 application on an appropriate form furnished by the Division and file such evidence of the lease
23 as the Division may require."

24 **SECTION 2.** G.S. 20-51 is amended by adding a new subdivision to read:

25 "(17) A motorcycle as defined in G.S. 20-4.01(27)d. that is intended to be driven
26 off-road only."

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

29 "**§ 20-63.2. Off-road vehicle registrations.**

30 (a) Any all-terrain vehicle registered for off-road use only shall be registered in the
31 same manner as any other vehicle registered pursuant to this Chapter. An all-terrain vehicle
32 registered for off-road use only shall be issued a registration plate that is different in color or
33 design so that law enforcement officers can easily recognize the registration plate and the fact
34 the vehicle upon which the plate is affixed is to be operated off the roads, streets, and highways
35 of this State.



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

4 **(c)** The Division shall collect any sales and use tax, and any other tax the Division is
5 required to collect pursuant to Chapter 105 of the General Statutes, on an off-road vehicle being
6 registered. If the applicant paid the sales and use tax to a dealer in North Carolina, proof of
7 payment to a dealer will be acceptable proof to register the vehicle. If the off-road vehicle was
8 purchased outside of North Carolina, the Division shall collect the applicable sales and use tax
9 and submit it to the Department of Revenue."

10 **SECTION 4.** G.S. 20-87 is amended by adding a new subdivision to read:

11 **"§ 20-87. Passenger vehicle registration fees.**

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

14 ...

15 **(13) Off-Road Vehicles.** – The base fee on an off-road vehicle shall be fifteen
16 dollars (\$15.00) except when the vehicle is equipped with an additional form
17 of device designed to transport persons or property, the base fee shall be
18 twenty-two dollars (\$22.00)."

19 **SECTION 5.** This act becomes effective October 1, 2009.