

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 694

Short Title: Public Transit Authority.
(Public)

Sponsors: Representatives Blue, Miller, Hackney, Barnes, Stamey, Fussell, Michaux, S. Thompson, Wisner; and H. Hunter.

Referred to: Infrastructure.

March 20, 1989

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE CREATION OF A REGIONAL TRANSPORTATION
3 AUTHORITY.

4 The General Assembly of North Carolina enacts:

5 Section 1. Chapter 160A of the General Statutes is amended by adding a new
6 Article to read:

7 **“ARTICLE 26.**
8 **“REGIONAL PUBLIC TRANSPORTATION AUTHORITY.**

9 **“§ 160A-600. Title.**

10 This Article shall be known and may be cited as the ‘Regional Public Transportation
11 Authority Act.’

12 **“§ 160A-601. Definitions.**

13 As used in this Article, unless the context otherwise requires:

- 14 (1) ‘Authority’ means a Regional Public Transportation Authority as
15 defined by subdivision (6) of this section.
16 (2) ‘Board of Trustees’ means the governing board of the Authority, in
17 which the general legislative powers of the Authority are vested.
18 (3) ‘Population’ means the number of persons residing in respective areas
19 as defined and enumerated in the most recent decennial federal census.
20 (4) ‘Public transportation’ means transportation of passengers whether or
21 not for hire by any means of conveyance, including but not limited to a
22 street or elevated railway or guideway, subway, motor vehicle or

1 motor bus, carpool or vanpool, either publicly or privately owned and
2 operated, holding itself out to the general public for the transportation
3 of persons within or working within the territorial jurisdiction of the
4 Authority, including charter service.

5 (5) 'Public transportation system' means, without limitation, a
6 combination of real and personal property, structures, improvements,
7 buildings, equipment, vehicle parking or other facilities, railroads and
8 railroad rights-of-way whether held in fee simple by quitclaim or
9 easement, and rights-of-way, or any combination thereof, used or
10 useful for the purposes of public transportation. 'Public transportation
11 system' however, does not include streets, roads, or highways except
12 those for ingress and egress to vehicle parking.

13 (6) 'Regional Public Transportation Authority,' means a body corporate
14 and politic organized in accordance with the provisions of this Article
15 for the purposes, with the powers and subject to the restrictions
16 hereinafter set forth.

17 (7) 'Unit of local government' means any county, city, town or
18 municipality of this State, and any other political subdivision, public
19 corporation, Authority, or district in this State, which is or may be
20 authorized by law to acquire, establish, construct, enlarge, improve,
21 maintain, own, and operate public transportation systems.

22 (8) 'Unit of local government's chief administrative official' means the
23 county manager, city manager, town manager, or other person, by
24 whatever title he shall be known, in whom the responsibility for the
25 unit of local government's administrative duties is vested.

26 **"§ 160A-602. Definition of territorial jurisdiction of Authority.**

27 An authority may be created for any area of the State that, at the time of creation of
28 the authority, meets the following criteria:

29 (1) The area consists of three counties:

30 (2) At least one of those counties contains at least part of a County
31 Research and Production Service District established pursuant to Part 2
32 of Article 16 of Chapter 153A of the General Statutes; and

33 (3) The other two counties each:

34 a. Contain at least one unit of local government that is designated
35 by the Governor of the State of North Carolina as a recipient
36 pursuant to Section 9 of the Urban Mass Transportation Act of
37 1964, as amended; and

38 b. Are adjacent to at least one county that contains at least part of
39 a County Research and Production Service District established
40 pursuant to Part 2 of Article 16 of Chapter 153A of the General
41 Statutes.

42 **"§ 160A-603. Creation of Authority.**

43 (a) The Boards of Commissioners of all three counties within an area for which
44 an authority may be created as defined in G.S. 160A-602 may by resolution signify their

1 determination to organize an authority under the provisions of this Article. Each of such
2 resolutions shall be adopted after a public hearing thereon, notice of which hearing shall
3 be given by publication at least once, not less than 10 days prior to the date fixed for
4 such hearing, in a newspaper having a general circulation in the county. Such notice
5 shall contain a brief statement of the substance of the proposed resolution, shall set forth
6 the proposed articles of incorporation of the Authority and shall state the time and place
7 of the public hearing to be held thereof. No county shall be required to make any other
8 publication of such resolution under the provisions of any other law.

9 (b) Each such resolution shall include articles of incorporation which shall set
10 forth:

11 (1) The name of the authority;

12 (2) A statement that such authority is organized under this
13 Article; and

14 (3) The names of the three organizing counties.

15 (c) A certified copy of each of such resolutions signifying the determination to
16 organize an authority under the provisions of this Article shall be filed with the
17 Secretary of State, together with proof of publication of the notice of hearing on each of
18 such resolutions. If the Secretary of State finds that the resolutions, including the
19 articles of incorporation, conform to the provisions of this Article and that the notices of
20 hearing were properly published, he shall file such resolutions and proofs of publication
21 in his office and shall issue a certificate of incorporation under the seal of the State and
22 shall record the same in an appropriate book of record in his office. The issuance of
23 such certificate of incorporation by the Secretary of State shall constitute the Authority
24 a public body and body politic and corporate of the State of North Carolina. Said
25 certificate of incorporation shall be conclusive evidence of the fact that such authority
26 has been duly created and established under the provisions of this Article.

27 (d) When the Authority has been duly organized and its officers elected as herein
28 provided the secretary of the Authority shall certify to the Secretary of State the names
29 and addresses of such officers as well as the address of the principal office of the
30 Authority.

31 (e) The Authority may become a Designated Recipient pursuant to the Urban
32 Mass Transportation Act of 1964, as amended.

33 **"§ 160A-604. Territorial jurisdiction of the Authority.**

34 (a) The territorial jurisdiction of any authority created pursuant to this Article
35 shall be coterminous with the boundaries of the three counties that organized it.

36 (b) Except as provided by this Article, the jurisdiction of the Authority may
37 include all local public passenger transportation operating within the territorial
38 jurisdiction of the Authority, but the Authority may not take over the operation of any
39 existing public transportation without the consent of the owner.

40 (c) The Authority shall not have jurisdiction over public transportation
41 subject to the jurisdiction of and regulated by the Interstate Commerce Commission, nor
42 shall it have jurisdiction over intrastate public transportation classified as common
43 carriers of passengers by the North Carolina Utilities Commission.

44 **"§ 160A-605. Membership; officers; compensation.**

- 1 (a) The Board of Trustees shall consist of 11 members, appointed as follows:
2 (1) The county with the greatest population shall be allocated five
3 members to be appointed as follows:
4 a. Two by the board of commissioners of that county;
5 b. Two by the city council of the city containing the largest
6 population within that county; and
7 c. One by the city council of the city containing the second largest
8 population within that county;
9 (2) The county with the next greatest population shall be allocated three
10 members to be appointed as follows:
11 a. One by the board of commissioners of that county;
12 b. One by the city council of the city containing the largest
13 population within that county; and
14 c. One jointly by that board of commissioners and city council, by
15 procedures agreed on between them;
16 (3) The county with the least population shall be allocated two members to
17 be appointed as follows:
18 a. One by the board of commissioners of that county; and
19 b. One by the city council of the city containing the largest
20 population within that county; and
21 (4) One member of the Board of Transportation appointed by the
22 Secretary of Transportation, to serve as an ex officio nonvoting
23 member.
24 (b) Voting members of the Board of Trustees shall serve for terms of four
25 years, provided that one-half of the initial appointments shall be for two-year terms, to
26 be determined by lot at the first meeting of the Board of Trustees. Initial terms of office
27 shall commence upon approval by the Secretary of State of the articles of incorporation.
28 The member appointed by the Secretary of Transportation shall serve at his pleasure.
29 (c) An appointing authority may appoint one of its members to the Board of
30 Trustees. Service on the Board of Trustees may be in addition to any other office which
31 a person is entitled to hold. Each voting member of the Board of Trustees must hold
32 elective public office as defined by G.S. 128-1.1(d).
33 (d) Members of the Board of Trustees shall reside within the territorial
34 jurisdiction of the Authority as defined by G.S. 160A-604.
35 (e) The Board of Trustees shall annually elect from its membership a
36 Chairperson, and a Vice-Chairperson, and shall annually elect a Secretary, and a
37 Treasurer.
38 (f) Members of the Board of Trustees shall receive the sum of fifty dollars
39 (\$50.00) as compensation for attendance at each duly conducted meeting of the
40 Authority.
41 **§ 160A-606. Voting; removal.**
42 (a) Six members of the Board of Trustees shall constitute a quorum for the
43 transaction of business. Except as provided by G.S. 160A-605(a)(4), each member shall
44 have one vote.

1 (b) Each member of the Board of Trustees may be removed with or without
2 cause by the appointer(s). If the appointment was made jointly by two boards, the
3 removal must be concurred in by both.

4 (c) Appointments to fill vacancies shall be made for the remainder of the
5 unexpired term by the respective appointer(s) charged with the responsibility for
6 making such appointments pursuant to G.S. 160A-605. All members shall serve until
7 their successors are appointed and qualified, unless removed from office.

8 **"§ 160A-607. Advisory committees.**

9 The Board of Trustees may provide for the selection of such advisory committees as
10 it may find appropriate, which may or may not include members of the Board of
11 Trustees.

12 **"§ 160A-608. Purpose of the Authority.**

13 The purpose of the Authority shall be to finance, provide, operate, and maintain for a
14 safe, clean, reliable, adequate, convenient, energy efficient and environmentally sound
15 public transportation system for the service area of the Authority through the granting of
16 franchises, ownership and leasing of terminals, buses and other transportation facilities
17 and equipment, and otherwise through the exercise of the powers and duties conferred
18 upon it, in order to enhance mobility in the region and encourage sound growth patterns.

19 Such a service, facility, or function shall be financed, provided, operated, or
20 maintained in the service area of the Authority either in addition to or to a greater or
21 lesser extent than services, facilities, or functions are financed, provided, operated, or
22 maintained for the entirety of the respective units of local government.

23 **"§ 160A-609. Service area of the Authority.**

24 The service area of the Authority shall be as determined by the Board of Trustees
25 consistent with its purpose.

26 **"§ 160A-610. General powers of the Authority.**

27 The general powers of the Authority shall include any or all of the following:

28 (1) To sue and be sued;

29 (2) To have a seal;

30 (3) To make rules and regulations, not inconsistent with this Chapter, for
31 its organization and internal management;

32 (4) To employ persons deemed necessary to carry out the management
33 functions and duties assigned to them by the Authority and to fix their
34 compensation, within the limit of available funds;

35 (5) With the approval of the unit of local government's chief
36 administrative official, to use officers, employees, agents and facilities
37 of the unit of local government for such purposes and upon such terms
38 as may be mutually agreeable;

39 (6) To retain and employ counsel, auditors, engineers and private
40 consultants on an annual salary, contract basis, or otherwise for
41 rendering professional or technical services and advice;

42 (7) To acquire, lease as lessee with or without option to purchase, hold,
43 own, and use any franchise, property, real or personal, tangible or
44 intangible, or any interest therein and to sell, lease as lessor with or

1 without option to purchase, transfer (or dispose thereof) whenever the
2 same is no longer required for purposes of the Authority, or exchange
3 same for other property or rights which are useful for the Authority's
4 purposes, including but not necessarily limited to parking facilities;

5 (8) To acquire by gift, purchase, lease as lessee with or without option to
6 purchase or otherwise to construct, improve, maintain, repair, operate
7 or administer any component parts of a public transportation system or
8 to contract for the maintenance, operation or administration thereof or
9 to lease as lessor the same for maintenance, operation, or
10 administration by private parties, including but not necessarily limited
11 to parking facilities;

12 (9) To make or enter into contracts, agreements, deeds, leases with or
13 without option to purchase, conveyances or other instruments,
14 including contracts and agreements with the United States, the State of
15 North Carolina, and units of local government;

16 (10) To surrender to the State of North Carolina any property no longer
17 required by the Authority;

18 (11) To develop and make data, plans, information, surveys and studies of
19 public transportation facilities within the territorial jurisdiction of the
20 Authority, to prepare and make recommendations in regard thereto;

21 (12) To enter in a reasonable manner lands, waters or premises for the
22 purpose of making surveys, soundings, drillings, and examinations
23 whereby such entry shall not be deemed a trespass except that the
24 Authority shall be liable for any actual and consequential damages
25 resulting from such entries;

26 (13) To develop and carry out demonstration projects;

27 (14) To make, enter into, and perform contracts with private parties, and
28 public transportation companies with respect to the management and
29 operation of public passenger transportation;

30 (15) To make, enter into, and perform contracts with any public utility,
31 railroad or transportation company for the joint use of property or
32 rights, for the establishment of through routes, joint fares or transfer of
33 passengers;

34 (16) To make, enter into, and perform agreements with governmental
35 entities for payments to the Authority for the transportation of persons
36 for whom the governmental entities desire transportation;

37 (17) With the consent of the unit of local government which would
38 otherwise have jurisdiction to exercise the powers enumerated in this
39 subdivision: to issue certificates of public convenience and necessity;
40 and to grant franchises and enter into franchise agreements and in all
41 respects to regulate the operation of buses, taxicabs and other methods
42 of public passenger transportation which originate and terminate
43 within the territorial jurisdiction of the Authority as fully as the unit of

- 1 local government is now or hereafter empowered to do within the
2 territorial jurisdiction of the unit of local government;
- 3 (18) To operate public transportation systems and to enter into and perform
4 contracts to operate public transportation services and facilities and to
5 own or lease property, facilities and equipment necessary or
6 convenient therefor, and to rent, lease or otherwise sell the right to do
7 so to any person, public or private; further, to obtain grants, loans and
8 assistance from the United States, the State of North Carolina, any
9 public body, or any private source whatsoever;
- 10 (19) To enter into and perform contracts and agreements with other public
11 transportation authorities, regional public transportation authorities or
12 units of local government pursuant to the provisions of G.S. 160A-460
13 through 160A-464 (Part 1 of Article 20 of Chapter 160A of the
14 General Statutes); further to enter into contracts and agreements with
15 private transportation companies;
- 16 (20) To operate public transportation systems extending service into any
17 political subdivision of the State of North Carolina unless a particular
18 unit of local government operating its own public transportation
19 system or franchising the operation of a public transportation system
20 by majority vote of its governing board, shall deny consent;
- 21 (21) Except as restricted by covenants in bonds, notes, or equipment trust
22 certificates, to set in its sole discretion rates, fees and charges for use
23 of its public transportation system;
- 24 (22) To do all things necessary or convenient to carry out its purpose and to
25 exercise the powers granted to the Authority;
- 26 (23) To collect or contract for the collection of taxes which it is authorized
27 by law to levy;
- 28 (24) To issue bonds or other obligations of the Authority as provided by
29 law and apply the proceeds thereof to the financing of any public
30 transportation system or any part thereof and to refund, whether or not
31 in advance of maturity or the earliest redemption date, any such bonds
32 or other obligations; and
- 33 (25) To contract for, or to provide and maintain, with respect to the
34 facilities and property owned, leased with or without option to
35 purchase, operated or under the control of the Authority, and within
36 the territory thereof, a security force to protect persons and property,
37 dispense unlawful or dangerous assemblages and assemblages which
38 obstruct full and free passage, control pedestrian and vehicular traffic,
39 and otherwise preserve and protect the public peace, health, and safety;
40 for these purposes a member of such force shall be a peace officer and,
41 as such, shall have authority equivalent to the authority of a police
42 officer of the city or county in which said member of such force is
43 discharging such duties.

44 **"§ 160A-611. Authority of Utilities Commission not affected.**

1 (a) Except as otherwise provided in this Article, nothing in this Article shall be
2 construed to limit or otherwise affect the power or authority of the North Carolina
3 Utilities Commission or the right of appeal to the North Carolina Utilities Commission
4 as provided by law.

5 (b) The North Carolina Utilities Commission shall not have jurisdiction over
6 rates, fees, charges, routes, and schedules of an Authority for service within its
7 territorial jurisdiction.

8 **"§ 160A-612. Fiscal accountability.**

9 An Authority is a public authority subject to the provisions of Chapter 159 of the
10 General Statutes.

11 **"§ 160A-613. Funds.**

12 (a) The establishment and operation of an Authority are governmental functions
13 and constitute a public purpose, and the State of North Carolina and any unit of local
14 government may appropriate funds to support the establishment and operation of the
15 Authority. The State of North Carolina and any unit of local government may also
16 dedicate, sell, convey, donate or lease any of their interests in any property to the
17 Authority.

18 (b) The Authority may levy:

19 (1) A motor fuel, special fuel, and road use tax of not to exceed one cent
20 (1¢) per gallon in accordance with Article 36C of Chapter 105 of the
21 General Statutes; and

22 (2) An annual vehicle registration tax not to exceed five dollars (\$5.00)
23 per vehicle in accordance with G.S. 20-97.1.

24 **"§ 160A-614. Effect on existing franchises and operations.**

25 Creation of the Authority shall not have an effect on any existing franchises granted
26 by any unit of local government; such existing franchises shall continue in full force and
27 effect until legally terminated; further, all ordinances and resolutions of the unit of local
28 government regulating local public transportation systems, bus operations, and taxicabs
29 shall continue in full force and effect now and in the future, unless superseded by
30 regulations of the Authority; such superseding, if any, may occur only on the basis of
31 prior mutual agreement between the Authority and the respective unit of local
32 government.

33 **"§ 160A-615. Termination.**

34 The Board of Trustees may terminate the existence of the Authority at any time
35 when it has no outstanding indebtedness. In the event of such termination, all property
36 and assets of the Authority not otherwise encumbered shall automatically become the
37 property of the State of North Carolina, and the State of North Carolina shall succeed to
38 all rights, obligations, and liabilities of the Authority.

39 **"§ 160A-616. Controlling provisions.**

40 Insofar as the provisions of this Article are not consistent with the provisions of any
41 other law, public or private, the provisions of this Article shall be controlling.

42 **"§ 160A-617. Bonds and notes authorized.**

43 In addition of the powers granted by this Article, the Authority may issue bonds and
44 notes pursuant to the provisions of the Local Government Bond Act and the Local

1 Government Revenue Bond Act for the purpose of financing public transportation
2 systems or any part thereof and to refund such bonds and notes, whether or not in
3 advance of their maturity or earliest redemption date. Any bond order must be
4 approved by ordinance adopted by each board of county commissioners within the
5 territorial jurisdiction of the Authority. To pay any bond or note issued under the Local
6 Government Bond Act, the Authority may not pledge the levy of any ad valorem tax,
7 but only a tax or taxes it is authorized to levy.

8 **"§ 160A-618. Equipment trust certificates.**

9 In addition to the powers here and before granted, the Authority shall have
10 continuing power to purchase equipment, and in connection therewith execute
11 agreements, leases with or without option to purchase, or equipment trust certificates.
12 All money required to be paid by the Authority under the provisions of such
13 agreements, leases with or without option to purchase, and equipment trust certificates
14 shall be payable solely from the fares, fees, rentals, charges, revenues, and earnings of
15 the Authority, monies derived from the sale of any surplus property of the Authority and
16 gifts, grants, and contributions from any source whatever. Payment for such equipment
17 or rentals therefore, may be made in installments; the deferred installments may be
18 evidenced by equipment trust certificates payable solely from the aforesaid revenues or
19 receipts and title to such equipment may or may not vest in the Authority until the
20 equipment trust certificates are paid.

21 **"§ 160A-619. Power of eminent domain.**

22 (a) The Authority shall have continuing power to acquire, by gift, grant, devise,
23 bequest, exchange, purchase, lease with or without option to purchase, or any other
24 lawful method, including but not limited to the power of eminent domain, the fee or any
25 lesser interest in real or personal property for use by the Authority.

26 (b) In exercising the power of eminent domain the Authority shall use the
27 procedures of Chapter 40A of the General Statutes.

28 **"§ 160A-620. Tax exemption.**

29 The property of the Authority, both real and personal, its acts, activities and income
30 shall be exempt from any tax or tax obligation; in the event of any lease of Authority
31 property, or other arrangement which amounts to a leasehold interest, to a private party,
32 this exemption shall not apply to the value of such leasehold interest nor shall it apply to
33 the income of the lessee. Otherwise, however, for the purpose of taxation, when
34 property of the Authority is leased to private parties solely for the purpose of the
35 Authority, the acts and activities of the lessee shall be considered as the acts and
36 activities of the Authority and the exemption. The interest on bonds or obligations
37 issued by the Authority shall be exempt from State taxes.

38 **"§ 160A-621. Removal and relocation of utility structures.**

39 (a) The Authority shall have the power to require any public utility, railroad, or
40 other public service corporation owning or operating any installations, structures,
41 equipment, apparatus, appliances or facilities in, upon, under, over, across or along any
42 ways on which the Authority has the right to own, construct, operate or maintain its
43 public transportation system, to remove or relocate such installation, structures,
44 equipment, apparatus, appliances or facilities from their locations.

1 (b) If the owner or operator thereof fails or refuses to remove or relocate them,
2 the Authority may proceed to do so. The Authority may provide the necessary new
3 locations, and for that purpose the power of eminent domain as provided in G.S. 160A-
4 619 may be exercised provided the new locations shall not be in, on or above, a public
5 way; the Authority may also acquire the necessary new locations by purchase or
6 otherwise.

7 (c) The Authority shall reimburse the public utility, railroad or other public
8 service corporation, for the cost of relocations which shall be the entire amount paid or
9 incurred by the utility properly attributable thereto after deducting the cost of any
10 increase in the service capacity of the new installations, structures, equipment,
11 apparatus, appliances or facilities and any salvage value derived from the old
12 installations, structures, equipment, apparatus or appliances."

13 Sec. 2. G.S. 159-81(1) reads as rewritten:

14 "(1) 'Municipality' means a county, city, town, incorporated
15 village, sanitary district, metropolitan sewerage district, metropolitan
16 water district, county water and sewer district, water and sewer
17 authority, hospital authority, hospital district, parking authority,
18 special airport district, regional public transportation authority, and
19 airport authority, a joint agency created pursuant to Part 1 of Article
20 20 of Chapter 160A of the General Statutes, but not any other forms
21 of local government."

22 Sec. 3. G.S. 159-44(4) reads as rewritten:

23 "(4) 'Unit,' 'unit of local government,' or 'local government'
24 means counties; cities, towns, and incorporated villages; sanitary
25 districts; mosquito control districts; hospital districts; metropolitan
26 sewerage districts; metropolitan water districts; county water and
27 sewer districts; regional public transportation authorities; and
28 special airport districts."

29 Sec. 4. G.S. 159-48(e) reads as rewritten:

30 "(e) Each sanitary district, mosquito control district, hospital district, metropolitan
31 sewerage district, metropolitan water district, county water and sewer district, regional
32 public transportation authority and special airport district is authorized to borrow money
33 and issue its bonds under this Article in evidence thereof for the purpose of paying any
34 capital costs of any one or more of the purposes for which it is authorized, by general
35 laws uniformly applicable throughout the State, to raise or appropriate money, except
36 for current expenses."

37 Sec. 5. G.S. 159-51 reads as rewritten:

38 "**§ 159-51. Application to Commission for approval of bond issue; preliminary**
39 **conference; acceptance of application.**

40 No bonds may be issued under this Article unless the issue is approved by the Local
41 Government Commission. The governing board of the issuing unit shall file an
42 application for Commission approval of the issue with the secretary of the Commission.
43 If the issuing unit is a regional public transportation authority, the application must be
44 accompanied by resolutions of the three boards of county commissioners within its

1 territorial jurisdiction approving of the application. The application shall state such facts
2 and have attached to it such documents concerning the proposed bonds and the financial
3 condition of the issuing unit as the secretary may require. The Commission may
4 prescribe the form of the application.

5 Before he accepts the application, the secretary may require the governing board or
6 its representatives to attend a preliminary conference to consider the proposed bond
7 issue.

8 After an application in proper form has been filed, and after a preliminary
9 conference if one is required, the secretary shall notify the unit in writing that the
10 application has been filed and accepted for submission to the Commission. The
11 secretary's statement shall be conclusive evidence that the unit has complied with this
12 section."

13 Sec. 6. G.S. 159-85(a) reads as rewritten:

14 "(a) Neither the State nor a municipality may issue revenue bonds under this
15 Article unless the issue is approved by the Commission. The State Treasurer or the
16 governing board of the issuing municipality or its duly authorized agent, as the case
17 may be, shall file an application for Commission approval of the issue with the secretary
18 of the Commission. If the issuing municipality is a regional public transportation
19 authority, the application must be accompanied by resolutions of the three boards of
20 county commissioners within its territorial jurisdiction approving of the application. The
21 application shall state such facts and have attached to it such documents concerning the
22 proposed revenue bonds and the financial condition of the State or the issuing
23 municipality, as the case may be, and its utilities and enterprises as the secretary may
24 require. The Commission may prescribe the form of the application."

25 Sec. 7. Chapter 20 of the General Statutes is amended by adding a new
26 section to read:

27 "**§ 20-97.1. Regional Transportation Authority Registration Tax.**

28 (a) In accordance with this section, a Regional Transportation Authority
29 organized under Article 26 of Chapter 160A of the General Statutes may levy an annual
30 license tax upon any motor vehicle with a tax situs within its territorial jurisdiction as
31 defined by G.S. 160A-602.

32 (b) The purpose of the tax levied under this section is to raise revenue for capital
33 and operating expenses of a Regional Transportation Authority in providing a public
34 transportation system.

35 (c) The annual levy under this section must be a full dollar amount, but may not
36 exceed five dollars (\$5.00) per year.

37 (d) The Board of Trustees of a Regional Transportation Authority may levy the
38 tax provided by this section by passage of a resolution, after not less than 10 days'
39 public notice and after a public hearing. Collection of the tax, and liability therefor,
40 shall begin and continue only on and after the first day of a calendar month set by the
41 Board of Trustees in the resolution levying the tax, which shall in no case be earlier than
42 the first day of the second calendar month after the adoption of the resolution.

43 (e) The Board of Trustees, upon adoption of the resolution, shall cause a certified
44 copy of the resolution to be delivered immediately to the Division of Motor Vehicles.

1 Upon receipt of the certified copy, the Division of Motor Vehicles shall proceed as
2 authorized in this section to administer the tax.

3 (f) The Commissioner of Motor Vehicles may adopt such rules as are necessary
4 and proper to implement this section.

5 (g) The Board of Trustees may, by resolution, proceed to terminate the levy and
6 the imposition of the tax under this section under the same procedures as subsections (c)
7 and (d) of this section, and may likewise increase or decrease the amount of the tax
8 under such procedures, subject to the limitations of subsections (c) or (g) of this section.

9 (h) No liability for any tax levied under this section which shall have attached
10 prior to the effective date on which a levy is terminated or reduced shall be discharged
11 as a result of such termination or reduction, and no right to a refund of tax or otherwise,
12 which shall have accrued prior to the effective date on which a levy is terminated or
13 reduced shall be denied as a result of such termination. Collection of the increased or
14 decreased tax, and liability therefor, shall begin and continue only on and after the first
15 day of a calendar month set by the Board of Trustees in the resolution increasing or
16 reducing the tax, which shall in no case be earlier than the first day of the second
17 calendar month after the adoption of the resolution. The effective date of the
18 termination of the tax shall be only on and after the first day of a calendar month set by
19 the Board of Trustees in the resolution terminating the tax, which shall in no case be
20 earlier than the first day of the second calendar month after the adoption of the
21 resolution.

22 (i) Only vehicles required to pay a tax under G.S. 20-87(1), (2), (4), (5), (6), and
23 (7) and G.S. 20-88 shall be subject to the tax provided by this section. The
24 Commissioner of Motor Vehicles shall cause the tax levied under this section to be
25 separately stated, but included in the total tax to be paid. Taxes shall be prorated in
26 accordance with G.S. 20-66 or G.S. 20-95, as applicable.

27 (j) The fact that the county listed by the owner under G.S. 105-314 as the county
28 where the vehicle is subject to ad valorem taxation is within the territorial jurisdiction of
29 the Authority shall be **prima facie** evidence that the vehicle has a tax situs within the
30 territorial jurisdiction of the Authority.

31 (k) Taxes paid under this section shall be credited to a special fund, and the net
32 proceeds disbursed monthly to the appropriate Regional Transportation Authority.
33 Interest credited to the fund shall be disbursed monthly to the Highway Fund to
34 reimburse the Division of Motor Vehicles for the cost of collecting and administering
35 the tax.

36 (l) No regional transportation authority may adopt any resolution to levy any tax
37 under this section, or increase the amount of the levy, unless the three boards of county
38 commissioners within the territorial jurisdiction have each passed a resolution or
39 ordinance approving of the levy or increase in amount, unless such levy or increase in
40 tax is necessary for debt service on bonds or notes that those boards of county
41 commissioners had previously approved under G.S. 159-51 or G.S. 159-85."

42 Sec. 8. G.S. 105-314(a) reads as rewritten:

43 "(a) Every motor vehicle owner applying to the State Division of Motor Vehicles
44 for motor vehicle license tags, or for renewal of such, shall specify in the application the

1 county in which each such motor vehicle is subject to ad valorem taxation. If any such
2 vehicle is not subject to ad valorem taxation in this State, that fact, with the reason
3 therefor, shall be stated in the application. No State license tags shall be issued to any
4 applicant, or renewed for such applicant until the requirements of this subsection have
5 been met. It shall be a misdemeanor to knowingly make a false statement in the
6 application as to the information required to be supplied by this section."

7 Sec. 9. Chapter 105 of the General Statutes is amended by adding a new
8 Article to read:

9 **"ARTICLE 36C.**

10 **"REGIONAL TRANSPORTATION AUTHORITY.**

11 **"EXCISE TAXES ON MOTOR FUEL. SPECIAL FUELS AND ROAD USE.**

12 **"§ 105-449.61. Purpose of Article.**

13 This Article provides Regional Transportation Authorities with a means to raise
14 revenue for capital and operating expenses in providing a public transportation system.

15 **"§ 105-449.62. Definitions.**

16 The definitions in Articles 36, 36A, and 36B of this Chapter apply to this Article. In
17 addition, the following definitions apply to this Article:

18 (1) Authority. A Regional Transportation Authority created under Article
19 26 of Chapter 160A of the General Statutes.

20 (2) Street. Defined in G.S. 20-4.01(46).

21 **"§ 105-449.63. Levy and collection of gasoline tax.**

22 The board of trustees of an authority may levy an excise tax on motor fuel sold,
23 distributed, or used by a distributor within the territorial jurisdiction of the Authority at
24 a rate not to exceed one cent (1¢) per gallon of motor fuel. The tax is in addition to the
25 excise tax on motor fuel levied by Article 36 of Chapter 105 of the General Statutes. A
26 tax levied under this section shall be collected by the Secretary.

27 Except as provided in this Article, the collection and administration of a tax
28 authorized by this section shall be in accordance with the provisions of Article 36 of
29 Chapter 105 of the General Statutes for excise taxes on motor fuel. In applying the
30 provisions of Articles 36 and 39 of Chapter 105 of the General Statutes to this Article,
31 references to 'this Article' mean this Article. The records that a distributor is required to
32 keep pursuant to G.S. 105-438 shall include the county in which the motor fuels where
33 purchased, received, sold, delivered, or used, and such other information as the
34 Secretary may require. The tax refunds provided in G.S. 105-446, 105-446.1, 105-
35 446.3, 105-446.5, and 105-446.6 shall include refunds of a tax levied under this section.

36 **"§ 105-449.64. Levy and collection of special fuels tax.**

37 The governing body of an authority may levy an excise tax at a rate not to exceed
38 one cent (1¢) per gallon on special fuels sold or delivered within the territorial
39 jurisdiction of the Authority by any supplier to any licensed user-seller, or used in the
40 territorial jurisdiction of the Authority by any supplier in a motor vehicle owned, leased,
41 or operated by the supplier, or delivered in the territorial jurisdiction of the Authority by
42 the supplier directly into the fuel supply tank of a motor vehicle, or imported by a user-
43 seller into the territorial jurisdiction of the Authority, or acquired tax-free by a user-
44 seller or user in the territorial jurisdiction of the Authority for resale or use in the

1 territorial jurisdiction of the Authority for the propulsion of a motor vehicle. The tax is
2 in addition to the tax on special fuels levied by Article 36A of Chapter 105 of the
3 General Statutes. A tax levied under this section shall be collected by the Secretary.

4 Except as provided in this Article, the collection and administration of a tax
5 authorized by this section shall be in accordance with the provisions in Article 36A of
6 Chapter 105 of the General Statutes for excise taxes on special fuels. In applying the
7 provisions of Articles 36A and 39 of Chapter 105 of the General Statutes to this Article,
8 references to 'this Article' mean this Article. The purpose of a tax levied under this
9 section shall be to provide a more efficient and effective method of collecting the tax
10 levied under G.S. 105-449.63 by providing for the collection of the tax from the
11 supplier instead of the user. A tax collected under this section shall not be in addition to
12 the tax collected under G.S. 105-449.63; payment of a tax levied under this section shall
13 constitute compliance with the provisions of G.S. 105-449.63. The exemptions and
14 refunds provided in G.S. 105-449.17 and G.S. 105-449.24 shall apply to a tax levied
15 under this section.

16 **"§ 105-449.65. Levy and collection of tax on carriers using fuel purchased outside**
17 **the territorial jurisdiction of the Authority.**

18 The governing body of an authority may levy a road tax for the privilege of using the
19 streets and highways in the territorial jurisdiction of the Authority at the rate of one cent
20 (1¢) per gallon of gasoline or other fuel used by a motor carrier in its operations in the
21 territorial jurisdiction of the Authority. The tax is in addition to the road tax levied by
22 Article 36B of Chapter 105 of the General Statutes. A tax levied under this section shall
23 be collected by the Secretary.

24 Except as provided in this Article, the collection and administration of this tax shall
25 be in accordance with the provisions of Article 36B of Chapter 105 of the General
26 Statutes for the road tax on motor carriers using fuel purchased outside the State. In
27 applying the provisions of Article 36B of Chapter 105 of the General Statutes to this
28 Article, references to 'this Article' mean this Article. Every motor carrier subject to a
29 tax levied by this section is entitled to a credit at the rate per gallon for tax paid on fuel
30 under G.S. 105-449.63 and G.S. 105-449.64 which is the same as the rate paid under
31 those sections. This credit and any refund shall be administered by the Secretary of
32 Revenue in accordance with the provisions of G.S. 105-449.39 and G.S. 105-449.40.
33 The amount of fuel used in the operations of a motor carrier within the territorial
34 jurisdiction of the Authority shall be such proportion of the total amount of fuel used in
35 its entire operations as the total number of miles traveled within the territorial
36 jurisdiction of the Authority bears to the total number of miles traveled in its entire
37 operations.

38 **"§ 105-449.66. Distribution and use of additional taxes.**

39 Taxes paid under this Article shall be credited to a special fund. Interest credited to
40 the fund shall be disbursed quarterly to the Department of Revenue to reimburse the
41 Secretary for the cost of collecting and administering the tax.

42 The Secretary shall, on a quarterly basis, distribute to each authority the net proceeds
43 of the taxes collected in the territorial jurisdiction of the Authority under this Article
44 during the preceding quarter, but may retain in the fund such sums as in the Secretary's

1 judgement will be necessary to satisfy expected claims for refunds. Amounts
2 distributed to the Authority under this Article may be used only for capital and
3 operating expenses of a public transportation system as defined by G.S. 160A-601.

4 **"§ 105-449.67. Rules.**

5 The Secretary of Revenue may promulgate rules and prescribe forms as necessary to
6 collect and administer the taxes levied under this Article.

7 **"§ 105-449.68. Procedure for levy and repeal of taxes under this Article.**

8 (a) The Board of Trustees of a Regional Transportation Authority may levy the
9 tax provided by this Article by passage of a resolution, after not less than 10 days'
10 public notice and after a public hearing. Collection of the tax, and liability therefor,
11 shall begin and continue only on and after the first day of a calendar month set by the
12 Board of Trustees in the resolution levying the tax, which shall in no case be earlier than
13 the first day of the second calendar month after the adoption of the resolution.

14 (b) The Board of Trustees, upon adoption of the resolution, shall cause a certified
15 copy of the resolution to be delivered immediately to the Secretary. Upon receipt of the
16 certified copy, the Secretary shall proceed as authorized in this section to administer the
17 tax.

18 (c) The annual levy under this section must be a multiple of one-tenth of a cent
19 (.1¢) per gallon, but may not exceed one cent per gallon. If a tax is levied under this
20 Article, it must be levied under G.S. 105-449.63, 105-449.64, and 105-449.65, and must
21 be at the same rate for all three taxes.

22 (f) The Board of Trustees may, by resolution, proceed to terminate the levy and
23 the imposition of the tax under this section under the same procedures as subsections (a)
24 and (b) of this section, and may likewise increase or decrease the amount of the tax
25 under such procedures, subject to the limitations of subsections (c) or (g) of this section.

26 (g) No liability for any tax levied under this section which shall have attached
27 prior to the effective date on which a levy is terminated or reduced shall be discharged
28 as a result of such termination or reduction, and no right to a refund of tax or otherwise,
29 which shall have accrued prior to the effective date on which a levy is terminated or
30 reduced shall be denied as a result of such termination. Collection of the increased or
31 decreased tax, and liability therefor, shall begin and continue only on and after the first
32 day of a calendar month set by the Board of Trustees in the resolution increasing or
33 reducing the tax, which shall in no case be earlier than the first day of the second
34 calendar month after the adoption of the resolution. The effective date of the
35 termination of the tax shall be only on and after the first day of a calendar month set by
36 the Board of Trustees in the resolution terminating the tax, which shall in no case be
37 earlier than the first day of the second calendar month after the adoption of the
38 resolution.

39 (k) No regional transportation authority may adopt any resolution to levy any tax
40 under this Article, or increase the amount of the levy, unless the three boards of county
41 commissioners within the territorial jurisdiction have each passed a resolution or
42 ordinance approving of the levy or increase in amount, unless such levy or increase in
43 tax is necessary for debt service on bonds or notes that those boards of county
44 commissioners had previously approved under G.S. 159-51 or G.S. 159-85."

1 Sec. 10. This act is effective upon ratification.