

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

H

6

HOUSE BILL 694
Corrected Copy 4/6/89
Third Edition Engrossed 5/4/89
Committee Substitute Favorable 6/1/89
Fifth Edition Engrossed 6/6/89
Transportation Senate Committee Substitute Adopted 6/22/89

Short Title: Public Transit Authority.
(Public)

Sponsors:

Referred to:

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.

- 1 (3) 'Population' means the number of persons residing in respective areas
2 as defined and enumerated in the most recent decennial federal census.
- 3 (4) 'Public transportation' means transportation of passengers whether or
4 not for hire by any means of conveyance, including but not limited to a
5 street or elevated railway or guideway, subway, motor vehicle or
6 motor bus, carpool or vanpool, either publicly or privately owned and
7 operated, holding itself out to the general public for the transportation
8 of persons within or working within the territorial jurisdiction of the
9 Authority, including charter service.
- 10 (5) 'Public transportation system' means, without limitation, a
11 combination of real and personal property, structures, improvements,
12 buildings, equipment, vehicle parking or other facilities, railroads and
13 railroad rights-of-way whether held in fee simple by quitclaim or
14 easement, and rights-of-way, or any combination thereof, used or
15 useful for the purposes of public transportation. 'Public transportation
16 system' however, does not include streets, roads, or highways except
17 those for ingress and egress to vehicle parking.
- 18 (6) 'Regional Public Transportation Authority,' means a body corporate
19 and politic organized in accordance with the provisions of this Article
20 for the purposes, with the powers and subject to the restrictions
21 hereinafter set forth.
- 22 (7) 'Unit of local government' means any county, city, town or
23 municipality of this State, and any other political subdivision, public
24 corporation, Authority, or district in this State, which is or may be
25 authorized by law to acquire, establish, construct, enlarge, improve,
26 maintain, own, and operate public transportation systems.
- 27 (8) 'Unit of local government's chief administrative official' means the
28 county manager, city manager, town manager, or other person, by
29 whatever title he shall be known, in whom the responsibility for the
30 unit of local government's administrative duties is vested.

31 **"§ 160A-602. Definition of territorial jurisdiction of Authority.**

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

- 34 (1) The area consists of three counties:
- 35 (2) At least one of those counties contains at least part of a County
36 Research and Production Service District established pursuant to Part 2
37 of Article 16 of Chapter 153A of the General Statutes; and
- 38 (3) The other two counties each:
- 39 a. Contain at least one unit of local government that is designated
40 by the Governor of the State of North Carolina as a recipient
41 pursuant to Section 9 of the Urban Mass Transportation Act of
42 1964, as amended; and
- 43 b. Are adjacent to at least one county that contains at least part of
44 a County Research and Production Service District established

1 pursuant to Part 2 of Article 16 of Chapter 153A of the General
2 Statutes.

3 **"§ 160A-603. Creation of Authority.**

4 (a) The Boards of Commissioners of all three counties within an area for which
5 an authority may be created as defined in G.S. 160A-602 may by resolution signify their
6 determination to organize an authority under the provisions of this Article. Each of such
7 resolutions shall be adopted after a public hearing thereon, notice of which hearing shall
8 be given by publication at least once, not less than 10 days prior to the date fixed for
9 such hearing, in a newspaper having a general circulation in the county. Such notice
10 shall contain a brief statement of the substance of the proposed resolution, shall set forth
11 the proposed articles of incorporation of the Authority and shall state the time and place
12 of the public hearing to be held thereof. No county shall be required to make any other
13 publication of such resolution under the provisions of any other law.

14 (b) Each such resolution shall include articles of incorporation which shall set
15 forth:

16 (1) The name of the authority;

17 (2) A statement that such authority is organized under this
18 Article; and

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

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

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

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

38 **"§ 160A-604. Territorial jurisdiction of the Authority.**

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

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

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

5 **"§ 160A-605. Membership; officers; compensation.**

6 (a) The governing body of an authority is the Board of Trustees. The Board
7 of Trustees shall consist of 11 members, appointed as follows:

8 (1) The county with the greatest population shall be allocated five
9 members to be appointed as follows:

10 a. Two by the board of commissioners of that county;

11 b. Two by the city council of the city containing the largest
12 population within that county; and

13 c. One by the city council of the city containing the second largest
14 population within that county;

15 (2) The county with the next greatest population shall be allocated three
16 members to be appointed as follows:

17 a. One by the board of commissioners of that county;

18 b. One by the city council of the city containing the largest
19 population within that county; and

20 c. One jointly by that board of commissioners and city council, by
21 procedures agreed on between them;

22 (3) The county with the least population shall be allocated two members to
23 be appointed as follows:

24 a. One by the board of commissioners of that county; and

25 b. One by the city council of the city containing the largest
26 population within that county; and

27 (4) One member of the Board of Transportation appointed by the
28 Secretary of Transportation, to serve as an ex officio nonvoting
29 member.

30 (b) Voting members of the Board of Trustees shall serve for terms of four
31 years, provided that one-half of the initial appointments shall be for two-year terms, to
32 be determined by lot at the first meeting of the Board of Trustees. Initial terms of office
33 shall commence upon approval by the Secretary of State of the articles of incorporation.
34 The member appointed by the Secretary of Transportation shall serve at his pleasure.

35 (c) An appointing authority may appoint one of its members to the Board of
36 Trustees. Service on the Board of Trustees may be in addition to any other office which
37 a person is entitled to hold. Each voting member of the Board of Trustees may hold
38 elective public office as defined by G.S. 128-1.1(d).

39 (d) Members of the Board of Trustees shall reside within the territorial
40 jurisdiction of the Authority as defined by G.S. 160A-604.

41 (e) The Board of Trustees shall annually elect from its membership a
42 Chairperson, and a Vice-Chairperson, and shall annually elect a Secretary, and a
43 Treasurer.

1 (f) Members of the Board of Trustees shall receive the sum of fifty dollars
2 (\$50.00) as compensation for attendance at each duly conducted meeting of the
3 Authority.

4 **"§ 160A-606. Voting; removal.**

5 (a) Six members of the Board of Trustees shall constitute a quorum for the
6 transaction of business. Except as provided by G.S. 160A-605(a)(4), each member shall
7 have one vote.

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

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

15 **"§ 160A-607. Advisory committees.**

16 The Board of Trustees may provide for the selection of such advisory committees as
17 it may find appropriate, which may or may not include members of the Board of
18 Trustees.

19 **"§ 160A-607.1. Special tax board.**

20 (a) The special tax board of an authority shall be composed of two
21 representatives from each of the counties organizing the authority appointed annually by
22 the board of commissioners of each of those counties' members at the first regular
23 meeting thereof in January, except that the initial members shall serve a term beginning
24 on the date that the initial terms of the board of trustees of that authority begin under
25 G.S. 160A-605(b), and ending on the last day of December of that year. Each member
26 of the special tax board must be a member of the board of commissioners of the county
27 by which he was appointed. Membership on the special tax board may be held in
28 addition to the offices authorized by G.S. 128-1 or G.S. 128-1.1. Said representatives
29 shall hold office from their appointment until their successors are appointed and
30 qualified, except that when any member of the special tax board ceases for any reason to
31 be a member of the board of commissioners of the county by which he was appointed,
32 he shall simultaneously cease to be a member of said special tax board. Upon the
33 occurrence of any vacancy on said special tax board, the vacancy shall be filled within
34 30 days after notice thereof by the board of commissioners of the county having a
35 vacancy in its representation. Each member of the special tax board, before entering
36 upon his duties, shall take and subscribe an oath or affirmation to support the
37 Constitution and laws of the United States and of this State and to discharge faithfully
38 the duties of his office; and a record of each such oath shall be filed in the minutes of
39 the respective participating units of local government.

40 (b) The special tax board shall meet regularly at such places and on such dates as
41 are determined by the special tax board. The initial meeting shall be called jointly by
42 the chairmen of the boards of commissioners of the counties organizing the authority.
43 Special meetings may be called by the chairman of the special tax board on his own
44 initiative and shall be called by him upon request of two or more members of the board.

1 All members shall be notified in writing at least 24 hours in advance of such meeting.
2 A majority of the members of the special tax board shall constitute a quorum. No
3 vacancy in the membership of the special tax board shall impair the right of a quorum to
4 exercise all the rights and perform all the duties of the special tax board. No action,
5 other than an action to recess or adjourn, shall be taken except upon a majority vote of
6 the entire authorized membership of said special tax board. Each member, including the
7 chairman, shall be entitled to vote on any question.

8 (c) The special tax board shall elect annually in January from among its members
9 a chairman, vice-chairman, secretary and treasurer, except that initial officers shall be
10 elected at the first meeting of the special tax board.

11 **"§ 160A-608. Purpose of the Authority.**

12 The purpose of the Authority shall be to finance, provide, operate, and maintain for a
13 safe, clean, reliable, adequate, convenient, energy efficient, economically and
14 environmentally sound public transportation system for the service area of the Authority
15 through the granting of franchises, ownership and leasing of terminals, buses and other
16 transportation facilities and equipment, and otherwise through the exercise of the
17 powers and duties conferred upon it, in order to enhance mobility in the region and
18 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 functions and
33 duties assigned to them by the Authority and to fix their compensation,
34 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 an annual vehicle registration tax not to exceed five
19 dollars (\$5.00) per vehicle in accordance with G.S. 20-97.1.

20 **"§ 160A-614. Effect on existing franchises and operations.**

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

29 **"§ 160A-615. Termination.**

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

35 **"§ 160A-616. Controlling provisions.**

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

38 **"§ 160A-617. Bonds and notes authorized.**

39 In addition of the powers granted by this Article, the Authority may issue bonds and
40 notes pursuant to the provisions of the Local Government Bond Act and the Local
41 Government Revenue Bond Act for the purpose of financing public transportation
42 systems or any part thereof and to refund such bonds and notes, whether or not in
43 advance of their maturity or earliest redemption date. Any bond order must be
44 approved by resolution adopted by the special tax board of the Authority. To pay any

1 bond or note issued under the Local Government Bond Act, the Authority may not
2 pledge the levy of any ad valorem tax, but only a tax or taxes it is authorized to levy.

3 **"§ 160A-618. Equipment trust certificates.**

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

16 **"§ 160A-619. Power of eminent domain.**

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

21 (b) Exercise of the power of eminent domain by the Authority shall be in
22 accordance with Chapter 40A of the General Statutes.

23 **"§ 160A-620. Tax exemption.**

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

33 **"§ 160A-621. Removal and relocation of utility structures.**

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

43 (b) If the owner or operator thereof fails or refuses to relocate them, the
44 Authority may proceed to do so.

1 **(b1)** The Authority shall provide any necessary new locations and necessary real
2 estate interests for such relocation, and for that purpose the power of eminent domain as
3 provided in G.S. 160A-619 may be exercised provided the new locations shall not be in,
4 on or above, a public highway; the Authority may also acquire the necessary new
5 locations by purchase or otherwise.

6 **(b2)** Any affected public utility, railroad or other public service corporation shall
7 be compensated for any real estate interest taken in a manner consistent with G.S.
8 160A-619, subject to the right of the Authority to reduce the compensation due by the
9 value of any property exchanged under this section.

10 **(b3)** The method and procedures of a particular adjustment to the facilities of a
11 public utility, railroad or other public service corporation shall be covered by an
12 agreement between the Authority and the affected party or parties.

13 **(c)** The Authority shall reimburse the public utility, railroad or other public
14 service corporation, for the cost of relocations or removals which shall be the entire
15 amount paid or incurred by the utility properly attributable thereto after deducting the
16 cost of any increase in the service capacity of the new installations, structures,
17 equipment, apparatus, appliances or facilities and any salvage value derived from the
18 old installations, structures, equipment, apparatus or appliances."

19 Sec. 1.1. G.S. 40A-3(c) is amended by adding a new subdivision to read:

20 **"(13)** A regional transportation authority established under Article 26 of
21 Chapter 160A of the General Statutes for the purposes of that Article."

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

23 **"(1)** 'Municipality' means a county, city, town, incorporated
24 village, sanitary district, metropolitan sewerage district, metropolitan
25 water district, county water and sewer district, water and sewer
26 authority, hospital authority, hospital district, parking authority,
27 special airport district, regional public transportation authority, and
28 airport authority, a joint agency created pursuant to Part 1 of Article
29 20 of Chapter 160A of the General Statutes, but not any other forms
30 of local government."

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

32 **"(4)** 'Unit,' 'unit of local government,' or 'local government'
33 means counties; cities, towns, and incorporated villages; sanitary
34 districts; mosquito control districts; hospital districts; metropolitan
35 sewerage districts; metropolitan water districts; county water and
36 sewer districts; regional public transportation authorities; and
37 special airport districts."

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

39 **"(e)** Each sanitary district, mosquito control district, hospital district, metropolitan
40 sewerage district, metropolitan water district, county water and sewer district, regional
41 public transportation authority and special airport district is authorized to borrow money
42 and issue its bonds under this Article in evidence thereof for the purpose of paying any
43 capital costs of any one or more of the purposes for which it is authorized, by general

1 laws uniformly applicable throughout the State, to raise or appropriate money, except
2 for current expenses."

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

4 **"§ 159-51. Application to Commission for approval of bond issue; preliminary**
5 **conference; acceptance of application.**

6 No bonds may be issued under this Article unless the issue is approved by the Local
7 Government Commission. The governing board of the issuing unit shall file an
8 application for Commission approval of the issue with the secretary of the Commission.
9 If the issuing unit is a regional public transportation authority, the application must be
10 accompanied by a resolution of the special tax board of that authority approving of the
11 application. The application shall state such facts and have attached to it such
12 documents concerning the proposed bonds and the financial condition of the issuing unit
13 as the secretary may require. The Commission may prescribe the form of the
14 application.

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

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

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

24 "(a) Neither the State nor a municipality may issue revenue bonds under this
25 Article unless the issue is approved by the Commission. The State Treasurer or the
26 governing board of the issuing municipality or its duly authorized agent, as the case
27 may be, shall file an application for Commission approval of the issue with the secretary
28 of the Commission. If the issuing municipality is a regional public transportation
29 authority, the application must be accompanied by a resolution of the special tax board
30 of that authority approving of the application. The application shall state such facts and
31 have attached to it such documents concerning the proposed revenue bonds and the
32 financial condition of the State or the issuing municipality, as the case may be, and its
33 utilities and enterprises as the secretary may require. The Commission may prescribe
34 the form of the application."

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

37 **"§ 20-97.1. Regional Transportation Authority Registration Tax.**

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

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

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

3 (d) The Board of Trustees of a Regional Transportation Authority may levy the
4 tax provided by this section by passage of a resolution, after not less than 10 days'
5 public notice and after a public hearing. Collection of the tax, and liability therefor,
6 shall begin and continue only on and after the first day of a calendar month set by the
7 Board of Trustees in the resolution levying the tax, which shall in no case be earlier than
8 the first day of the third calendar month after the adoption of the resolution.

9 (e) The Board of Trustees, upon adoption of the resolution, shall cause a certified
10 copy of the resolution to be delivered immediately to the Division of Motor Vehicles.
11 Upon receipt of the certified copy, the Division of Motor Vehicles shall proceed to
12 collect and administer the tax at the same time and in the same manner as in G.S. 20-87
13 (1), (2), (4), (5), (6), and (7), and G.S. 20-88.

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

16 (g) The Board of Trustees may, by resolution, proceed to terminate the levy and
17 the imposition of the tax under this section under the same procedures as subsections (d)
18 and (e) of this section, and may likewise increase or decrease the amount of the tax
19 under such procedures, subject to the limitations of subsections (c) or (h) of this section.

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

32 (i) Only vehicles required to pay a tax under G.S. 20-87(1), (2), (4), (5), (6), and
33 (7) and G.S. 20-88 shall be subject to the tax provided by this section. Taxes shall be
34 prorated in accordance with G.S. 20-66 or G.S. 20-95, as applicable.

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

39 (k) Taxes paid under this section shall be credited to a special fund, and the net
40 proceeds disbursed quarterly to the appropriate Regional Transportation Authority.
41 Interest credited to the fund shall be disbursed quarterly to the Highway Fund to
42 reimburse the Division of Motor Vehicles for the cost of collecting and administering
43 the tax.

1 (l) No regional transportation authority may adopt any resolution to levy any tax
2 under this section, or increase the amount of the levy, unless the special tax board of
3 that authority has passed a resolution approving of the levy or increase in amount,
4 unless such levy or increase in tax is necessary for debt service on bonds or notes that
5 special tax board had previously approved under G.S. 159-51 or G.S. 159-85."

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

7 "(a) Every motor vehicle owner applying to the State Division of Motor Vehicles
8 for motor vehicle license tags, or for renewal of such, shall specify in the application the
9 county in which each such motor vehicle is subject to ad valorem taxation. If any such
10 vehicle is not subject to ad valorem taxation in this State, that fact, with the reason
11 therefor, shall be stated in the application. No State license tags shall be issued to any
12 applicant, or renewed for such applicant until the requirements of this subsection have
13 been met. It shall be a misdemeanor to knowingly make a false statement in the
14 application as to the information required to be supplied by this section."

15 Sec. 9. The Legislative Research Commission shall make a comprehensive
16 study of financing of public transportation in North Carolina, and report its
17 recommendations to the 1991 Regular Session of the General Assembly.

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