

**HOUSE BILL NO. 1203**

Introduced by

Representative Grosz

1 A BILL for an Act to amend and reenact section 57-43.1-12 of the North Dakota Century Code,  
2 relating to assignment of motor vehicle fuel tax refund claims.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 57-43.1-12 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **57-43.1-12. Permit required during certain period - Revocation.** Refund claims on  
7 motor vehicle fuel tax resulting from sale of motor vehicle fuel occurring during the period from  
8 ~~April~~ March first through September thirtieth may be assigned to the seller of the fuel when any  
9 sales receipt for the purchase of motor vehicle fuel on which a tax refund is owing under this  
10 chapter becomes thirty or more days old. The purchaser may assign to the seller a claim for  
11 refund by acknowledging the assignment agreement in writing on forms prescribed by the  
12 commissioner. Before any person is allowed to assign a motor vehicle fuel tax refund to the  
13 seller during this period, that person must have an unrevoked permit issued by the  
14 commissioner authorizing the assignment. The permit must be issued to every applicant upon  
15 completing and forwarding to the commissioner an application form prescribed and furnished by  
16 the commissioner. The application must contain a sworn statement that the applicant is  
17 engaged in the business of agriculture and intends to use any fuel so assigned for agricultural  
18 purposes only. The permit is not transferable and is valid only for the person in whose name it  
19 is issued. Permits issued under the provisions of this section are valid until revoked by the  
20 commissioner. When assignment is made, the seller may forward it to the commissioner for  
21 credit on the seller's fuel tax return in the amount of the refund owing on the assigned sales  
22 receipt. Any purchaser who assigns a claim for refund under the provisions of this section and  
23 each assignee must file an annual report with the commissioner within the time limitation in  
24 section 57-43.1-05. If any purchaser or assignee fails to file the report within the period of time

- 1 designated, the commissioner shall revoke the permit authorizing assignment in the same
- 2 manner as provided for in section 57-43.1-21. The report forms must be furnished by the
- 3 commissioner in substantially the same form as is prescribed in section 57-43.1-04.