

**HOUSE BILL NO. 1082**

Introduced by

Finance and Taxation Committee

(At the request of the Tax Commissioner)

1 A BILL for an Act to amend and reenact section 57-39.2-03.3, subsection 1 of section  
2 57-40.3-01, subsection 4 of section 57-40.3-11, subsections 12, 13, 16, and 18 of section  
3 57-43.1-01, subsection 2 of section 57-43.1-02, section 57-43.1-05, subsections 16, 17, and 20  
4 of section 57-43.2-01, and subsection 2 of section 57-43.2-02 of the North Dakota Century  
5 Code, relating to sales tax on sales through vending machines, the definition of low-speed  
6 vehicle and the time for audit and protest for motor vehicle excise tax purposes, motor vehicle  
7 fuel tax definitions, the motor vehicle fuel tax and special fuels tax imposed on fuels produced  
8 by a refiner, and minimum refunds for motor vehicle fuel tax purposes; and to provide an  
9 effective date.

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

11 **SECTION 1. AMENDMENT.** Section 57-39.2-03.3 of the North Dakota Century Code  
12 is amended and reenacted as follows:

13 **57-39.2-03.3. Sales tax on sales through vending machines.** ~~Beginning July 1,~~  
14 ~~1969, gross~~ Gross receipts from the sale of tangible personal property costing sixteen cents or  
15 more sold through a coin-operated vending machine are subject to the sales tax imposed by  
16 chapter 57-39.2, and gross receipts from the sale of tangible personal property costing fifteen  
17 cents or less sold through a coin-operated vending machine are specifically exempted from the  
18 provisions of this chapter.

19 **SECTION 2. AMENDMENT.** Subsection 1 of section 57-40.3-01 of the North Dakota  
20 Century Code is amended and reenacted as follows:

21 1. "Low-speed vehicle" means a four-wheeled vehicle that is able to attain a speed,  
22 upon a paved surface, of more than twenty miles per hour [32 kilometers per hour]  
23 in one mile [1.6 kilometers] and not more than twenty-five miles per hour  
24 [40 kilometers per hour] in one mile [1.6 kilometers] and may not exceed ~~one~~ three

1           thousand ~~five hundred~~ pounds [~~680.39~~ 1360.77 kilograms] in ~~unloaded~~ weight  
2           when fully loaded with passengers and any cargo.

3           **SECTION 3. AMENDMENT.** Subsection 4 of section 57-40.3-11 of the North Dakota  
4 Century Code is amended and reenacted as follows:

5           4. If upon audit the tax commissioner determines that a motor vehicle excise tax has  
6 not been paid or an additional tax is due, the tax commissioner shall give notice of  
7 determination of the tax due to the person liable for the tax. The notice of  
8 determination must be given no later than three years from the date the motor  
9 vehicle was purchased, acquired, or the date the vehicle was required to be titled  
10 or registered with the director of the department of transportation, whichever is  
11 later. If it is determined that the motor vehicle excise tax due is twenty-five percent  
12 or more above the amount that had been paid, the notice of determination must be  
13 given no later than six years from the date the motor vehicle was purchased,  
14 acquired, or the date the vehicle was required to be titled or registered with the  
15 director of the department of transportation, whichever is later. The notice of  
16 determination of tax due fixes the tax finally and irrevocably unless within ~~fifteen~~  
17 thirty days of the date of the notice the person against whom the tax is assessed  
18 applies to the tax commissioner for a hearing under chapter 28-32 or unless the  
19 tax commissioner reduces the liability relating to assessments on the tax  
20 commissioner's own motion. The provisions of chapter 57-39.2 not in conflict with  
21 the provisions of this chapter govern the administration of the tax levied in this  
22 chapter.

23           **SECTION 4. AMENDMENT.** Subsections 12, 13, 16, and 18 of section 57-43.1-01 of  
24 the North Dakota Century Code are amended and reenacted as follows:

25           12. "Import" means the delivery of motor vehicle fuel across the boundaries of this  
26 state from a place of origin outside this state by a refiner, supplier, ~~or~~ distributor, or  
27 consumer.  
28           13. "Importer" means a refiner, supplier, ~~or~~ distributor, or consumer who imports motor  
29 vehicle fuel into this state in bulk or transport load by truck, railcar, or in a barrel,  
30 drum, or other receptacle.



- 1           3.    The claim for refund exceeds four hundred dollars.  
2    No claim for refund may be made or approved unless the amount of the claim is ~~in excess of~~ at  
3    least five dollars.

4           **SECTION 7. AMENDMENT.** Subsections 16, 17, and 20 of section 57-43.2-01 of the  
5    North Dakota Century Code are amended and reenacted as follows:

- 6           16.    "Import" means the delivery of special fuel across the boundaries of this state from  
7                a place of origin outside this state by a refiner, supplier, ~~or~~ distributor, or consumer.  
8           17.    "Importer" means a refiner, supplier, ~~or~~ distributor, or consumer who imports  
9                special fuel into this state in bulk or transport load by truck, railcar, or in a barrel,  
10               drum, or other receptacle.  
11          20.    "Licensed motor vehicle" means any motor vehicle required to be licensed for  
12                operation upon public roads or highways, but does not include a vehicle with a  
13                permanently mounted manure spreader or stack moving unit.

14          **SECTION 8. AMENDMENT.** Subsection 2 of section 57-43.2-02 of the North Dakota  
15    Century Code is amended and reenacted as follows:

- 16          2.    A refiner, supplier, distributor, or retailer shall remit the tax imposed by this section  
17                on special fuel used and on direct sales of special fuel to a customer.

18          **SECTION 9. EFFECTIVE DATE.** Section 3 of this Act is effective for assessments of  
19    motor vehicle excise tax issued after June 30, 2009. Sections 4, 5, 7, and 8 of this Act are  
20    effective for taxable periods beginning after June 30, 2009. Section 6 of this Act is effective for  
21    refund claims made after June 30, 2009.