

**SENATE BILL NO. 2149**

Introduced by

Transportation Committee

(At the request of the Department of Transportation)

1 A BILL for an Act to amend and reenact sections 39-04-10.8, 39-04-10.11, and 39-04-10.12,  
2 subsection 3 of section 39-04-10.13, sections 39-04-14 and 39-04-14.1, subdivision j of  
3 subsection 2 of section 39-04-18, subsection 3 of section 39-04-19, and sections 39-04-22,  
4 39-04-23, and 39-04-26 of the North Dakota Century Code, relating to motor vehicle registered  
5 gross weight.

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

7 **SECTION 1. AMENDMENT.** Section 39-04-10.8 of the North Dakota Century Code is  
8 amended and reenacted as follows:

9 **39-04-10.8. National guard number plates.** The director, in cooperation with the  
10 adjutant general, shall issue distinctive number plates to members of the national guard. A  
11 plate issued under this section must bear the national guard insignia designated by the adjutant  
12 general and the letters "NG" before the number. The director may issue the plates to the owner  
13 of a passenger motor vehicle or a truck the registered gross weight of which does not exceed  
14 ~~ten~~ twenty thousand pounds [~~4535.92~~ 9071.84 kilograms]. On request of the director, the  
15 adjutant general shall certify those members of the national guard eligible to receive the plates.  
16 On payment of all other fees required under this chapter for registration of the motor vehicle,  
17 and payment of an additional fee of not more than five dollars to cover the cost of issuing the  
18 distinctive number plates, the applicant is entitled to issuance of the distinctive number plates.  
19 A registrant is eligible for distinctive number plates under this section if the registrant is a  
20 member of the national guard or if the registrant has retired from the national guard after twenty  
21 years or more of military service. On termination of the registrant's eligibility, the registrant shall  
22 return the distinctive number plates to the director, who shall reissue for a fee of not more than  
23 five dollars another number plate to which that registrant is entitled under this chapter. The

1 director and adjutant general shall cooperate in establishing procedures to implement this  
2 section.

3 **SECTION 2. AMENDMENT.** Section 39-04-10.11 of the North Dakota Century Code is  
4 amended and reenacted as follows:

5 **39-04-10.11. Firefighter's association plates.** The director, in cooperation with the  
6 North Dakota firefighter's association, shall design a decorative decal that contains an insignia  
7 representing service in the pursuit of firefighting and which is to be placed on a distinctive  
8 number plate. On payment of all other fees required under this chapter for registration of the  
9 motor vehicle, and payment of an additional annual fee of fifteen dollars for deposit in the  
10 highway fund, the applicant is entitled to issuance of the decals and plates. However, the  
11 director may not issue the decal and plates to the owner of a passenger motor vehicle or a truck  
12 the registered gross weight of which equals or exceeds ~~ten~~ twenty thousand pounds [~~4535.92~~  
13 9071.84 kilograms]. A registrant is eligible for distinctive number plates under this section if the  
14 registrant is a member of the North Dakota firefighter's association. On request of the director,  
15 the North Dakota firefighter's association shall certify those members of the North Dakota  
16 firefighter's association eligible to receive the decals and plates. On termination of the  
17 registrant's eligibility, the registrant shall return the decals and plates to the director, who shall  
18 reissue for a fee of not more than five dollars another number plate to which that registrant is  
19 entitled under this chapter. The director and the North Dakota firefighter's association shall  
20 cooperate in establishing procedures to implement this section.

21 **SECTION 3. AMENDMENT.** Section 39-04-10.12 of the North Dakota Century Code is  
22 amended and reenacted as follows:

23 **39-04-10.12. North Dakota future farmers of America foundation number plates.**  
24 The director shall design a decorative decal that contains the insignia of the North Dakota FFA  
25 foundation to be placed on a distinctive number plate. On payment of all other fees required  
26 under this chapter for registration of the motor vehicle and payment of an additional fee of ten  
27 dollars, the applicant is entitled to issuance of the decals and plates. However, the director may  
28 not issue the decals and plates to the owner of a passenger motor vehicle or a truck the  
29 registered gross weight of which equals or exceeds ~~ten~~ twenty thousand pounds [~~4535.92~~  
30 9071.84 kilograms].

1           **SECTION 4. AMENDMENT.** Subsection 3 of section 39-04-10.13 of the North Dakota  
2 Century Code is amended and reenacted as follows:

3           3. Upon proper application for a plate in the organization number plate program and  
4 payment of all other fees required under this chapter for registration of the motor  
5 vehicle and payment of an additional annual fee of twenty-five dollars, a qualified  
6 applicant is entitled to issuance of a certain organization number plate. However,  
7 the director may not issue the plates to the owner of a passenger motor vehicle or  
8 a truck the registered gross weight of which equals or exceeds ~~ten~~ twenty  
9 thousand pounds [~~4535.92~~ 9071.84 kilograms].

10           **SECTION 5. AMENDMENT.** Section 39-04-14 of the North Dakota Century Code is  
11 amended and reenacted as follows:

12           **39-04-14. Renewal of registration.** Every vehicle registration, except those described  
13 in section 39-04-14.1, under this chapter expires on December thirty-first each year and must  
14 be renewed annually upon application by the owner and by payment of the fees required by  
15 law, such renewal to take effect on the first day of January each year. An owner who has made  
16 proper application for renewal of registration of a vehicle previous to January first but who has  
17 not received the number plates, plate, or registration card for the ensuing year is entitled to  
18 operate or permit the operation of such vehicle upon the highways upon displaying thereon the  
19 number plates or plate issued for the preceding year for such time, to be prescribed by the  
20 department, as may be required for the issuance of the new plates. If a previously registered  
21 motor vehicle whose registered gross weight exceeds ~~ten~~ twenty thousand pounds [~~4535.92~~  
22 9071.84 kilograms] is purchased during the period the vehicle's registration in this state is  
23 expired, the registration fee must be prorated on a monthly basis from the date of purchase to  
24 January first.

25           **SECTION 6. AMENDMENT.** Section 39-04-14.1 of the North Dakota Century Code is  
26 amended and reenacted as follows:

27           **39-04-14.1. Renewal of registration of motor vehicles under certain weight.**

28 Except as otherwise provided in this section, the registration of a motor vehicle whose  
29 registered gross weight does not exceed ~~ten~~ twenty thousand pounds [~~4535.92~~ 9071.84  
30 kilograms] expires on the last day of the month which is the anniversary of the month it was  
31 originally registered. The registration may be renewed annually on application by the owner

1 and payment of fees required by law. The renewal takes effect on the first day of the first  
2 month of the registration period. An owner of more than one vehicle qualifying for staggered  
3 registration under this section may renew all of the owner's vehicles in the same month. The  
4 director shall prorate the registration fees accordingly. If a previously registered motor vehicle  
5 whose registered gross weight does not exceed ~~ten~~ twenty thousand pounds [~~4535.92~~ 9071.84  
6 kilograms] is purchased during the period the vehicle's registration in this state is expired, the  
7 department shall collect the annual registration fee under section 39-04-19 and shall issue  
8 registration that expires on the last day of the month that is the anniversary of the month the  
9 vehicle was purchased.

10 **SECTION 7. AMENDMENT.** Subdivision j of subsection 2 of section 39-04-18 of the  
11 North Dakota Century Code is amended and reenacted as follows:

12 j. Motor vehicles not exceeding twenty-six thousand pounds [11793.40  
13 kilograms] registered gross weight owned and operated by a disabled veteran  
14 under the provisions of Public Law 79-663 [38 U.S.C. 3901] or who has a one  
15 hundred percent service-connected disability as determined by the  
16 department of veterans' affairs who is entitled to display a distinctive license  
17 plate issued by the department upon the payment of a fee of five dollars. This  
18 exemption applies to no more than two such motor vehicles owned by a  
19 disabled veteran at any one time.

20 **SECTION 8. AMENDMENT.** Subsection 3 of section 39-04-19 of the North Dakota  
21 Century Code is amended and reenacted as follows:

22 3. Motor vehicles acquired by disabled veterans under the provisions of Public Law  
23 79-663 [38 U.S.C. 3901] are exempt from the payment of state sales or use tax  
24 and, if paid, such veterans are entitled to a refund. This exemption also applies to  
25 any passenger motor vehicle or pickup truck not exceeding ~~ten~~ twenty thousand  
26 pounds [~~4535.92~~ 9071.84 kilograms] registered gross weight but shall apply to no  
27 more than two such motor vehicles owned by a disabled veteran at any one time.

28 **SECTION 9. AMENDMENT.** Section 39-04-22 of the North Dakota Century Code is  
29 amended and reenacted as follows:

30 **39-04-22. Motor vehicle exceeding registered gross weight for which licensed not**  
31 **to be operated on highway - Exception.** Except as otherwise provided by law, a motor

1 vehicle, or a combination of motor vehicles, may not be operated upon the highways of this  
2 state when the gross weight exceeds the registered gross weight for which the vehicle or  
3 combination of vehicles was licensed. Any person violating the provisions of this section will be  
4 required to license such motor vehicle at the higher legal rate in accordance with the weight  
5 carried by the motor vehicle at the time of the violation for the entire license period. However,  
6 such registration may not be construed to authorize the movement of loads in violation of  
7 chapter 39-12.

8 **SECTION 10. AMENDMENT.** Section 39-04-23 of the North Dakota Century Code is  
9 amended and reenacted as follows:

10 **39-04-23. Registered motor vehicle transporting property may change**  
11 **registration to higher or lower registered gross weight.** Any owner of a motor vehicle  
12 transporting property who has licensed the vehicle for any gross weight limitations may change  
13 the registration to a higher registered gross weight limitation by the payment of the difference  
14 between the fee required for the new registration and the fee paid for the registration under  
15 which the vehicle is being operated. The fee must equal one-twelfth of the annual higher  
16 registration fee less one-twelfth of the registration fee already paid, the difference multiplied by  
17 the number of whole and partial calendar months remaining in the registration period. In no  
18 event may the fee be less than five dollars.

19 **SECTION 11. AMENDMENT.** Section 39-04-26 of the North Dakota Century Code is  
20 amended and reenacted as follows:

21 **39-04-26. Registration of vehicles transporting property - Based on registered**  
22 **gross weight - Minimum gross weight - Exemption.** The registration and license fee for a  
23 motor vehicle or for any lawful combination of motor vehicles used for the transportation of  
24 property must be based upon the registered gross weight of the motor vehicle or combination of  
25 vehicles. The minimum gross weight for which the motor vehicle or combination of motor  
26 vehicles can be licensed is double the unloaded weight of the motor vehicle or combination of  
27 vehicles and, subject to the minimum, the owner of any motor vehicle or combination of  
28 vehicles in the application for license shall set out the gross weight for which the owner desires  
29 a license. The gross weight of any trailer, semitrailer, or farm trailer may not be included in the  
30 minimum gross weight for which a vehicle must be licensed when the vehicle or combination of

Sixty-first  
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- 1 vehicles is not for hire and when the gross weight of the trailer, semitrailer, or farm trailer being
- 2 towed does not exceed twenty-four thousand pounds [10886.22 kilograms].