

Sixty-seventh  
Legislative Assembly  
of North Dakota

## ENGROSSED HOUSE BILL NO. 1464

Introduced by

Representatives Steiner, J. Nelson, D. Ruby

Senator Kreun

1 A BILL for an Act to amend and reenact subsection 1 of section 39-04-19.2 and  
2 sections 57-43.1-02 and 57-43.2-02 of the North Dakota Century Code, relating to electric and  
3 plug-in hybrid vehicle road use fees and the tax imposed on motor vehicle fuels and special  
4 fuels; to provide for a legislative management study; and to provide an effective date.

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

6 **SECTION 1. AMENDMENT.** Subsection 1 of section 39-04-19.2 of the North Dakota  
7 Century Code is amended and reenacted as follows:

8 1. In addition to all other fees required under this chapter for registration of a motor  
9 vehicle, the department shall collect at the beginning of each annual registration  
10 period:

11 a. An electric vehicle road use fee of ~~one~~two hundred ~~twenty~~fifty dollars for each  
12 electric vehicle registered.

13 b. A plug-in hybrid vehicle road use fee of ~~one hundred fifty~~one hundred dollars for  
14 each plug-in hybrid vehicle registered.

15 c. An electric motorcycle road use fee of ~~twenty~~one hundred~~fifty dollars for each  
16 electric motorcycle registered.~~

17 **SECTION 2. AMENDMENT.** Section 57-43.1-02 of the North Dakota Century Code is  
18 amended and reenacted as follows:

19 **57-43.1-02. Tax imposed on motor vehicle fuels.**

20 1. Except as otherwise provided in this section, a tax of

21 ~~twenty-three~~twenty-nine~~twenty-six cents per gallon [3.79 liters] is imposed on all motor  
22 vehicle fuel sold or used in this state.~~

- 1           2.    A refiner, supplier, or distributor shall remit the tax imposed by this section on motor  
2           vehicle fuel used, on the wholesale distribution of motor vehicle fuel to a retailer, and  
3           on direct sales of motor vehicle fuel to a consumer.
- 4           3.    The tax imposed by this section does not apply on a sale by a supplier to another  
5           supplier, on a sale by a supplier to a distributor, on a sale by a distributor to another  
6           distributor, on an export, or on a sale to an exempt consumer.
- 7           4.    The person required to remit the tax imposed by this section shall pass the tax on to  
8           the retailer and to the consumer. A retailer who paid the tax to the supplier or  
9           distributor shall pass the tax on to the consumer.
- 10          5.    The person required to remit the tax imposed by this section shall pay the tax to the  
11          commissioner by the twenty-fifth day of the calendar month after the month during  
12          which the motor vehicle fuel was sold or used by the person. When the twenty-fifth day  
13          of the calendar month falls on a Saturday, Sunday, or legal holiday, the due date is the  
14          first working day after the Saturday, Sunday, or legal holiday. When payment is made  
15          by mail, the payment is timely if the envelope containing the payment is postmarked  
16          by the United States postal service or other postal carrier service before midnight of  
17          the due date.
- 18          6.    The commissioner shall pay over all of the money received during each calendar  
19          month to the state treasurer.

20           **SECTION 3. AMENDMENT.** Section 57-43.2-02 of the North Dakota Century Code is  
21 amended and reenacted as follows:

22           **57-43.2-02. Tax imposed.**

- 23          1.    Except as otherwise provided in this chapter, an excise tax of  
24          ~~twenty-three~~~~twenty-nine~~~~twenty-six~~ cents per gallon [3.79 liters] is imposed on the sale  
25          or delivery of all special fuel sold or used in this state. For the purpose of determining  
26          the tax upon compressed natural gas and liquefied natural gas under this section, one  
27          hundred twenty cubic feet [3.40 cubic meters] of compressed natural gas, and one and  
28          seven-tenths gallons [6.44 liters] of liquefied natural gas is equal to one gallon [3.79  
29          liters] of other special fuel.
- 30          2.    A refiner, supplier, distributor, or retailer shall remit the tax imposed by this section on  
31          special fuel used and on direct sales of special fuel to a customer.

- 1       3. The tax imposed by this section does not apply on sales by a supplier to another  
2       supplier, on a sale by a supplier to a distributor, on a sale by a distributor to another  
3       distributor, on a sale by a distributor to a retailer, on an export, or on a sale to an  
4       exempt consumer.
- 5       4. The person required to remit the tax imposed by this section shall pass the tax on to  
6       the customer.
- 7       5. The person required to remit the tax imposed by this section shall pay the tax to the  
8       commissioner by the twenty-fifth day of the calendar month after the month during  
9       which the special fuel was sold or used by the person. When the twenty-fifth day of the  
10      calendar month falls on a Saturday, Sunday, or legal holiday, the due date is the first  
11      working day after the Saturday, Sunday, or legal holiday. When payment is made by  
12      mail, the payment is timely if the envelope containing the payment is postmarked by  
13      the United States postal service or other postal carrier service before midnight of the  
14      due date.
- 15     6. The commissioner shall pay over all of the money received during each calendar  
16      month to the state treasurer.

17       **SECTION 4. LEGISLATIVE MANAGEMENT STUDY - IMPACT OF ELECTRIC VEHICLES**  
18 **ON TRANSPORTATION FUNDING.** During the 2021-22 interim, the legislative management  
19 shall consider studying the impact of electric vehicles on transportation funding. The study must  
20 include consideration of the current and projected reductions in motor fuels tax collections  
21 resulting from increased electric vehicle use and the impact of decreased revenue collections  
22 on highway tax distribution fund allocations. The study also must review the taxes and fees  
23 imposed on electric vehicles in other states and methods to address the impact of electric  
24 vehicles that are not registered in this state on the roads in this state. The legislative  
25 management shall report its findings and recommendations, together with any legislation  
26 necessary to implement the recommendations, to the sixty-eighth legislative assembly.

27       **SECTION 5. EFFECTIVE DATE.** Sections 2 and 3 of this Act are effective for taxable  
28 events occurring after June 30, 2021.