

**FIRST ENGROSSMENT**

**ENGROSSED HOUSE BILL NO. 1118**

Introduced by

Transportation Committee

(At the request of the Highway Patrol)

1 A BILL for an Act to amend and reenact sections 39-04-11, 39-04-12, 39-04-36, 39-04-37, and  
2 39-04-56 of the North Dakota Century Code, relating to display of temporary registration  
3 permits; and to provide a penalty.

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

5 **SECTION 1. AMENDMENT.** Section 39-04-11 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7 **39-04-11. Display of number plates and tabs - Temporary registration.**

8 Unless otherwise provided by law, an individual may not operate a vehicle on a public  
9 highway of this state unless the vehicle has a distinctive number assigned to the vehicle by the  
10 department, and two number plates, bearing the distinctive number conspicuously displayed,  
11 horizontally and in an upright position, one on the front and one on the rear of the vehicle, each  
12 securely fastened, except number plates assigned to a housetrailer must be attached to the  
13 rear of the housetrailer. An individual may operate a motor vehicle on a public highway of this  
14 state with a valid temporary registration permit. A temporary registration permit obtained from  
15 the department of transportation or a licensed motor vehicle dealer must be displayed on the  
16 rear window, the rearmost driver's side window, or in the location of the rear license plate. The  
17 temporary registration permit must be clearly visible and free of any obstructions. Number  
18 plates assigned to a motorcycle or trailer must be attached to the rear of the motorcycle or  
19 trailer and may be displayed vertically. When only one number plate is furnished for an  
20 apportioned vehicle registered under the international registration plan as authorized in section  
21 39-19-04, truck tractor, or semitrailer, the plate must be attached to the front of the apportioned  
22 vehicle or truck tractor and the rear of the semitrailer. The bottom of each number plate must be

1 at a height of not less than twelve inches [30.48 centimeters] above the level surface upon  
2 which the vehicle stands. Each plate must be mounted in a visible manner that clearly displays  
3 the distinctive number assigned to the vehicle and the name of the state on the plate. As far as  
4 is reasonably possible, the plates must at all times be kept free and clear of mud, ice, or snow  
5 so as to be clearly visible and all number plates, markers, or evidence of registration or  
6 licensing except for the current year must be removed from the vehicle. All vehicle license  
7 plates issued by the department are the property of the department for the period for which the  
8 plates are valid. An annual registration tab or sticker for the current registration year must be  
9 displayed on each number plate, in the area designated by the department for the tab or sticker,  
10 in those years for which tabs or stickers are issued in lieu of number plates.

11 **SECTION 2. AMENDMENT.** Section 39-04-12 of the North Dakota Century Code is  
12 amended and reenacted as follows:

13 **39-04-12. Contents of number plates - Size of letters and numerals on plates -**  
14 **Reflectorized - Tabs or stickers.**

- 15 1. Number plates must be of metal or other suitable material bearing the name of the  
16 state, either in full or by abbreviation, the number of the year, the slogan "Peace  
17 Garden State" and a distinctive number for assignment to each vehicle. The distinctive  
18 number may be in figures or a combination of figures and letters and must be of a size  
19 clearly distinguishable by law enforcement officers and individuals generally. To reduce  
20 highway accidents at night all number plates and temporary registration permits must  
21 be legible for a minimum distance of one hundred feet [30.48 meters] to an  
22 approaching motorist by day or night with lawful headlight beams and without other  
23 illumination. Each plate must be treated with a reflectorized material according to the  
24 specifications prescribed by the department. The department shall furnish for each  
25 annual registration a year plate, tab, or sticker to designate the year registration. The  
26 plate, tab, or sticker must show the registration year for which issued, and is valid only  
27 for that year.
- 28 2. The department may provide to an owner of a fleet of one hundred or more vehicles  
29 number plates that are valid for as many as six consecutive years and that are exempt  
30 from the requirements of evidence of annual validation. The registrant shall file with  
31 the department a corporate surety bond in an amount the department determines to

1 be reasonable and adequate, and conditioned that the owner will pay the annual fee at  
2 the beginning of each annual registration period for which the number plates are valid.

3 **SECTION 3. AMENDMENT.** Section 39-04-36 of the North Dakota Century Code is  
4 amended and reenacted as follows:

5 **39-04-36. Transfer of registered vehicle - Removal of number plates - Transfer of**  
6 **number plates.**

- 7 1. Whenever the ownership of a vehicle registered under the provisions of this chapter,  
8 chapter 39-18, or chapter 39-29.2 is transferred or assigned, the registration of the  
9 vehicle expires and the transferor shall remove the number plates.
- 10 2. Upon applying for the transfer of the registration and paying a five dollar fee, a person  
11 who transfers or assigns to another person the ownership of a registered vehicle may  
12 receive credit for the unused portion of the fees paid for the transferred vehicle. The  
13 transferor must use a number plate previously removed pursuant to subsection 1,  
14 regardless of whether there is any license fee credit remaining. If the number plate has  
15 become lost, stolen, or mutilated, the transferor may apply for duplicate plates. The  
16 department may establish procedures that permit the transferor to assign the credit to  
17 the transferee if the transferor is the spouse, a sibling, or a lineal ancestor or  
18 descendant of the transferee. Any remaining credit on a vehicle owned by a leasing  
19 company must be credited to the lessee. One-twelfth of the annual fee must be  
20 credited for each month of the registration period remaining after the month in which  
21 the transfer is made. The credit may not extend beyond the original expiration of the  
22 registration. Except as provided in section 39-04-44, the credit must be applied to the  
23 registration fees for a replacement vehicle. The transferor shall apply for the transfer of  
24 registration within thirty days of the purchase of the replacement vehicle.
- 25 3. Except as otherwise permitted in this chapter, before the transferee of a registered  
26 vehicle may operate the vehicle on a highway, the transferee must apply for and  
27 obtain a new registration of the vehicle, as on an original registration. To provide the  
28 transferee adequate time to obtain a new registration, the director may provide for the  
29 issuance of a temporary registration certificate to permit the transferee to operate the  
30 vehicle for ~~thirty~~seventy-five days after the date of acquisition. The certificate must be  
31 printed on the reverse side of each vehicle registration card and must be available to

1           the transferee from licensed vehicle dealers, law enforcement agencies, and motor  
2           vehicle branch offices. The vehicle may be operated for five days from date of  
3           purchase without a plate or certificate of ownership if dated evidence of ownership is  
4           carried in the vehicle. The evidence of ownership must be in a form as prescribed by  
5           the department.

6           **SECTION 4. AMENDMENT.** Section 39-04-37 of the North Dakota Century Code is  
7 amended and reenacted as follows:

8           **39-04-37. Violations of registration provisions.**

9           It is unlawful for any person to commit any of the following acts:

- 10          1. To operate, or for the owner thereof knowingly to permit anyone to operate, upon a  
11           highway any vehicle the registration of which has been canceled or revoked, or for  
12           which the registration fees required in this title have not been paid, or which does not  
13           have attached thereto and displayed thereon a number plate, plates, temporary  
14           registration permit, or validation tabs assigned thereto by the director for the current  
15           registration period, subject to the exemptions allowed in this title.
- 16          2. To display or cause or permit to be displayed, or to have in possession, any  
17           registration card, registration number plate, temporary registration permit, or validation  
18           tabs knowing the same to be fictitious or to have been canceled, revoked, suspended,  
19           or altered.
- 20          3. To lend any registration number plate, registration card, temporary registration permit,  
21           or validation tabs to any person not entitled thereto, or knowingly permit the use of any  
22           registration number plate or registration card by any person not entitled thereto.
- 23          4. To fail or refuse to surrender to the department, upon demand, any registration card,  
24           registration number plate, temporary registration permit, or validation tab which has  
25           been suspended, canceled, or revoked as is provided in this chapter.
- 26          5. To use a false or fictitious name or address in any application for the registration of  
27           any vehicle, or for any renewal or duplicate thereof, or knowingly to make a false  
28           statement or knowingly to conceal a material fact or otherwise to commit a fraud in any  
29           application.
- 30          6. To operate, or for the owner thereof knowingly to permit anyone to operate a motor  
31           vehicle on a highway if the owner is employed in this state on a temporary or full-time

1 basis, is a resident of the state, and does not have a temporary registration permit  
2 when required under subsection 1 of section 39-04-18.2. As used in this subsection,  
3 the term "resident" means a resident as defined under subdivision e of subsection 2 of  
4 section 39-04-18.

5 **SECTION 5. AMENDMENT.** Section 39-04-56 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7 **39-04-56. Altering or forging registration card - Penalty.**

8 It is a class ~~C felony~~A misdemeanor for any person to:

- 9 1. Alter with fraudulent intent any registration card or temporary registration permit issued  
10 by the department;
- 11 2. Forge or counterfeit any registration card or temporary registration permit purporting to  
12 have been issued by the department under the provisions of this chapter;
- 13 3. Alter or falsify with fraudulent intent or forge any assignment of a registration card or  
14 temporary registration permit; or
- 15 4. Use any registration card, temporary registration permit, or assignment, knowing the  
16 same to have been altered, forged, or falsified.