

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~~thirty-seven-~~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~~A ~~felony~~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.