

Fifty-sixth Legislative Assembly, State of North Dakota, begun in the Capitol in the City of Bismarck, on Tuesday, the fifth day of January, one thousand nine hundred and ninety-nine

HOUSE BILL NO. 1216
(Representatives Grande, Bernstein, Koppelman)
(Senators Fischer, Flakoll, D. Mathern)

AN ACT to create and enact a new chapter to title 39 of the North Dakota Century Code, relating to low-speed vehicles; to amend and reenact section 57-40.3-01 of the North Dakota Century Code, relating to the motor vehicle excise tax; to provide a penalty; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new chapter to title 39 of the North Dakota Century Code is created and enacted as follows:

Definitions. As used in this chapter, unless the context otherwise requires:

1. "Low-speed vehicle" means a four-wheeled vehicle that is able to attain a speed, upon a paved surface, of twenty miles per hour [32 kilometers per hour] in one mile [1.6 kilometers] and not more than twenty-five miles per hour [40 kilometers per hour] in one mile [1.6 kilometers] and may not exceed one thousand five hundred pounds [680.39 kilograms] in unloaded weight.
2. "Operate" means to ride in or on and control the operation of a low-speed vehicle.
3. "Register" means the act of assigning a registration number to a low-speed vehicle.

Applicability. A low-speed vehicle is a motor vehicle under this title, except:

1. Chapter 39-22 does not apply to low-speed vehicles.
2. Registration of a low-speed vehicle is governed by this chapter.
3. A political subdivision may not require licensing or registration of low-speed vehicles.
4. The governing body of a city may regulate, restrict, or prohibit the use of low-speed vehicles operating in the city limits in areas under the jurisdiction of the city.

Low-speed vehicle registration - Application - Issuance - Fees - Renewal.

1. An individual may not operate a low-speed vehicle unless the vehicle has been registered in accordance with this chapter.
2. The department shall design and furnish an application that must be used to register a low-speed vehicle. The registration must state the name and address of every owner of the low-speed vehicle and must be signed by at least one owner. A copy of the application is evidence of registration for the first thirty days after the date of application.
3. On receipt of an application and the appropriate fee, the department shall register the low-speed vehicle and assign a registration number and a certificate of registration. The certificate of registration must include information regarding the make, year, serial number, and name and address of the owner.
4. The fee for registration of a low-speed vehicle is twenty dollars for each registration cycle of two years ending on March thirty-first. The department may prorate the initial registration fee. For a duplicate or replacement registration number or registration card

that is lost, mutilated, or becomes illegible, the department may charge a fee of not more than five dollars.

5. To renew a registration, the owner of a low-speed vehicle shall follow the procedure adopted by the department and pay the registration fee.
6. The department may adopt rules for the registration of low-speed vehicles and the display of registration numbers.

Low-speed vehicle dealers. A low-speed vehicle dealer does not need a motor vehicle dealer's license. Upon application and on payment of a twenty dollar fee, a low-speed dealer is entitled to be issued registration numbers distinctively marked as dealer's registration numbers. The dealer's numbers may be used only on low-speed vehicles owned by the dealership.

Exemption from registration - Exemption from fees.

1. Registration and payment of fees is not required of:
 - a. A low-speed vehicle owned and used by the United States or another state or its political subdivisions.
 - b. A low-speed vehicle registered in a foreign country and temporarily used in this state.
 - c. A low-speed vehicle validly licensed in another state and which has not been in this state for more than thirty consecutive days.
 - d. A low-speed vehicle used exclusively for work on private agricultural land or on an industrial jobsite on private land.
2. A low-speed vehicle owned by this state or any of its political subdivisions are exempt from registration fees for low-speed vehicles.

Transfer or termination of low-speed vehicle ownership - Change of address of owner.

Within fifteen days of a transfer of any ownership interest in a low-speed vehicle, other than a security interest, the destruction or abandonment of any low-speed vehicle, or a change of address of the owner as listed with the application for registration, written notice of the fact must be given by the last registered owner to the director in the form the director requires.

Rules of operation. A person may not operate a low-speed vehicle on a highway on which the speed limit exceeds thirty-five miles [56.33 kilometers] per hour. The operator of a low-speed vehicle may make a direct crossing of a highway on which the speed limit exceeds thirty-five miles [56.33 kilometers] per hour if the crossing is made so the operator can continue on a highway on which the speed limit does not exceed thirty-five miles [56.33 kilometers] per hour.

Equipment. A low-speed vehicle must be equipped with head lamps, front and rear turn signal lamps, tail lamps, stop lamps, reflex reflectors on each side as far to the rear of the vehicle as practicable and one red reflector on the rear, four-wheel hydraulic assist brakes, a parking brake, a windshield, a vehicle identification number, a safety belt installed at each designated seating position, an exterior mirror mounted on the operator's side of the vehicle, and either an exterior mirror mounted on the passenger's side of the vehicle or an interior rear view mirror.

Penalty. A violation of this chapter for which there is no civil or criminal penalty in this title is a class B misdemeanor.

SECTION 2. AMENDMENT. Section 57-40.3-01 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

57-40.3-01. Definitions. ~~The following words, terms, and phrases, when~~ As used in this chapter, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

1. "All-terrain vehicle" means any motorized off-highway vehicle fifty inches [1270 millimeters] or less in width, having a dry weight of six hundred pounds [272.15 kilograms] or less, traveling on three or more low-pressure tires, designed for operator use only with no passengers, having a seat or saddle designed to be straddled by the operator, and handlebars for steering control.
2. "Low-speed vehicle" means a four-wheeled vehicle that is able to attain a speed, upon a paved surface, of twenty miles per hour [32 kilometers per hour] in one mile [1.6 kilometers per hour] and not more than twenty-five miles per hour [40 kilometers per hour] in one mile [1.6 kilometers per hour] and may not exceed one thousand five hundred pounds [680.39 kilograms] in unloaded weight.
3. "Motor vehicle" includes every vehicle ~~which~~ that is self-propelled and every vehicle ~~which~~ that is propelled by electric power obtained from overhead trolley wires, but not operated upon rails, every trailer, semitrailer, all-terrain vehicle, snowmobile, low-speed vehicle, and travel trailer for which a certificate of title is required to be obtained pursuant to ~~the provisions of~~ chapter 39-05, but not including housetrailers, or mobile homes.
- ~~3.~~ 4. "Person" includes any individual, firm, partnership, joint adventure, association, corporation, limited liability company, estate, business trust, receiver, or any other group or combination acting as a unit and the plural as well as the singular number.
- ~~4.~~ 5. "Purchase price" means the total amount paid for the motor vehicle whether received in money or otherwise; provided, however, that when a motor vehicle or other tangible personal property that will be subject to a sales or use tax imposed by chapter 57-39.2 or 57-40.2 when sold or used is taken in trade as a credit or as part payment on a motor vehicle taxable under this chapter, the credit or trade-in value allowed by the person selling the motor vehicle shall be deducted from the total selling price to establish the purchase price of the vehicle being sold and the trade-in allowance allowed by the seller on a motor vehicle accepted as a trade-in shall constitute the purchase price of a motor vehicle accepted as a trade-in. If a motor vehicle is purchased by an owner who has had a motor vehicle stolen or totally destroyed, a credit or trade-in credit shall be allowed in an amount not to exceed the total amount the purchaser has been compensated by an insurance company for said loss. The purchaser must provide the director of the department of transportation with a notarized statement from the insurance company verifying the fact that the original vehicle was a total loss and stating the amount compensated by the insurance company for the loss. The statement from the insurance company must accompany the purchaser's application for a certificate of title for the replacement vehicle. In instances in which a licensed motor vehicle dealer places into his service a new vehicle for the purpose of renting, leasing, or dealership utility service, the reasonable value of the vehicle replaced shall be included as trade-in value if the new vehicle is properly registered and licensed. "Purchase price" in those instances where the motor vehicle is acquired by gift or by any other transfer for a nominal or no monetary consideration also includes the average value of similar motor vehicles, established by standards and guides as determined by the director of the department of transportation. "Purchase price" in those instances where a motor vehicle is manufactured by a person who registers it under the laws of this state means the manufactured cost of such motor vehicle and manufactured cost means the amount expended for materials, labor, and other properly allocable costs of manufacture except that, in the absence of actual expenditures for the manufacture of a part or all of the motor vehicle, manufactured costs mean the reasonable value of the completed motor vehicle.
- ~~5.~~ 6. "Purchaser" means any person owning or in possession of a motor vehicle who makes application to the director of the department of transportation for registration plates or a certificate of title for such vehicle.
- ~~6.~~ 7. "Registrar" means the director of the department of transportation of this state as provided by section 24-02-01.3, and who shall act as the agent of the state tax commissioner in administering ~~the provisions of~~ this chapter.

- ~~7.~~ 8. "Sale", "sells", "selling", "purchase", "purchased", or "acquired" includes any transfer of title or ownership of a motor vehicle by way of gift, exchange or barter, or by any other manner or by any other means whatsoever for or without consideration.
- ~~8.~~ 9. "Semitrailer" includes every vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some part of its own weight and that of its own load rests upon or is carried by another motor vehicle and for which a certificate of title is required to be obtained pursuant to the provisions of chapter 39-05, except that it does not include a "housetrailer" or "mobile home".
- ~~9.~~ 10. "Snowmobile" means a self-propelled vehicle designed for travel on snow, ice, or a natural terrain and steered by skis or runners.
- ~~10.~~ 11. "Trailer" includes every vehicle without motive power designed to carry property or passengers wholly on its own structure and to be drawn by a motor vehicle and for which a certificate of title is required to be obtained pursuant to the provisions of chapter 39-05, except that it does not include a "housetrailer" or "mobile home".
- ~~11.~~ 12. "Travel trailer" means a mobile home or housetrailer designed to be towed behind a motor vehicle for recreational purposes and providing temporary sleeping quarters for people.
- ~~12.~~ 13. "Use" means the exercise by any person of any right or power over a motor vehicle incident to the ownership or possession of such a vehicle, except that it shall not include the sale or holding for sale of such a vehicle in the regular course of business.
- ~~13.~~ 14. "Vehicle" includes every device in, upon, or by which any person or property may be transported or drawn upon a public highway, except devices moved by human power or animal power or used exclusively upon stationary rails or tracks.

SECTION 3. EMERGENCY. This Act is declared to be an emergency measure.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Fifty-sixth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1216 and that two-thirds of the members-elect of the House of Representatives voted in favor of said law.

Vote: Yeas 95 Nays 2 Absent 1

Speaker of the House

Chief Clerk of the House

This certifies that two-thirds of the members-elect of the Senate voted in favor of said law.

Vote: Yeas 45 Nays 2 Absent 2

President of the Senate

Secretary of the Senate

Received by the Governor at _____ M. on _____, 1999.

Approved at _____ M. on _____, 1999.

Governor

Filed in this office this _____ day of _____, 1999,
at _____ o'clock _____ M.

Secretary of State