

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION  
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1261

2001 HOUSE TRANSPORTATION

HB 1261

## 2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HIB 1261

House Transportation Committee

☐ Conference Committee

Hearing Date January 26, 2001

Tape Number	Side A	Side B	Meter #
1	X		48
Committee Clerk Signature <i>Lawrence L. Pink</i>			

Minutes: Rep. Weisz - Chairman opened the hearing on HIB 1261; A BILL to amend and reenact section 39-04-21 of the North Dakota Century Code, relating to the temporary registration of motor vehicles.

Rep. Droydal: I represent District 39. This bill comes about after years and years of seemingly the same complaint. My district borders the Montana border from Trenton south to the South Dakota State line. While we have good relations with the people from Montana, there is one area where we do have some problems. An example of the problem is where an oil field worker whose rig happens to move across the border and is located in Montana. The second day that he shows up for work there is a Montana Highway patrol man waiting there for him. He is there to make sure that he has absolutely met the requirements of the Montana law in licensing that vehicle. They identify it real quick by looking at the vehicle whether he is displaying the plates. Before he can go to work that day he must go in and get his temporary license plates and put it on that vehicle. That's the law. Now when that rig moves back into North Dakota and the Montana

residents come over to North Dakota they are required to have a North Dakota licensed vehicle. Well they may or may not. That's where the perception comes in. We don't require them to put a plate on all vehicles registered in North Dakota. I don't know what it is but I am not picking on any one department; the highway patrol or any one else. But I have asked a number of times; how can I as an individual identify that that vehicle has purchased or paid its fair share in North Dakota. It seems that they can't really explain the bill to foreigner ( ? Farmer ? ) who hasn't had the opportunity to see the plates to figure out how to do it. Neither can the general public. So they are perceiving that these Montanans are not paying their fair share when they (North Dakotans) are forced to. Of course they're upset about it. This bill will says that for one thing that North Dakota should required a plate to be place on the vehicle on bumper, fender, tailgate or somewhere it would have to be displayed so that it is easily identifiable. One day when I sold a vehicle in North Dakota the dealer sold it to somebody in Montana with North Dakota plates on it. The third day the Montana sheriff and the Glendive police were checking why my North Dakota vehicle was sitting in Glendive without a Montana plate on it. Now if that vehicle had been stolen I would have been real happy about it. So it works both ways. We don't have enough patrolman. They just can't cover the mileage. We know that if people are involved in our school system, we're going to have a better school system. Same way with law enforcement. By making them more knowledgeable we're going to have people helping us. The bottom part of the law -- we want to leave the fines as they currently are and add \$20. The additional \$20 of that fine would go to the local law enforcement -- if the sheriffs department picked up somebody they would get it -- if the local police department picked up somebody, they would get it -- the local police department. It doesn't change the law it merely helps get better enforcement.

Rep. Welsz - Chairman ( 547 ) Would this plate be a different style and how long is 'temporary'?

Rep. Drovdal: That I think would be set by the Transportation department.

Rep. Hawken: ( 683 ) On our side there are lot people who live in Minnesota. They work in work in North Dakota. I think your license plate is where you live not where you work. I guess I need clarification of what the law is and then what is the time frame. If they are living in North Dakota, then that is a different thing.

Rep. Drovdahl. I will defer that to him (Keith Kiser).

Keith Kiser: Director of the Motor Vehicle division of the DOT. Rep. Drovdahl is correct in that most states, when you are a temporary resident of that state --- that is when you are employed you are required to register your vehicle in that state for the period of time you are gainfully employed there. North Dakota has a similar requirement. Unlike many other states we give you a temporary permit which is a window sticker -- it is approximately 3" x 3" square. It is issued out of our office or out of a branch office or issued by law enforcement officers around the state. So as a temporary resident in this state you have a number of options as to where you can go to obtain that temporary registration. It is sold by the month which is 1/12th of the annual registration fee and can be purchased for a many months as needed. Many of our oil field workers are seasonal workers and they will come in and buy 2 or maybe 3 months temporary registrations.

We issued about 4400 of those permits last for temporary residents in North Dakota. We have never issued temporary license plates. It is a cost factor obviously. If we were to issued license plates we would have to modify our computer system so that we could keep track of those

temporary transfers of title to go with the registration. The reason is that law enforcement officers have to check plates with ownership. Our data base is oriented to the title and the license and permits are referenced to the title but it is a problem to license and not transfer the title for that officer in the field because they do check ownership too. That is because of the license plates and the permits can be correlated with the license plates.

Rep. Price: ( 1048 ) Are the rules different for people stationed in the military base?

Keith Kiser: You are correct. There are exemptions from our registration laws for military personnel. This is true so long as they are not employed outside of the base while stationed on the base. If they take a part time job delivering pizza then their vehicle must be registered here. It is a difficult thing to enforce. The same thing is true of nonresident students at our colleges. If they are gainfully employed they are required to have their vehicle registered here.

Rep. Weisz - Chairman ( 1115 ) Would that person living in Moorhead working Fargo have to have a temporary permit?

Keith Kiser: No not if they go home every day. But if you are domiciled over night then you would. We have a reciprocity agreement with Minnesota on that. There is a twenty mile free trade zone in Minnesota but not in Montana.

Rep. Carlson: ( 1206 ) What does temporary mean?

Keith Kiser: Minimum is 1 month because that is the minimum time for which you can buy a temporary registration.

Rep. Carlson: Let's go back to the example of the guy Rep. Drovdal gave of the guy on the job the second day and the patrolman was sitting on his bumper when he came to work in Montana --

how does he know how long a person is going to be in the state -- he could be there a week or he could be there several days or six months?

Keith Kiser: Having been victimized in Montana myself -- the patrolman takes you downtown and you buy whatever you think you might need and you can go back and buy more if you need it.

Rep. Carlson: So what we are doing here is 'do the same to them as they do to us'.

Keith Kiser: Well that is right but what Rep. Drovdal is attempting to do here is get some thing that is visible so that enforcement can see the status of that registration.

Rep. Carlson: If there is a car parked at the local motel for several days, who is going to go in there and ask him?

Keith Kiser: That is an enforcement problem.

Rep. Weisz - Chairman: If a person so desired, he could keep his car registered in Montana, he could get his car registered in North Dakota with temporary permits? Forever?

Keith Kiser: It would cost him significantly more. There temporary fee is 1/12 of the cost to him as if you or I were to register that same vehicle. There is no discount if you will. His dual registration is costing him at least double or more.

Rep. Hawken: How about if we got a neon sticker for there license or window?

I think this should be in the college handbooks because I don't think these college kids know about this requirement.

Keith Kiser: You get right back to the same question for the personnel on our military bases.

Rep. Jensen: If we were to use the permit system more extensively it would in fact solve the problem would it not? And part of the consideration of this bill is to add this fee that the local

entities in exchange for enforcing the law already existing. Right now there is not much incentive for enforcing and you don't have provision for it --- to worry about these kinds of things -- It just doesn't get handled. I don't think the license plate or whether it is a permit in the window is not central to this bill. The main thing is that the fees are beginning to be collected.

Keith Kiser: The magnitude of the problem is reflected in the fact that we sold 4400 these last year to non-residents. I don't know how many we should have sold. Enforcement in this area is difficult because you don't know how many ought to be there. One reason that Montana does a good job of enforcement is that the fees remain in the county.

Rep. Price: How do our fees compare with Minnesota's and Montana's?

Keith Kiser: Our fees and other states charge a proportionate amount to the cost of their annual registration. So our registrations in North Dakota are less than those around us. A car that I would register in North Dakota for \$72 would cost \$100 to 150 in Minnesota and probably more than that in Montana.

Rep. Mahoney: ( 1812 ) At what point does a person become required to have this temporary registration?

Keith Kiser: There is a statute that says if you become a resident of the state for any reason, the vehicle must be registered immediately. If you are gainfully employed or gain citizenship your privileges enure at that point and your vehicle must be registered.

Rep. Mahoney: My recollection is that residency is like thirty days for a lot of purposes -- do you guys interpret that that if I go over to Montana and work for one day for a day or an afternoon, or one minute that I have -- where does law enforcement step-in?



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House Transportation Committee

Bill/Resolution Number HB 1261

Hearing Date January 26, 2001

Keith Kiser. The statute really says immediately. I think the literal interpretation is that if I come to work over here, day one is when I have my registration. If for one day the minimum amount would be a one month permit.

No one else appearing in support or in opposition to HB Bill 1261. Rep. Weisz - Chairman closed the hearing on any further testimony. ( 1958 ).

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1261 B

House Transportation Committee

☐ Conference Committee

Hearing Date February 16, 2001

Type Number	Side A	Side B	Meter #
2		x	111
Committee Clerk Signature <i>Lauren B. Ford</i>			

Minutes: Rep. Weisz - Chairman opened the discussion for action on HB 1261.

Following discussion of the proposed amendments by Rep. Pollert - Vice Chairman:

Rep. Carlson moved to approve the amendments.

Rep. Kelsch: Second the motion.

Motion carried on a voice vote.

Rep. Kelsch moved a 'Do Pass as Amended' for HB 1261.

Rep. Hawken: I second the motion.

On a roll call vote, motion carried: 10 yeas 4 nays 0 absent.

Rep. Pollert - Vice Chairman was designated to carry HB 1261 on the floor.

Discussion and action ended. ( 1282 )

**FISCAL NOTE**  
Requested by Legislative Council  
03/26/2001

Bill/Resolution No.:

Amendment to:        Engrossed  
                              HB 1261

**1A. State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	1999-2001 Biennium		2001-2003 Biennium		2003-2005 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
<b>Revenues</b>						
<b>Expenditures</b>						
<b>Appropriations</b>						

**1B. County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

1999-2001 Biennium			2001-2003 Biennium			2003-2005 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

**2. Narrative:** *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

The fiscal impact of Section 1 of this bill will be less than \$5,000 per biennium.

The fiscal impact of Section 2 of this bill is impossible to determine as it is not known how many military personnel with leased vehicles come to North Dakota or how many of them would choose to register their vehicles in North Dakota.

**3. State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

**A. Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

**B. Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

**C. Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

Name:	Keith Kiser	Agency:	NDDOT
Phone Number:	328-2725	Date Prepared:	03/26/2001

**FISCAL NOTE**  
Requested by Legislative Council  
02/20/2001

Bill/Resolution No.:

Amendment to: HB 1261

**1A. State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	1999-2001 Biennium		2001-2003 Biennium		2003-2005 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
<b>Revenues</b>				(\$51,160)		(\$38,027)
<b>Expenditures</b>				\$81,207		\$60,360
<b>Appropriations</b>				\$81,207		\$60,360

**1B. County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

1999-2001 Biennium			2001-2003 Biennium			2003-2005 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
			\$216,322	(\$11,369)		\$221,117	(\$8,450)	

**2. Narrative:** *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

This bill, as amended, requires NDDOT to collect, track, and distribute a \$50 surcharge on each temporary vehicle registration permit sold. Past history shows that about 4,700 permits are sold each year. It is not possible to estimate the additional registration fees that may be collected as a result of the increased enforcement this bill anticipates. However, it is estimated the \$50 surcharge will generate at least \$235,000 per year for the counties.

**3. State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

**A. Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

It is not possible to estimate whether or not any additional registration fees will be collected as a result of this bill.

**B. Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

It is estimated that NDDOT will require a \$15,000 one-time computer system enhancement to record, track, and distribute the \$50 surcharge. NDDOT will also need one additional FTE (\$56,207 salary and benefits) and approximately \$10,000 for one-time costs for a workstation and equipment for the new FTE.

**C. Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, of the effect*

*on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

NDDOT will need a budget enhancement to cover the one time and ongoing expenses associated with implementing the provisions of this bill.

<b>Name:</b>	Keith Kiser	<b>Agency:</b>	NDDOT
<b>Phone Number:</b>	328-2725	<b>Date Prepared:</b>	02/21/2001

**FISCAL NOTE**  
Requested by Legislative Council  
01/15/2001

Bill/Resolution No.: HB 1261

Amendment to:

**1A. State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	1999-2001 Biennium		2001-2003 Biennium		2003-2005 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
<b>Revenues</b>				(\$92,110)		(\$63,227)
<b>Expenditures</b>				\$146,207		\$100,360
<b>Appropriations</b>				\$146,207		\$100,360

**1B. County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

1999-2001 Biennium			2001-2003 Biennium			2003-2005 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
			(\$33,628)	(\$20,469)		(\$23,083)	(\$14,050)	

**2. Narrative:** *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

This bill requires the Department to issue metal license plates in lieu of the paper window permits that are currently issued to applicants for temporary registration in North Dakota. It is not possible to accurately estimate the amount of additional revenue that could be collected as a result of the increased enforcement effort this bill anticipates. It is estimated that we will receive 10,000 requests for temporary registration during each biennium.

**3. State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

**A. Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

A budget enhancement of \$146,207 for the 2001-2003 biennium and \$100,360 for the 2003-2005 biennium will be required to enact the provisions of this bill. Since Motor Vehicle Division budget dollars come from collected revenue, a budget enhancement reduces revenue available for state, county, and city highway funds.

**B. Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

The anticipated expenditures for the 2001-2003 biennium would be \$40,000 to purchase the license plates required by this bill, \$50,000 for computer system enhancements necessary to record and provide access to records related to the license plate owner and vehicle, and \$56,207 for one FTE to handle the additional

work this bill will require. The anticipated expenditures for the 2003-2005 biennium is \$40,000 for license plates and \$60,360 for one FTE.

**C. Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

We will need an appropriation enhancement as listed above to be able to comply with the provisions of this bill.

<b>Name:</b>	Keith Klser	<b>Agency:</b>	NDDOT
<b>Phone Number:</b>	328-2725	<b>Date Prepared:</b>	01/17/2001



February 15, 2001

VR  
2/17/01  
182

HOUSE AMENDMENTS To HB 1261 Htrn 2-19-01

Page 1, line 1, replace "section" with "sections" and after "39-04-21" insert ", 39-06.1-08, and paragraph 2 of subdivision a of subsection 3 of section 39-06.1-10"

Page 1, line 2, after "vehicles" insert "; and to provide a penalty"

Page 1, line 13, after the period insert "The director shall collect a surcharge of fifty dollars for each application for a temporary registration. The director shall transmit this surcharge to the treasurer of the county in this state in which the application was made for deposit in the general fund of the county.", after "issue" insert "evidence of registration in", and replace "number" with "distinguishing color"

Page 1, line 14, remove "plate"

Page 1, line 15, replace "number plate as otherwise required by this chapter" with "evidence of registration in a window of the motor vehicle"

Page 1, line 16, after the first "of" insert "this", remove "39-04-11", and replace "plates issued under" with "evidence of registration"

Page 1, line 17, remove "this subsection"

Page 1, line 19, replace "In addition to any other fee, a" with:

**"SECTION 2. AMENDMENT.** Section 39-06.1-08 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**39-06.1-08. Nonmoving violation defined.** For the purposes of section 39-06.1-06, a "nonmoving violation" means:

1. A violation of section 39-04-11, subsection 2 of section 39-04-21, subsection 6 of section 39-06-17, and section 39-06-44, 39-06-45, 39-10-47, 39-10-49, 39-10-50, 39-10-51, 39-10-54.1, 39-21-08, 39-21-10, 39-21-11, or 39-21-14, or a violation of any municipal ordinance equivalent to the foregoing sections.
2. A violation, discovered at a time when the vehicle is not actually being operated, of section 39-21-03, 39-21-05, 39-21-13, 39-21-19, 39-21-32, 39-21-37, 39-21-39, or 39-21-44.2, or a violation of any municipal ordinance equivalent to the foregoing sections.

**SECTION 3. AMENDMENT.** Paragraph 2 of subdivision a of subsection 3 of section 39-06.1-10 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

- (2) Failure to display 1 point"  
license plates or  
evidence of registration under  
subsection 2 of section 39-04-21

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Page 1, remove lines 20 through 22

Renumber accordingly

Date: 2/16/01  
Roll Call Vote #:

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. HB 1261

House Transportation Committee

☐ Subcommittee on \_\_\_\_\_  
or  
☐ Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Pass as Amended

Motion Made By Rep. Kelsch Seconded By Rep. Hawken

Representatives	Yes	No	Representatives	Yes	No
Robin Weisz - Chairman	✓		Howard Grumbo	✓	
Chet Pollert - Vice Chairman	✓		John Mahoney		✓
Al Carlson		✓	Arlo E. Schmidt	✓	
Mark A. Dosch	✓		Elwood Thorpe		✓
Kathy Hawken	✓				
Roxanne Jensen	✓				
RaeAnn G. Kelsch	✓				
Clara Sue Price	✓				
Dan Ruby	✓				
Laurel Thoreson		✓			

Total (Yes) 10 No 4

Absent 0

Floor Assignment Rep. Pollert

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE**

**HB 1261: Transportation Committee (Rep. Welsz, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1261 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "section" with "sections" and after "39-04-21" insert ", 39-06.1-08, and paragraph 2 of subdivision a of subsection 3 of section 39-06.1-10"

Page 1, line 2, after "vehicles" insert "; and to provide a penalty"

Page 1, line 13, after the period insert "The director shall collect a surcharge of fifty dollars for each application for a temporary registration. The director shall transmit this surcharge to the treasurer of the county in this state in which the application was made for deposit in the general fund of the county.", after "issue" insert "evidence of registration in", and replace "number" with "distinguishing color"

Page 1, line 14, remove "plate"

Page 1, line 15, replace "number plate as otherwise required by this chapter" with "evidence of registration in a window of the motor vehicle"

Page 1, line 16, after the first "of" insert "this", remove "39-04-11", and replace "plates issued under" with "evidence of registration"

Page 1, line 17, remove "this subsection"

Page 1, line 19, replace "In addition to any other fee, a" with:

**"SECTION 2. AMENDMENT.** Section 39-06.1-08 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**39-06.1-08. Nonmoving violation defined.** For the purposes of section 39-06.1-06, a "nonmoving violation" means:

1. A violation of section 39-04-11, subsection 2 of section 39-04-21, subsection 6 of section 39-06-17, and section 39-06-44, 39-06-45, 39-10-47, 39-10-49, 39-10-50, 39-10-51, 39-10-54.1, 39-21-08, 39-21-10, 39-21-11, or 39-21-14, or a violation of any municipal ordinance equivalent to the foregoing sections.
2. A violation, discovered at a time when the vehicle is not actually being operated, of section 39-21-03, 39-21-05, 39-21-13, 39-21-19, 39-21-32, 39-21-37, 39-21-39, or 39-21-44.2, or a violation of any municipal ordinance equivalent to the foregoing sections.

**SECTION 3. AMENDMENT.** Paragraph 2 of subdivision a of subsection 3 of section 39-06.1-10 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

- (2) Failure to display 1 point"  
license plates or  
evidence of registration under  
subsection 2 of section 39-04-21

**REPORT OF STANDING COMMITTEE (410)**  
February 19, 2001 10:42 a.m.

Module No: HR-30-3839  
Carrier: Pollert  
Insert LC: 10403.0103 Title: .0200

Page 1, remove lines 20 through 22

Renumber accordingly

2001 SENATE TRANSPORTATION

HB 1261

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1261

Senate Transportation Committee

☐ Conference Committee

Hearing Date 3-8-01;3-22-01

Tape Number	Side A	Side B	Meter #
1	x		37.5- End
1		x	0.0-1.5
2	x		16.5-21.9
3-22	x		31.2-38.6
Committee Clerk Signature <i>Suzette Schaffer</i>			

Minutes: **HB 1261** relates to the temporary registration of motor vehicles.

**Rep. Drovdsal:** ( District 39; Supports) How come we allow out of state people to come into ND and work and not pay any registration fees? In Montana, on the first or second day out of states are in the state, law enforcement is checking you. Most other states require an additional plate to be put on the back of the vehicle. ND requires a sticker. The problems I see with this is that it's not visible and it's also a priority problem. Highway Patrol gives out a \$20 fine and it's not worth their time to stop and fine them. The cities do not want the Highway Patrol to drive around town and ticket people and then the money goes to the state. So we put an additional stipulation giving the fee collected to the treasurer of the governing body of the law enforcement officer who enforced this. This is not a perfect bill. Rental cars should have ND licenses too because they are using our roads also. We are not enforcing these current laws. This bill does not require external plates.

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Senate Transportation Committee

Bill/Resolution Number HB 1261

Hearing Date 3-8-01;3-22-01

**Senator Trembeath:** Has anyone looked at Montana to see how this works? Do you know of any other area where fees go to counties or cities instead of the state?

**Rep. Drovdsal:** I don't know.

**Senator O'Connell:** What's the difference in the two fiscal notes and how does this affect college students?

**Rep. Drovdsal:** The first fiscal note was based on the extra plate on the bumper. College students I believe are exempt.

**Rep. Kempenich:** ( District 39; Supports) There has been a problem for a number of years with this. Montana strictly enforces this and they are more expensive. Counties in Montana are able to issue licenses on this and it works well. No one really pays close attention or enforces our current laws. We would like to see more enforcement.

**Kelth Magnusson:** (NDDOT; Neutral) Hands out proposed amendment. This is an enforcement problem. We sell about 5000 of them a year. We took out the requirement for the external plate but put in a \$50 surcharge fee. Whoever sells this, will get the \$50 surcharge. The amendment would have the city or county collect the temporary registration fee and they keep the surcharge.

**Senator Bercler:** What does SD do?

**Kelth Magnusson:** South Dakota has a small registration fee so we don't have much of a problem. We don't have much of a problem with Minnesota either.

**Senator O'Connell:** In regard to Senator Bercler's question, the minute we cross the South Dakota state lines, law enforcement was there.

**Kelth Kiser:** ( Director of Motor Vehicle Division; Neutral) I'm hear to answer any questions you may have. (No questions asked)

Hearing closed.



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Senate Transportation Committee

Bill/Resolution Number HB 1261

Hearing Date 3-8-01;3-22-01

Committee reopened on 3-8-01.

A discussion was held regarding the constitutionality and surcharges involved.

Committee closed.

Committee reopened on 3-22.

Senator Stenchjem hands out proposed amendments.

Senator Espegard motions to adopt the amendment. Seconded by Senator Trenbeath. Roll call

taken. 5-0-1. Senator O'Connell motioned to Do Pass as amended. Seconded by Senator

Trenbeath. Roll call taken. 5-0-1. Floor carrier is Senator Stenchjem.

Committee closed.

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1261

Page 1, line 14, replace "The director shall collect a surcharge" with "Any political subdivision issuing a temporary registration on behalf of the director may collect a surcharge of fifty dollars. The surcharge shall be retained by the political subdivision and the temporary registration fee transmitted to the director."

Page 1, remove lines 15 and 16

Page 1, line 17, remove "application was made for deposit in the general fund of the county."

Renumber accordingly

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1261

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 39-04 of the North Dakota Century Code, relating to the failure to register a motor vehicle upon becoming employed in this state."

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

**SECTION 1.** A new section to chapter 39-04 of the North Dakota Century Code is created and enacted as follows:

**Failure to register upon gainful employment.** A person operating a motor vehicle in violation of subdivision c or e of subsection 2 of section 39-04-18 shall purchase an annual registration for that motor vehicle for a fee that is not discounted from the appropriate amount listed in a table in section 39-04-19. A law enforcement officer may issue a registration for that vehicle and shall remit the registration fee to the department of transportation. The department shall provide for evidence of registration to be issued by a law enforcement officer enforcing subdivision c or e of subsection 2 of section 39-04-18."

Renumber accordingly

3-22-61

1261

Committee

☐ Subcommittee on \_\_\_\_\_  
or  
☐ Conference Committee

Legislative Council Amendment Number 10403.0201

Action Taken	Move Adoption of Amendment
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Motion Made By Espegard Seconded By Trenbeath

[illegible]

Total (Yes) 5 No 0

Absent 1

### Floor Assignment

**If the vote is on an amendment, briefly indicate intent:**

3-22-01  
2

1261

Committee

or



10403, 0201

## Do Pass as Amended

O'Connell

~~Donnell~~ Trenbath

[illegible]

5

1

Stenehjem

**If the vote is on an amendment, briefly indicate intent:**

**REPORT OF STANDING COMMITTEE**

HB 1261, as engrossed: Transportation Committee (Sen. Stenehjem, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1261 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 39-04 of the North Dakota Century Code, relating to the failure to register a motor vehicle upon becoming employed in this state.

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

**SECTION 1.** A new section to chapter 39-04 of the North Dakota Century Code is created and enacted as follows:

**Failure to register upon gainful employment.** A person operating a motor vehicle in violation of subdivision c or e of subsection 2 of section 39-04-18 shall purchase an annual registration for that motor vehicle for a fee that is not discounted from the appropriate amount listed in a table in section 39-04-19. A law enforcement officer may issue a registration for that vehicle and shall remit the registration fee to the department of transportation. The department shall provide for evidence of registration to be issued by a law enforcement officer enforcing subdivision c or e of subsection 2 of section 39-04-18."

Renumber accordingly

2001 HOUSE TRANSPORTATION

CONFERENCE COMMITTEE

HB 1261

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1261 Conf.

House Transportation Committee

☒ Conference Committee

Hearing Date April 5, 2001

Tape Number	Side A	Side B	Meter #
1	x		0
			End 718
Committee Clerk Signature <i>Lauren L. Fritz</i>			

Conference Committee Minutes:

Conference Committee Members:

Rep. Hawken - Chairman

Sen. Stenehjem

Rep. Ruby

Sen. Espegaard

Rep. Schmidt

Sen. O'Connell

Rep. Hawken called for the roll. All present.

Sen. Stenehjem was asked to explain the Senate amendments. What we are really looking for is to tack the emergency clause on this bill. What we in the Senate did -- first we really loved what the House did in the first part of the bill -- we were happy with it. We were apprised of another situation on the Senate side -- it deals with -- and I will be honest with you -- residents in the Minot and Grand Forks areas -- where they have an air force base. What is happening is that some of them lease cars in other states and would like to license them in North Dakota -- When



they go to the DMV they are told now we want excise tax on that vehicle. This amendment would exempt them from the excise tax because we would gain some income . That is because they will likely license them but with the excise tax and license they probably would pay neither. They would say to heck with that I will just keep the Iowa license plates to what ever state. That is all section two does.

Rep. Hawken: ( 123 ) In section 1 --

Sen. Stenhjem: That is what you guys did. We would also like to have the emergency clause on because there are some that would like to register their vehicles now and why make them wait until August.

Rep. Hawken: ( 145 ) Does any one have any comments on how the bill stands now?

Sen. Stenhjem: As I read this now my memory is refreshed a bit -- what you sent over to us from the House is a bill that would allow -- and that is in section 1 -- it would allow the \$50 surcharge. Personally I didn't think nor did the rest of us to start putting in there the sheriff's office the ability to start charging anybody \$50 and putting it in their coffers. Their job is to enforce the law ; not to be making money -- so what we did is basically like they do to truckers -- if you haul dirt or sand and gravel -- they don't license their vehicle up to the full maximum weight right away in January and February and March because they are not hauling much in those times but if they get into April, May or June when they start hauling loads -- if they don't have them licensed they make them go back and license them from January 1st. Basically what this does if you don't have your permit like you are supposed to have your permit -- the day you get stopped you license your vehicle that day in North Dakota period. So that is kind of a penalty. And in that case 37% of that goes back to the counties and cities and the customer is still liable

for the \$20 or whatever the ticket is for not having the proper registration on their vehicle.

Hopefully this will take care of the problem they had out there and in our opinion it was a good resolution.

Rep. Ruby: ( 275 ) The reason we put that on locally was because the resident along the border because right now Montana is very persistent about enforcing their law and North Dakota hasn't and we thought if they got a little bit locally they would enforce it better.

Sen. Espegard: But where do you stop on that -- they are doing their job.

Sen. Stenehjem: And they will probably be stopped for a \$100 registration so they get it back.

Rep. Hawken: ( 340 ) So we are getting it indirectly -- you all may not know we did kill this bill once. And then we did amend it further and that was what you all got.

Rep. Ruby: Sen Schobinger wanted the amendment you put on.

Sen. Stenehjem: I think this is a very good bill now -- it is what we should be doing.

Sen. Espegard: When you go across the border into South Dakota and Montana they are right on you. I hope this works the way we think it will.

Sen. Stenehjem: And you don't get by for a \$100 -- more like \$400 -- 450 . But Every state funds their operation differently.

Rep. Hawken: ( 520 ) So is everyone satisfied with the bill as it is if we add the emergency clause.?

Sen. Stenehjem: I move that House accedes to the Senate amendments and further amends and we add the emergency clause.

Sen. O'Connell: I second the motion.

On a roll call vote the motion carried unanimously.

Page 4  
House Transportation Committee  
Bill/Resolution Number HB 1261 Conf.  
Hearing Date April 5, 2001

Rep. Hawken: I am sorry we could have done that by voice vote. We now have an amended bill before us.

Sen. Stenehjem: I move a 'Do Pass as Amended for HB 1261'.

Sen. O'Connell. I second.

On a roll call vote the motion carried unanimously.

Sen Stenehjem will carry the bill for the Senate and Rep. Hawken will carry the bill for the House.

Rep. Schmidt: ( 675 ) How come we don't have a fiscal note on this?

Rep. Hawken: Because there was only a \$50 surcharge on it which we took off.

Sen. Stenehjem: I would say this bill should have a positive fiscal note when done.

END - ( 718 ).

VR  
4/5/01

**CONFERENCE COMMITTEE AMENDMENTS to engrossed HB 1261 HTRN 4-06-01**

That the Senate recede from its amendments as printed on page 1097 of the House Journal and pages 923 and 924 of the Senate Journal and that Engrossed House Bill No. 1261 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 39-04 and a new subsection to section 57-40.3-07 of the North Dakota Century Code, relating to registration of a motor vehicle; and to declare an emergency.

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

**SECTION 1.** A new section to chapter 39-04 of the North Dakota Century Code is created and enacted as follows:

**Failure to register upon gainful employment.** A person operating a motor vehicle in violation of subdivision c or e of subsection 2 of section 39-04-18 shall purchase an annual registration for that motor vehicle for a fee that is not discounted from the appropriate amount listed in a table in section 39-04-19. A law enforcement officer may issue a registration for that vehicle and shall remit the registration fee to the department of transportation. The department shall provide for evidence of registration to be issued by a law enforcement officer enforcing subdivision c or e of subsection 2 of section 39-04-18.

**SECTION 2.** A new subsection to section 57-40.3-07 of the North Dakota Century Code is created and enacted as follows:

For a vehicle leased and registered or licensed in another state by a nonresident individual who is stationed as a member of the armed services of the United States in this state, the vehicle is exempt from tax imposed under this chapter and registration in this state must be issued upon application and payment of appropriate registration fees.

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

Renumber accordingly

Date: 4-05-01  
Roll Call Vote #

**2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. HB 1261**

<b>House</b>	<b>Committee</b>
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☐ Subcommittee on \_\_\_\_\_

or

☒ Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Pass as Amended

Motion Made By Sen Stenberg Seconded By Sen O'Connell

[illegible]

Total (Yes) 6 No 0

**Absent**

Floor Assignment Rep. Hawken / Sen. Stenehjem

**If the vote is on an amendment, briefly indicate intent:**

**REPORT OF CONFERENCE COMMITTEE**

**HB 1261, as engrossed:** Your conference committee (Sens. Stenehjem, Espogard, O'Connell and Reps. Hawken, Ruby, Schmidt) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 1097, adopt further amendments as follows, and place HB 1261 on the Seventh order:

That the Senate recede from its amendments as printed on page 1097 of the House Journal and pages 923 and 924 of the Senate Journal and that Engrossed House Bill No. 1261 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 39-04 and a new subsection to section 57-40.3-07 of the North Dakota Century Code, relating to registration of a motor vehicle; and to declare an emergency.

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

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**SECTION 2.** A new subsection to section 57-40.3-07 of the North Dakota Century Code is created and enacted as follows:

For a vehicle leased and registered or licensed in another state by a nonresident individual who is stationed as a member of the armed services of the United States in this state, the vehicle is exempt from tax imposed under this chapter and registration in this state must be issued upon application and payment of appropriate registration fees.

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

Renumber accordingly

Engrossed HB 1261 was placed on the Seventh order of business on the calendar.