

MICROFILM DIVIDER

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



ROLL NUMBER

DESCRIPTION

1346

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Deanna Halliwell
Operator's Signature

10/3/03
Date

2003 HOUSE TRANSPORTATION

HB 1346

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10/3/03
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1346

House Transportation Committee

☐ Conference Committee

Hearing Date January 30, 2003

Tape Number	Side A	Side B	Meter #
2	x		45.4 to end of side A
Committee Clerk Signature <i>Lauren L. Ford</i>			

Minutes:

Rep. Weisz, Chairman: Opened the Hearing on HB 1346, a bill for an Act to amend and reenact subsection 5 of section 39-04-19 of the North Dakota Century Code, relating to Motor vehicle registration fees for farm vehicles.

Rep. Thoreson: Representing District 44 , Fargo, North Dakota. Rep. Kempenich ask me to fill in for him to introduce HB 1346. I was asked to co-sponsor this bill. As a representative from an urban district, I am no expert on the registration of farm vehicles. I am distributing some written some information prepared by Rep. Kempenich. He makes reference in there about IRS tax form 2290. That concludes my comments. I do support the bill.

There was no one else who appeared in support of HB 1346.

In opposition:

Keith Kyser: Representing the Motor Vehicle Division of the DOT. The DOT does not oppose this bill but has some concerns about it. There are some restriction in it --- as Rep. Thoreson

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Page 2
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Bill/Resolution Number HB 1346
Hearing Date January 30, 2003

stated the bill references IRS form 2290 --- 7500 miles with registered gross weights of 65,000 pounds or more are required to file a 2290 form with an exemption of 7500 miles for farm uses. If you have larger trucks, you are subject to a tax to be paid to the IRS --- as part of our registration process we collect those 2290 forms. That is done in accordance with federal law. This bill as drafted would require us to register only farm trucks which are operated less than 7500 miles. The concern we have is there are many, many farm trucks that are not registered for 55,000 pounds there fore not subject to the 2290 laws --- then we as an agency do we administer the 7500 mile restriction --- if in fact it would not be reported for many of the farm trucks in North Dakota.

Rep. Weisz, Chairman (51.4) If the bill were amended to say only vehicles requiring a 2290 -- would you consider that an exemption?

Keith Kyser: Yes it would.

Rep. Thorpe : There are a lot of large operations that run way our the 55,000 pounds and run more than 7500 miles hauling to Duluth --- do they have to get a commercial license then?

Keith Kyser: Under North Dakota law, farmers are allowed to hauls their product to market. I do believe that the mills in Minneapolis do not accept direct farm deliveries -- I think that it has to go through an elevator -- once that grain goes through the elevator it is no longer the farmers product. Then he could not make that haul. However if the farmer could haul from Williston to Duluth and they would accept it directly at the terminal, he could do that.

Note: Tape ended at 51.7 -- in the interim of changing the tape to side b -- Chairman Weisz closed the hearing on HB 1346 as there was no further testimony either for or against.

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10/3/03
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1346b

House Transportation Committee

☐ Conference Committee

Hearing Date January 31, 2003

Tape Number	Side A	Side B	Meter #
2	x		25.8 to 40.9
Committee Clerk Signature <i>Laurie L. Zink</i>			

Minutes:

Rep. Weisz, Chairman opened the discussion for action on HB 1346. Following discussion on how this could be enforced. The chairman explained the IRS form 2290 and the enforcement ramifications. Amendments considering 56,000 pound weights or less, but there is still enforcement to catch commercial haulers. Bills of lading and the effects as to whether you are hauling your own product or hauling commercial for an elevator.

Rep. Thorpe : Do to too many problems which this bill would not address, moved a 'Do Not Pass'. Rep. Galvin : Seconded the motion.

On a roll call vote the motion failed b 6 Ayes 7 Nays 0 Absent and not voting.

Rep. Ruby : (35.9) Need to amend to apply to those trucks which require a 2290. Following further discussion, Rep. Price moved to amend HB 1346 to read that it would apply to those trucks requiring a 2290 and that the proper wording be worked out and that the motion is for a a 'Do Pass as Amended'. Rep. Hawken, Vice Chairman seconded the motion.

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10/3/03
Date

Page 2
House Transportation Committee
Bill/Resolution Number HB 1346
Hearing Date January 31, 2003

On a roll call vote, the motion carried 12 Ayes 1 Nay 0 Absent and not voting.

Rep. Headland was designated to carry HB 1346 on the floor. (40.9)

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10/3/03
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FISCAL NOTE
Requested by Legislative Council
02/04/2003

Amendment to: HB 1346

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.*

	2001-2003 Biennium		2003-2005 Biennium		2005-2007 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						
Appropriations						

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

2001-2003 Biennium			2003-2005 Biennium			2005-2007 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.*

This bill, as amended, requires farm trucks with a registered gross weight exceeding 55,000 pounds that operate more than 7,500 miles per year to obtain commercial truck registration.

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 presumed that some vehicles currently registered as farm trucks with a gross weight exceeding 55,000 pounds may operate more than 7,500 miles per year and would therefore be required to obtain the more expensive commercial registration. However, it is not possible to estimate how many current farm trucks may be subjected to the provisions of this bill, and therefore no accurate estimate of additional revenue can be made.

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 to implement this bill, as amended, should be less than \$5,000.

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:	328-2734	Date Prepared:	02/05/2003

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10/3/03
Date

FISCAL NOTE
Requested by Legislative Council
01/15/2003

Bill/Resolution No.: HB 1348

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.

	2001-2003 Biennium		2003-2005 Biennium		2005-2007 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues				(\$6,300)		(\$3,162)
Expenditures				\$10,000		\$5,000
Appropriations				\$10,000		\$5,000

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

2001-2003 Biennium			2003-2005 Biennium			2005-2007 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
			(\$2,300)	(\$1,400)		(\$1,160)	(\$700)	

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

This bill limits farm truck registrations to those farm trucks that operate less than 7,500 miles per year. If enacted, the DOT would need to implement procedures to ensure farm truck registration are issued only to qualifying trucks.

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 presumed that some farm trucks operate more than 7,500 miles per year and would therefore be required to obtain a more expensive commercial registration. However, it is not possible to estimate the amount of additional revenue that will be gained as there is no information available on the number of farm trucks that operate more than 7,500 miles per year.

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 anticipated that procedures related to the renewal of registration for farm trucks, as well as the procedures for registering newly acquired farm trucks, will need to be modified to comply with the provisions of this bill. It is also anticipated that we will incur additional costs to inform dealers and farmers about the new requirements.

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.

The DOT budget does not contain the funds necessary to implement the provisions of this bill.

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Deanna Hollenbach
Operator's Signature

10/3/03
Date

Name:	Keith Kiser	Agency:	NDDOT
Phone Number:	328-2725	Date Prepared:	01/20/2003

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Operator's Signature

10/3/03
Date

30461.0101
Title.0200

Adopted by the Transportation Committee
January 31, 2003

VK
2/3/03

HOUSE AMENDMENTS to HB 1346 htrn 2-03-03

Page 1, line 9, after "only" insert "except for those vehicles for which a completed federal heavy highway use tax form is required" and replace "for which no" with "which are driven"

Page 1, line 10, replace "are driven" with "per year"

Renumber accordingly

Page No. 1

30461.0101

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10/3/03
Date

Date: 1/31/03
Roll Call Vote #: 1

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1346

House TRANSPORTATION Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 30461.0100

Action Taken DO NOT PASS

Motion Made By Rep. Thayer Seconded By Rep. Galvin

Representatives	Yes	No	Representatives	Yes	No
Robin Weisz - Chairman		✓	Lois Delmore	✓	
Kathy Hawken - Vice Chairman		✓	Arlo E. Schmidt	✓	
LeRoy G. Bernstein	✓		Elwood Thorpe	✓	
Mark A. Dosch		✓	Steven L. Zaiser	✓	
Pat Galvin	✓				
Craig Headland		✓			
Clara Sue Price		✓			
Dan J. Ruby		✓			
Dave Weiler		✓			

Total Yes 6 No 7

Absent 0

Floor Assignment fail

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

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Operator's Signature

10/3/03
Date

Date: 1/31/03
Roll Call Vote #: 2

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HR 1346

House TRANSPORTATION Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 30461-0100

Action Taken Do Pass as Amendment

Motion Made By Rep. P... Seconded By Rep. Del...

Representatives	Yes	No	Representatives	Yes	No
Robin Weisz - Chairman	✓		Lois Delmore	✓	
Kathy Hawken - Vice Chairman	✓		Arlo E. Schmidt	✓	
LeRoy G. Bernstein	✓		Elwood Thorpe		✓
Mark A. Dosch	✓		Steven L. Zaiser	✓	
Pat Galvin	✓				
Craig Headland	✓				
Clara Sue Price	✓				
Dan J. Ruby	✓				
Dave Weiler	✓				

Total Yes 12 No 1

Absent 0

Floor Assignment Rep. Headland

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

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Dennis H. Smith 10/3/03
Operator's Signature Date

REPORT OF STANDING COMMITTEE (410)
February 3, 2003 9:45 a.m.

Module No: HR-20-1502
Carrier: Headland
Insert LC: 30461.0101 Title: .0200

REPORT OF STANDING COMMITTEE

HB 1346: Transportation Committee (Rep. Welaz, Chairman) recommends
AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS**
(12 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1346 was placed on the Sixth
order on the calendar.

Page 1, line 9, after "only" insert ", except for those vehicles for which a completed federal
heavy highway use tax form is required" and replace "for which no" with "which are
driven"

Page 1, line 10, replace "are driven" with "per year"

Renumber accordingly

(2) DESK, (3) COMM

Page No. 1

HR-20-1502

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2003 SENATE TRANSPORTATION

HB 1346

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10/3/03
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2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. **HB 1346**

Senate Transportation Committee

☐ Conference Committee

Hearing Date 3-06-03

Tape Number	Side A	Side B	Meter #
1		X	425-2305

Committee Clerk Signature *Mary K. Mouson*

Minutes:

Chairman Senator Thomas Trenbeath opened the hearing on HB 1346 relating to motor vehicle registration fees for farm vehicles.

Representative Keith Kempenich (District 39) Introduced HB 1346 to address the problem of farm vehicles doing commercial hauling and registered as a farm vehicle. This bill would list commercial vehicles as those over 50,000 and running outside the farm limits of 7,500 miles. It would raise the fees substantially for a commercial plate.

(Meter 745) Discussion concerning the insurance rates. If a farm vehicle is being used for commercial purposes, it is not covered under farm liability.

Senator Trenbeath asked who is required to file the federal heavy highway use tax form.

Representative Kempenich replied that ND DOT requires that everyone is required to file one if vehicle is over 50,000 lbs.

Senator Trenbeath voiced concern with the 7500 miles limitation for farm vehicles.

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10/3/03
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Page 2
Senate Transportation Committee
Bill/Resolution Number HB 1346
Hearing Date 3-06-03

Representative Kempenich replied that is an issue but if they are running across state lines something needs to be done.

(Meter 1190) Discussion clarified that a semi over 50,000 lbs. does not have to pay the commercial registration fee if it has a farm exemption and travels under 7500 miles.

LeRoy Ernst (ND Motor Carriers Association) The organization is comprised of a number of grain haulers that maintain membership and are considered commercial haulers. They feel there is some inequity and they have seen an increase in heavy trucks registered as farm vehicles. It is their contention that they are being used for commercial purposes.

Senator Taylor asked if Mr. Ernst had an estimate of how many miles his members, who are commercial Ag carriers, would drive in a year.

LeRoy Ernst replied that it would be well over the 7500 miles. He figured that tractor/trailer combinations that ran year round would travel around 80,000 to 100,000 miles.

(Meter 1465) Discussion about the perception that the law is being fudged. There has been a perceived problem for many years. There is an increase in the exemption requests for heavy vehicles. There was a thought that maybe the complaints might be with the short hauls.

Keith Kiser (ND DOT) (Meter 1800) Testified for informational purposes. The total number of registered farm trucks in ND has stayed very static over the last several years. The revenue generated from them has gone up somewhat partly because it appears they are being registered at heavier gross weights. All farm trucks have special license plates to aid in the enforcement.

The law allows the farmer to haul farm products to market and allows an exchange with neighbors as long as it is not for a fee. HB 1346 ties together the registration process with farm trucks and Form 2290. (Meter 2000)

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10/3/03
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Senate Transportation Committee
Bill/Resolution Number HB 1346
Hearing Date 3-06-03

Senator Espegard asked what happens if a farmer runs 10,000 for his own use.

Keith Kiser answered that, if this bill passes, he would be denied farm registration and would be required to have commercial registration.

Senator Taylor asked if there is any hard data on how much the current situation is being exploited.

Keith Kiser said that there are no records to show that information.

There hearing on HB 1346 was closed.

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2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1346

Senate Transportation Committee

☐ Conference Committee

Hearing Date 3-07-03

Tape Number	Side A	Side B	Meter #
1	X		1850-2180
Committee Clerk Signature <i>Mary K Monson</i>			

Minutes:

Chairman Senator Thomas Trenbeath opened HB 1346 for discussion.

Discussion centered around the distance that farmers travel to market their products.

Senator Taylor moved a **Do Not Pass**. Seconded by **Senator Espegard**. Roll call vote 5-0-1.

Passed. Floor carrier is **Senator Mutch**.

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10/3/03
Date

Date: 3-7-03
Roll Call Vote #:

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1346

Senate TRANSPORTATION Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do not pass

Motion Made By Senator Taylor Seconded By Senator Espigard

Senators	Yes	No	Senators	Yes	No
Senator Thomas Trenbeath, Chair	✓		Senator Dennis Bercier		
Senator Duaine Espigard, V. Chair	✓		Senator Ryan Taylor	✓	
Senator Duane Mutch	✓				
Senator Dave Nething	✓				

Total (Yes) 5 No 0

Absent 1

Floor Assignment Senator Mutch

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

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10/3/03
Date

REPORT OF STANDING COMMITTEE (410)
March 7, 2003 1:03 p.m.

Module No: SR-41-4242
Carrier: Mulch
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE
HB 1346, as engrossed: Transportation Committee (Sen. Trenbeath, Chairman)
recommends DO NOT PASS (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING).
Engrossed HB 1346 was placed on the Fourteenth order on the calendar.

(2) DESK, (3) COMM

Page No. 1

SR-41-4242

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2003 TESTIMONY

HB 1346

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10/3/03
Date

HOUSE BILL 1346

1. Was introduced to address some problems with farm vehicles that are running commercial.
2. This bill will track the IRS 2290 Heavy Use Tax.
3. This bill puts farm vehicle exemptions at no more than 7500 miles.
4. The bill will allow farm vehicles to run exempt from commercial license if run at no more than 7500 miles per year.
5. If the committee would like to amend HB 1346 to have trucks of over 46000 lb. Gross vehicle weight to be the only ones included, that would be fine.
6. I do think this is an area that needs to be looked into.

Thank you for your time.
Rep. Keith Kempenich

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10/3/03
Date

Use Form 2290 to:

- **Figure and pay the tax due on highway motor vehicles used during the period with a taxable gross weight of 55,000 pounds or more.**
- **Figure and pay the tax due on a vehicle for which you completed the suspension statement on another Form 2290 if that vehicle later exceeded the mileage use limit during the period. See Suspended vehicles exceeding the mileage use limit on page 3.**
- **Figure and pay the tax due if during the period the taxable gross weight of a vehicle increases and the vehicle falls into a new category. See the instructions for line 3 on page 3.**
- **Claim suspension from the tax when a vehicle is expected to be used 5,000 miles or less (7,500 miles or less for agricultural vehicles) during the period.**
- **Claim a credit for tax paid on vehicles that were destroyed or stolen or used 5,000 miles or less (7,500 miles or less for agricultural vehicles).**
- **Report acquisition of a used taxable vehicle for which the tax has been suspended.**

SOURCE: <http://www.irs.gov/formspubs/page/0,,id%3D81889,00.html#T5>

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Dennis H. Smith
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10/3/03
Date