

**Fifty-eighth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 7, 2003**

HOUSE BILL NO. 1012
(Appropriations Committee)
(At the request of the Governor)

AN ACT to provide an appropriation for defraying the expenses of the various divisions under the supervision of the director of the department of transportation; to authorize the department of transportation to acquire lands; to amend and reenact sections 24-01-51, 24-02-44, and 39-04-19, and subdivisions f and g of subsection 1 of section 39-09-02 of the North Dakota Century Code and section 7 of chapter 331 of the 2001 Session Laws, relating to haying of no-mow areas, department of transportation authority for emergency borrowing from the Bank of North Dakota, motor vehicle registration fees, and speed limits; and to repeal section 10 of chapter 331 of the 2001 Session Laws, relating to registration fee allocation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are appropriated from special funds derived from federal funds and other income, to the various divisions under the supervision of the director of the department of transportation for the purpose of defraying the expenses of those divisions, for the biennium beginning July 1, 2003, and ending June 30, 2005, as follows:

Salaries and wages	\$105,222,404
Operating expenses	122,902,369
Capital assets	512,175,642
Grants	<u>44,085,503</u>
Total special funds appropriation	\$784,385,918

SECTION 2. ACQUIRING LAND IN NO-MOW AND MANAGED-MOW AREAS. The department of transportation may acquire land to eliminate no-mow and managed-mow areas adjacent to the state's roadways. If the department intends to acquire public land to eliminate no-mow and managed-mow areas, the department shall hold a public hearing in the county in which the land is located before the land is acquired.

SECTION 3. AMENDMENT. Section 24-01-51 of the North Dakota Century Code is amended and reenacted as follows:

24-01-51. (Effective January 1, 2004 2006) Haying of no-mow areas. Notwithstanding any other provision of law, a person owning land adjacent to an area within the right of way of a highway which is designated as a no-mow or managed-mow area may hay the no-mow or managed-mow area after July fifteenth without any payment or penalty.

SECTION 4. AMENDMENT. Section 24-02-44 of the North Dakota Century Code is amended and reenacted as follows:

24-02-44. Authority to borrow funds for a disaster - Appropriation. The department of transportation, subject to the approval of the emergency commission, may borrow moneys from the Bank of North Dakota to match federal emergency relief funds ~~under the Transportation Equity Act for the 21st Century [Pub. L. 105-178]~~. Any moneys borrowed from the Bank of North Dakota pursuant to this section are appropriated. If it appears to the department of transportation that at the end of the biennium the amount available to repay the amount borrowed plus interest is insufficient to totally repay the Bank of North Dakota, the department of transportation shall request from the legislative assembly

a deficiency appropriation from the state highway fund sufficient for the repayment of the amount borrowed plus interest.

SECTION 5. AMENDMENT. Section 39-04-19 of the North Dakota Century Code is amended and reenacted as follows:

39-04-19. Motor vehicle registration fees and mile tax. Motor vehicles required to pay registration fees or a mile tax shall pay the following fees:

1. Nonresidents electing to pay mile tax in lieu of registration, when authorized to do so by the department, shall pay a fee of twenty dollars for a trip permit which is valid for a period of seventy-two hours. All fees collected under the provisions of this subsection must be credited to the highway construction fund.
2. Motor vehicles required to be registered in this state must be furnished license plates upon the payment of the following annual fees; however, if a motor vehicle, including a motorcycle or trailer, first becomes subject to registration other than at the beginning of the registration period, such fees must be prorated on a monthly basis. The minimum fee charged hereunder must be five dollars:

a. Passenger motor vehicles:

Gross Weights	YEARS REGISTERED									
	1st, 2nd, 3rd, 4th, 5th, and 6th Years		7th, 8th, and 9th Years		10th, 11th, and 12th Years		13th and Subsequent Years			
Less than 3,200	\$57.00	<u>\$60</u>	\$49.00	<u>\$52</u>	\$41.00	<u>\$44</u>	\$33.00	<u>\$36</u>		
3,200 - 4,499	77.00	<u>80</u>	65.00	<u>68</u>	53.00	<u>56</u>	41.00	<u>44</u>		
4,500 - 4,999	95.00	<u>98</u>	78.00	<u>81</u>	63.00	<u>66</u>	47.00	<u>50</u>		
5,000 - 5,999	126.00	<u>129</u>	104.00	<u>107</u>	82.00	<u>85</u>	60.00	<u>63</u>		
6,000 - 6,999	159.00	<u>162</u>	130.00	<u>133</u>	101.00	<u>104</u>	73.00	<u>76</u>		
7,000 - 7,999	192.00	<u>195</u>	156.00	<u>159</u>	121.00	<u>124</u>	86.00	<u>89</u>		
8,000 - 8,999	225.00	<u>228</u>	183.00	<u>186</u>	141.00	<u>144</u>	99.00	<u>102</u>		
9,000 and over	258.00	<u>261</u>	209.00	<u>212</u>	161.00	<u>164</u>	112.00	<u>115</u>		

A house car is subject to registration at the rates prescribed for other vehicles under this subdivision modified by using the weight applicable to a vehicle whose weight is forty percent of that of the house car, but not using a weight of less than four thousand pounds [1814.35 kilograms].

b. Schoolbuses, buses for hire, buses owned and operated by religious, charitable, or nonprofit organizations and used exclusively for religious, charitable, or other public nonprofit purposes, and trucks or combination trucks and trailers, including commercial and noncommercial trucks, except those trucks or combinations of trucks and trailers which qualify for registration under subsection 5:

Gross Weights	YEARS REGISTERED									
	1st Through 6th Years		7th Through 9th Years		10th Through 12th Years		13th Through 19th Years		20th and Subsequent Years	
Not over 4,000	\$55.00	<u>\$58</u>	\$42.00	<u>\$45</u>	\$37.00	<u>\$40</u>	\$34.00	<u>\$37</u>	\$33.00	<u>\$36</u>
4,001 - 6,000	60.00	<u>63</u>	47.00	<u>50</u>	41.00	<u>44</u>	35.00	<u>38</u>	34.00	<u>37</u>
6,001 - 8,000	65.00	<u>68</u>	52.00	<u>55</u>	45.00	<u>48</u>	36.00	<u>39</u>	35.00	<u>38</u>
8,001 - 10,000	70.00	<u>73</u>	57.00	<u>60</u>	49.00	<u>52</u>	38.00	<u>41</u>	37.00	<u>40</u>
10,001 - 12,000	75.00	<u>78</u>	62.00	<u>65</u>	53.00	<u>56</u>	40.00	<u>43</u>	39.00	<u>42</u>
12,001 - 14,000	80.00	<u>83</u>	67.00	<u>70</u>	57.00	<u>60</u>	43.00	<u>46</u>	42.00	<u>45</u>
14,001 - 16,000	85.00	<u>88</u>	72.00	<u>75</u>	61.00	<u>64</u>	46.00	<u>49</u>	45.00	<u>48</u>

16,001 - 18,000	90.00 <u>93</u>	77.00 <u>80</u>	65.00 <u>68</u>	48.00 <u>51</u>	47.00 <u>50</u>
18,001 - 20,000	93.00 <u>96</u>	80.00 <u>83</u>	67.00 <u>70</u>	49.00 <u>52</u>	48.00 <u>51</u>

YEARS REGISTERED

Gross Weights	1st, 2nd, 3rd, 4th, 5th, 6th, and 7th Years	8th, 9th, 10th, 11th, and 12th Years	13th and Subsequent Years
20,001 - 22,000	\$123.00 <u>\$126</u>	\$97.00 <u>\$100</u>	\$84.00 <u>\$87</u>
22,001 - 26,000	175.00 <u>178</u>	145.00 <u>148</u>	129.00 <u>132</u>
26,001 - 30,000	236.00 <u>239</u>	194.00 <u>197</u>	172.00 <u>175</u>
30,001 - 34,000	302.00 <u>305</u>	247.00 <u>250</u>	219.00 <u>222</u>
34,001 - 38,000	363.00 <u>366</u>	296.00 <u>299</u>	262.00 <u>265</u>
38,001 - 42,000	424.00 <u>427</u>	345.00 <u>348</u>	304.00 <u>307</u>
42,001 - 46,000	485.00 <u>488</u>	393.00 <u>396</u>	347.00 <u>350</u>
46,001 - 50,000	546.00 <u>549</u>	442.00 <u>445</u>	390.00 <u>393</u>
50,001 - 54,000	616.00 <u>619</u>	500.00 <u>503</u>	441.00 <u>444</u>
54,001 - 58,000	677.00 <u>680</u>	549.00 <u>552</u>	484.00 <u>487</u>
58,001 - 62,000	739.00 <u>742</u>	598.00 <u>601</u>	527.00 <u>530</u>
62,001 - 66,000	799.00 <u>802</u>	646.00 <u>649</u>	570.00 <u>573</u>
66,001 - 70,000	860.00 <u>863</u>	695.00 <u>698</u>	612.00 <u>615</u>
70,001 - 74,000	921.00 <u>924</u>	744.00 <u>747</u>	655.00 <u>658</u>
74,001 - 78,000	982.00 <u>985</u>	793.00 <u>796</u>	698.00 <u>701</u>
78,001 - 82,000	1,043.00 <u>1,046</u>	842.00 <u>845</u>	741.00 <u>744</u>
82,001 - 86,000	1,166.00 <u>1,169</u>	947.00 <u>950</u>	828.00 <u>831</u>
86,001 - 90,000	1,288.00 <u>1,291</u>	1,051.00 <u>1,054</u>	915.00 <u>918</u>
90,001 - 94,000	1,410.00 <u>1,413</u>	1,156.00 <u>1,159</u>	1,002.00 <u>1,005</u>
94,001 - 98,000	1,532.00 <u>1,535</u>	1,261.00 <u>1,264</u>	1,090.00 <u>1,093</u>
98,001 - 102,000	1,654.00 <u>1,657</u>	1,365.00 <u>1,368</u>	1,177.00 <u>1,180</u>
102,001 - 105,500	1,776.00 <u>1,779</u>	1,470.00 <u>1,473</u>	1,264.00 <u>1,267</u>

c. Motorcycles, fifteen dollars.

3. Motor vehicles acquired by disabled veterans under the provisions of Public Law 79-663 [38 U.S.C. 3901] are exempt from the payment of state sales or use tax and, if paid, such veterans are entitled to a refund. This exemption also applies to any passenger motor vehicle or pickup truck not exceeding ten thousand pounds [4535.92 kilograms] gross weight but shall apply to no more than two such motor vehicles owned by a disabled veteran at any one time.
4. Every trailer, semitrailer, and farm trailer required to be registered under this chapter must be furnished registration plates upon the payment of a twenty dollar annual fee. Every trailer, semitrailer, or farm trailer not required to be registered under this chapter must be furnished an identification plate upon the payment of a fee of five dollars. Upon the request of a person with a trailer or farm trailer to whom a registration or identification plate is provided under this subsection, the department shall provide a plate of the same size as provided for a motorcycle. The department shall provide notification of this option to the person before the replacement or issuance of the plate.
5. Trucks or combinations of trucks and trailers weighing more than twenty thousand but not more than one hundred five thousand five hundred pounds [more than 9071.84 but not more than 47854.00 kilograms] which are used as farm vehicles only, are entitled to registration under the following fee schedule and the provisions of this subsection. Farm vehicles are considered, for the purpose of this subsection, as trucks or combinations of trucks and trailers weighing more than twenty thousand but not more than one hundred five thousand five hundred pounds [more than 9071.84 but not more than 47854.00 kilograms] owned, or leased for at least one year by a bona fide resident farmer who uses the vehicles exclusively for transporting the farmer's own property or other property on a

farm work exchange basis with other farmers between farms and the usual local trading places but not in connection with any commercial retail or wholesale business being conducted from those farms, nor otherwise for hire. In addition to the penalty provided in section 39-04-41, any person violating this subsection shall license for the entire license period the farm vehicle at the higher commercial vehicle rate in accordance with the weight carried by the farm vehicle at the time of the violation.

YEARS REGISTERED

Gross Weights	1st, 2nd, 3rd, 4th, 5th, and 6th Years		7th and 8th Years		9th and 10th Years		11th and Subsequent Years	
	Rate	<u>Rate</u>	Rate	<u>Rate</u>	Rate	<u>Rate</u>	Rate	<u>Rate</u>
20,001 - 22,000	\$95.00	<u>\$98</u>	\$81.00	<u>\$84</u>	\$67.00	<u>\$70</u>	\$49.00	<u>\$52</u>
22,001 - 24,000	100.00	<u>103</u>	85.00	<u>88</u>	70.00	<u>73</u>	51.00	<u>54</u>
24,001 - 26,000	108.00	<u>111</u>	91.00	<u>94</u>	74.00	<u>77</u>	53.00	<u>56</u>
26,001 - 28,000	119.00	<u>122</u>	99.00	<u>102</u>	80.00	<u>83</u>	57.00	<u>60</u>
28,001 - 30,000	128.00	<u>131</u>	107.00	<u>110</u>	86.00	<u>89</u>	61.00	<u>64</u>
30,001 - 32,000	143.00	<u>146</u>	120.00	<u>123</u>	97.00	<u>100</u>	70.00	<u>73</u>
32,001 - 34,000	153.00	<u>156</u>	128.00	<u>131</u>	103.00	<u>106</u>	74.00	<u>77</u>
34,001 - 36,000	163.00	<u>166</u>	136.00	<u>139</u>	109.00	<u>112</u>	78.00	<u>81</u>
36,001 - 38,000	173.00	<u>176</u>	144.00	<u>147</u>	115.00	<u>118</u>	82.00	<u>85</u>
38,001 - 40,000	183.00	<u>186</u>	152.00	<u>155</u>	121.00	<u>124</u>	86.00	<u>89</u>
40,001 - 42,000	193.00	<u>196</u>	160.00	<u>163</u>	127.00	<u>130</u>	90.00	<u>93</u>
42,001 - 44,000	203.00	<u>206</u>	168.00	<u>171</u>	133.00	<u>136</u>	94.00	<u>97</u>
44,001 - 46,000	213.00	<u>216</u>	176.00	<u>179</u>	139.00	<u>142</u>	98.00	<u>101</u>
46,001 - 48,000	223.00	<u>226</u>	184.00	<u>187</u>	145.00	<u>148</u>	102.00	<u>105</u>
48,001 - 50,000	233.00	<u>236</u>	192.00	<u>195</u>	151.00	<u>154</u>	106.00	<u>109</u>
50,001 - 52,000	253.00	<u>256</u>	210.00	<u>213</u>	167.00	<u>170</u>	120.00	<u>123</u>
52,001 - 54,000	263.00	<u>266</u>	218.00	<u>221</u>	173.00	<u>176</u>	124.00	<u>127</u>
54,001 - 56,000	273.00	<u>276</u>	226.00	<u>229</u>	179.00	<u>182</u>	128.00	<u>131</u>
56,001 - 58,000	283.00	<u>286</u>	234.00	<u>237</u>	185.00	<u>188</u>	132.00	<u>135</u>
58,001 - 60,000	293.00	<u>296</u>	242.00	<u>245</u>	191.00	<u>194</u>	136.00	<u>139</u>
60,001 - 62,000	303.00	<u>306</u>	250.00	<u>253</u>	197.00	<u>200</u>	140.00	<u>143</u>
62,001 - 64,000	313.00	<u>316</u>	258.00	<u>261</u>	203.00	<u>206</u>	144.00	<u>147</u>
64,001 - 66,000	323.00	<u>326</u>	266.00	<u>269</u>	209.00	<u>212</u>	148.00	<u>151</u>
66,001 - 68,000	333.00	<u>336</u>	274.00	<u>277</u>	215.00	<u>218</u>	152.00	<u>155</u>
68,001 - 70,000	343.00	<u>346</u>	282.00	<u>285</u>	221.00	<u>224</u>	156.00	<u>159</u>
70,001 - 72,000	353.00	<u>356</u>	290.00	<u>293</u>	227.00	<u>230</u>	160.00	<u>163</u>
72,001 - 74,000	363.00	<u>366</u>	298.00	<u>301</u>	233.00	<u>236</u>	164.00	<u>167</u>
74,001 - 76,000	373.00	<u>376</u>	306.00	<u>309</u>	239.00	<u>242</u>	168.00	<u>171</u>
76,001 - 78,000	383.00	<u>386</u>	314.00	<u>317</u>	245.00	<u>248</u>	172.00	<u>175</u>
78,001 - 80,000	393.00	<u>396</u>	322.00	<u>325</u>	251.00	<u>254</u>	176.00	<u>179</u>
80,001 - 82,000	403.00	<u>406</u>	330.00	<u>333</u>	257.00	<u>260</u>	180.00	<u>183</u>
82,001 - 84,000	413.00	<u>416</u>	352.00	<u>355</u>	300.00	<u>303</u>	256.00	<u>259</u>
84,001 - 86,000	433.00	<u>436</u>	369.00	<u>372</u>	314.00	<u>317</u>	268.00	<u>271</u>
86,001 - 88,000	453.00	<u>456</u>	386.00	<u>389</u>	328.00	<u>331</u>	280.00	<u>283</u>
88,001 - 90,000	473.00	<u>476</u>	403.00	<u>406</u>	342.00	<u>345</u>	292.00	<u>295</u>
90,001 - 92,000	493.00	<u>496</u>	420.00	<u>423</u>	356.00	<u>359</u>	304.00	<u>307</u>
92,001 - 94,000	513.00	<u>516</u>	437.00	<u>440</u>	370.00	<u>373</u>	316.00	<u>319</u>
94,001 - 96,000	533.00	<u>536</u>	454.00	<u>457</u>	384.00	<u>387</u>	328.00	<u>331</u>
96,001 - 98,000	553.00	<u>556</u>	471.00	<u>474</u>	398.00	<u>401</u>	340.00	<u>343</u>
98,001 - 100,000	573.00	<u>576</u>	488.00	<u>491</u>	412.00	<u>415</u>	352.00	<u>355</u>
100,001 - 102,000	593.00	<u>596</u>	505.00	<u>508</u>	426.00	<u>429</u>	364.00	<u>367</u>
102,001 - 104,000	613.00	<u>616</u>	522.00	<u>525</u>	440.00	<u>443</u>	376.00	<u>379</u>
104,001 - 105,500	633.00	<u>636</u>	539.00	<u>542</u>	454.00	<u>457</u>	388.00	<u>391</u>

6. A motor vehicle registered in subsection 5 may be used for custom combining operations by displaying identification issued by the department and upon payment of a fee of twenty-five dollars.

SECTION 6. AMENDMENT. Subdivisions f and g of subsection 1 of section 39-09-02 of the North Dakota Century Code as amended in section 1 of House Bill No. 1046, as approved by the fifty-eighth legislative assembly, are amended and reenacted as follows:

- f. Fifty-five miles [88.51 kilometers] an hour on gravel, dirt, or loose surface highways, and on paved two-lane county and township highways if there is no speed limit posted, unless otherwise permitted, restricted, or required by conditions.
- g. Sixty-five miles [104.61 kilometers] an hour on paved two-lane highways ~~and on paved and divided multilane highways~~ if posted for that speed, unless otherwise permitted, restricted, or required by conditions.

SECTION 7. AMENDMENT. Section 7 of chapter 331 of the 2001 Session Laws is amended and reenacted as follows:

SECTION 7. TEMPORARY ALLOCATION. ~~Two~~ Three dollars of each registration fee collected under subsection 2 or 5 of section 39-04-19 must be deposited in the state highway fund.

SECTION 8. REPEAL. Section 10 of chapter 331 of the 2001 Session Laws is repealed.

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-eighth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1012.

House Vote: Yeas 58 Nays 35 Absent 1

Senate Vote: Yeas 45 Nays 1 Absent 1

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2003.

Approved at _____ M. on _____, 2003.

Governor

Filed in this office this _____ day of _____, 2003,

at _____ o'clock _____ M.

Secretary of State