

**Sixty-first Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 6, 2009**

SENATE BILL NO. 2149
(Transportation Committee)
(At the request of the Department of Transportation)

AN ACT to amend and reenact sections 39-04-10.8, 39-04-10.11, and 39-04-10.12, subsection 3 of section 39-04-10.13, sections 39-04-14 and 39-04-14.1, subdivision j of subsection 2 of section 39-04-18, subsection 3 of section 39-04-19, and sections 39-04-22, 39-04-23, and 39-04-26 of the North Dakota Century Code, relating to motor vehicle registered gross weight.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 39-04-10.8 of the North Dakota Century Code is amended and reenacted as follows:

39-04-10.8. National guard number plates. The director, in cooperation with the adjutant general, shall issue distinctive number plates to members of the national guard. A plate issued under this section must bear the national guard insignia designated by the adjutant general and the letters "NG" before the number. The director may issue the plates to the owner of a passenger motor vehicle or a truck the registered gross weight of which does not exceed ~~ten~~ twenty thousand pounds [~~4535.92~~ 9071.84 kilograms]. On request of the director, the adjutant general shall certify those members of the national guard eligible to receive the plates. On payment of all other fees required under this chapter for registration of the motor vehicle, and payment of an additional fee of not more than five dollars to cover the cost of issuing the distinctive number plates, the applicant is entitled to issuance of the distinctive number plates. A registrant is eligible for distinctive number plates under this section if the registrant is a member of the national guard or if the registrant has retired from the national guard after twenty years or more of military service. On termination of the registrant's eligibility, the registrant shall return the distinctive number plates to the director, who shall reissue for a fee of not more than five dollars another number plate to which that registrant is entitled under this chapter. The director and adjutant general shall cooperate in establishing procedures to implement this section.

SECTION 2. AMENDMENT. Section 39-04-10.11 of the North Dakota Century Code is amended and reenacted as follows:

39-04-10.11. Firefighter's association plates. The director, in cooperation with the North Dakota firefighter's association, shall design a decorative decal that contains an insignia representing service in the pursuit of firefighting and which is to be placed on a distinctive number plate. On payment of all other fees required under this chapter for registration of the motor vehicle, and payment of an additional annual fee of fifteen dollars for deposit in the highway fund, the applicant is entitled to issuance of the decals and plates. However, the director may not issue the decal and plates to the owner of a passenger motor vehicle or a truck the registered gross weight of which equals or exceeds ~~ten~~ twenty thousand pounds [~~4535.92~~ 9071.84 kilograms]. A registrant is eligible for distinctive number plates under this section if the registrant is a member of the North Dakota firefighter's association. On request of the director, the North Dakota firefighter's association shall certify those members of the North Dakota firefighter's association eligible to receive the decals and plates. On termination of the registrant's eligibility, the registrant shall return the decals and plates to the director, who shall reissue for a fee of not more than five dollars another number plate to which that registrant is entitled under this chapter. The director and the North Dakota firefighter's association shall cooperate in establishing procedures to implement this section.

SECTION 3. AMENDMENT. Section 39-04-10.12 of the North Dakota Century Code is amended and reenacted as follows:

39-04-10.12. North Dakota future farmers of America foundation number plates. The director shall design a decorative decal that contains the insignia of the North Dakota FFA foundation to be placed on a distinctive number plate. On payment of all other fees required under this chapter for registration of the motor vehicle and payment of an additional fee of ten dollars, the applicant is entitled to issuance of the decals and plates. However, the director may not issue the decals and plates to the owner of a passenger motor vehicle or a truck the registered gross weight of which equals or exceeds ~~ten~~ twenty thousand pounds [~~4535.92~~ 9071.84 kilograms].

SECTION 4. AMENDMENT. Subsection 3 of section 39-04-10.13 of the North Dakota Century Code is amended and reenacted as follows:

3. Upon proper application for a plate in the organization number plate program and payment of all other fees required under this chapter for registration of the motor vehicle and payment of an additional annual fee of twenty-five dollars, a qualified applicant is entitled to issuance of a certain organization number plate. However, the director may not issue the plates to the owner of a passenger motor vehicle or a truck the registered gross weight of which equals or exceeds ~~ten~~ twenty thousand pounds [~~4535.92~~ 9071.84 kilograms].

SECTION 5. AMENDMENT. Section 39-04-14 of the North Dakota Century Code is amended and reenacted as follows:

39-04-14. Renewal of registration. Every vehicle registration, except those described in section 39-04-14.1, under this chapter expires on December thirty-first each year and must be renewed annually upon application by the owner and by payment of the fees required by law, such renewal to take effect on the first day of January each year. An owner who has made proper application for renewal of registration of a vehicle previous to January first but who has not received the number plates, plate, or registration card for the ensuing year is entitled to operate or permit the operation of such vehicle upon the highways upon displaying thereon the number plates or plate issued for the preceding year for such time, to be prescribed by the department, as may be required for the issuance of the new plates. If a previously registered motor vehicle whose registered gross weight exceeds ~~ten~~ twenty thousand pounds [~~4535.92~~ 9071.84 kilograms] is purchased during the period the vehicle's registration in this state is expired, the registration fee must be prorated on a monthly basis from the date of purchase to January first.

SECTION 6. AMENDMENT. Section 39-04-14.1 of the North Dakota Century Code is amended and reenacted as follows:

39-04-14.1. Renewal of registration of motor vehicles under certain weight. Except as otherwise provided in this section, the registration of a motor vehicle whose registered gross weight does not exceed ~~ten~~ twenty thousand pounds [~~4535.92~~ 9071.84 kilograms] expires on the last day of the month which is the anniversary of the month it was originally registered. The registration may be renewed annually on application by the owner and payment of fees required by law. The renewal takes effect on the first day of the first month of the registration period. An owner of more than one vehicle qualifying for staggered registration under this section may renew all of the owner's vehicles in the same month. The director shall prorate the registration fees accordingly. If a previously registered motor vehicle whose registered gross weight does not exceed ~~ten~~ twenty thousand pounds [~~4535.92~~ 9071.84 kilograms] is purchased during the period the vehicle's registration in this state is expired, the department shall collect the annual registration fee under section 39-04-19 and shall issue registration that expires on the last day of the month that is the anniversary of the month the vehicle was purchased.

SECTION 7. AMENDMENT. Subdivision j of subsection 2 of section 39-04-18 of the North Dakota Century Code is amended and reenacted as follows:

- j. Motor vehicles not exceeding twenty-six thousand pounds [11793.40 kilograms] registered gross weight owned and operated by a disabled veteran under the provisions of Public Law 79-663 [38 U.S.C. 3901] or who has a one hundred percent service-connected disability as determined by the department of veterans' affairs who

is entitled to display a distinctive license plate issued by the department upon the payment of a fee of five dollars. This exemption applies to no more than two such motor vehicles owned by a disabled veteran at any one time.

SECTION 8. AMENDMENT. Subsection 3 of section 39-04-19 of the North Dakota Century Code is amended and reenacted as follows:

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~~ twenty thousand pounds [~~4535.92~~ 9071.84 kilograms] registered gross weight but shall apply to no more than two such motor vehicles owned by a disabled veteran at any one time.

SECTION 9. AMENDMENT. Section 39-04-22 of the North Dakota Century Code is amended and reenacted as follows:

39-04-22. Motor vehicle exceeding registered gross weight for which licensed not to be operated on highway - Exception. Except as otherwise provided by law, a motor vehicle, or a combination of motor vehicles, may not be operated upon the highways of this state when the gross weight exceeds the registered gross weight for which the vehicle or combination of vehicles was licensed. Any person violating the provisions of this section will be required to license such motor vehicle at the higher legal rate in accordance with the weight carried by the motor vehicle at the time of the violation for the entire license period. However, such registration may not be construed to authorize the movement of loads in violation of chapter 39-12.

SECTION 10. AMENDMENT. Section 39-04-23 of the North Dakota Century Code is amended and reenacted as follows:

39-04-23. Registered motor vehicle transporting property may change registration to higher or lower registered gross weight. Any owner of a motor vehicle transporting property who has licensed the vehicle for any gross weight limitations may change the registration to a higher registered gross weight limitation by the payment of the difference between the fee required for the new registration and the fee paid for the registration under which the vehicle is being operated. The fee must equal one-twelfth of the annual higher registration fee less one-twelfth of the registration fee already paid, the difference multiplied by the number of whole and partial calendar months remaining in the registration period. In no event may the fee be less than five dollars.

SECTION 11. AMENDMENT. Section 39-04-26 of the North Dakota Century Code is amended and reenacted as follows:

39-04-26. Registration of vehicles transporting property - Based on registered gross weight - Minimum gross weight - Exemption. The registration and license fee for a motor vehicle or for any lawful combination of motor vehicles used for the transportation of property must be based upon the registered gross weight of the motor vehicle or combination of vehicles. The minimum gross weight for which the motor vehicle or combination of motor vehicles can be licensed is double the unloaded weight of the motor vehicle or combination of vehicles and, subject to the minimum, the owner of any motor vehicle or combination of vehicles in the application for license shall set out the gross weight for which the owner desires a license. The gross weight of any trailer, semitrailer, or farm trailer may not be included in the minimum gross weight for which a vehicle must be licensed when the vehicle or combination of vehicles is not for hire and when the gross weight of the trailer, semitrailer, or farm trailer being towed does not exceed twenty-four thousand pounds [10886.22 kilograms].

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-first Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2149.

Senate Vote: Yeas 46 Nays 0 Absent 1

House Vote: Yeas 90 Nays 0 Absent 4

Secretary of the Senate

Received by the Governor at _____ M. on _____, 2009.

Approved at _____ M. on _____, 2009.

Governor

Filed in this office this _____ day of _____, 2009,
at _____ o'clock _____ M.

Secretary of State