2011 HOUSE TRANSPORTATION

HB 1113

2011 HOUSE STANDING COMMITTEE MINUTES

House Transportation Committee
Fort Totten Room, State Capitol

HB 1113
01/13/2011
Job # 12973

☐ Conference Committee

Committee Clerk Signature Jeanette Cook

Explanation or reason for introduction of bill/resolution:

This is a bill relating to number plates, motor vehicle registration fees and miles and tax, and dealer's license.

Minutes: See attachment #1

Chairman Ruby opened the hearing on HB 1113.

Linda Sitz, Director of Motor Vehicle Division, North Dakota Department of Transportation, provided testimony for HB 1113. See attached testimony #1.

Representative Delmore: I understand the need for fees for different weights, but does it mean that I cannot get one of these specialized plates if my vehicle is over 20,000 pounds?

Linda Sitz: No, that is not what it is saying. It is just giving clarification to what is already in statute.

Chairman Ruby: It does say that the Department of Transportation may not issue the decal plates to the owner of a passenger motor vehicle or truck of registered gross weight which equals or exceeds 20,000 pounds. So, it does say that if it is over that it will not be issued. They did not get rid of exceeds, just equals to. What is the number of vehicles that would fall into the group that would equal 20,000 pounds or be just slightly over?

Linda Sitz: I don't' have the number of vehicles at this time, but I will get that information for you.

Chairman Ruby: By removing the "equals", will we increase the number that can be?

Linda Sitz: The thought process on taking out the work "equals or" was an administrative change to give clarification so that we know if it exceeds the 20,000 pounds. That is what we were looking at. The "equals or" was causing confusion internally with the staff.

Chairman Ruby: I think it means that you would not be able to if it was at 20,000 pounds. If you take "equals or" out, now you could license it as long as it was at 21,000 pounds. It

is actually allowing vehicles that say 20,000 pounds to be licensed when currently they wouldn't, because you could not issue one if it equaled or exceeded 20,000 pounds. So, we are actually increasing the amount of vehicles that could be licensed with that decal? Am I reading that right?

Linda Sitz: The intent of taking out this word was just to give clarification that those that exceed the 20,000 pounds could not get the same fee structure.

Representative Weisz: To further clarify, I assume that you were allowing 20,000 pounds, and this is basically changing it to what you already assumed it was supposed to be. Is that correct?

Linda Sitz: Yes, that is correct. It is to codify what we were already doing.

Representative Frantsvog: The way that I see it; we are only dealing with one pound.

Chairman Ruby: That is correct.

Representative Vigesaa: For your information, when you register a vehicle you take the actual weight of the vehicle and double it. In the case of the 20,000 pounds it would have to be a vehicle over 10,000 pounds as it sits on the ground. The registered gross weight would be double that. For example, a one ton dually Dodge Ram with a diesel weighs just over 7,000 pounds. These would be very large vehicles to put you outside the 20,000 range.

Chairman Ruby: In Section 5 it goes to 26,000 pounds. Why isn't it consistent with the 20,000?

Linda Sitz: The reason we addressed the 26,000 pounds in Section 5 is because it is a disabled vehicle. We were trying to take into consideration the additional equipment the vehicle may have carry. We didn't want to penalize them for that.

Chairman Ruby: What would the effect be in Section 4 by moving it up by 10,000 pounds?

Linda Sitz: The attempt was to bring uniformity to how the internal personnel were monitoring the weights of the vehicles. Because this section was missed last session, we are bringing it in line with that.

Vice Chairman Weiler: I have a question for Representative Vigesaa. Can you explain the doubling the weight for the gross weight?

Representative Vigesaa: I don't' know the logic, but that is what they do.

Vice Chairman Weiler: Is it because of impact on the road?

Representative Vigesaa: I don't know if it has anything to do with the impact on the road.

It puts into the category, so that the license fees match up with a passenger vehicle fee of the weight that has the same fee structure.

Representative Gruchalla: When you double the unladen weight of the vehicle, you then are licensed to carry a load. For example, an half ton pickup could carry about that much weight. If you are licensed to carry up to 20,000, that is all you can carry. If you want to carry more, you can up the license fee.

There was no further support for HB 1113.

There was no opposition for HB 1113.

Representative Weisz moved a DO PASS on HB 1113.

Representative R. Kelsch seconded the motion.

A roll call vote was taken. Aye 14 Nay 0 Absent 0

The motion passed.

Representative Owens will carry HB 1113.

The hearing was closed on HB 1113.

FISCAL NOTE

Requested by Legislative Council
12/21/2010

Bill/Resolution No.: HB 1113

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.*

	2009-2011 Biennium		2011-2013 Biennium		2013-2015 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.*

2009-2011 Biennium			2011-2013 Biennium			2013-2015 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

This bill is a "housekeeping" bill to clean up some language in NDCC.

B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

This bill should have no fiscal impact.

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, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

Name:	Shannon L. Sauer	Agency:	NDDOT
Phone Number:	328-4375	Date Prepared:	01/03/2011

Date: 1-13-11

Roll Call Vote #: _____

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 1113

House TRANSPORTATION Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken ☒ Do Pass ☐ Do Not Pass ☐ Amended ☐ Adopt Amendment

☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Weisz Seconded By Kelsch

Representatives	Yes	No	Representatives	Yes	No
Chairman Ruby	X		Representative Delmore	X	
Vice Chairman Weiler	X		Representative Gruchalla	X	
Representative Frantsvog	X		Representative Hogan	X	
Representative Heller	X		Representative Onstad	X	
Representative R. Kelsch	X				
Representative Louser	X				
Representative Owens	X				
Representative Sukut	X				
Representative Vigesaa	X				
Representative Weisz	X				

Total (Yes) 14 No 0

Absent 0

Floor Assignment Owens.

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

REPORT OF STANDING COMMITTEE

HB 1113: Transportation Committee (Rep. Ruby, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1113 was placed on the Eleventh order on the calendar.

2011 SENATE TRANSPORTATION

HB 1113

2011 SENATE STANDING COMMITTEE MINUTES

Senate Transportation Committee
Lewis and Clark Room, State Capitol

HB 1113
March 11, 2011
15332

☐ Conference Committee

Explanation or reason for introduction of bill/resolution:

This bill is a cleanup bill that was pre-filed by the North Dakota Department of Transportation.

Minutes: *One written testimony*

Chairman Senator Lee opened the hearing on HB 1113 relating to number plates, motor vehicle registration fees and miles tax, and dealer's licenses.

Linda Sitz, Director of the Motor Vehicle Division at the North Dakota Department of Transportation said that the NDDOT pre-filed HB 1113 as an agency bill. This bill is a cleanup bill. Written testimony # 1

Senator Nodland asked that in section 4 when they say using double the weight is there any reason why we have to use that. Can we just say the stated weight of the vehicle?

Ms. Sitz replied that it was changed in statue to recognize that the pickup could be carrying equal amounts of its weight.

Senator Lee clarified that when that pickup is registered the manufactured weight would be coming to the DOT so they would know what that weight was.

Ms. Sitz replied yes and that they would recognize the registered gross weight of that vehicle. That information comes on the MCO of the vehicle. The MCO is like a birth certificate.

No opposing testimony.

Senator Lee closed the hearing on HB 1113.

Senator Nodland moved a **Do Pass**.

Senator Nething seconded the motion.

Roll call vote: 5-0-1. **Motion passed**

Senator Nodland is the carrier.

Date: 3-3-11
Roll Call Vote # 1

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1113

Senate Transportation Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: ☒ Do Pass ☐ Do Not Pass ☐ Amended ☐ Adopt Amendment

☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Senator Nodland Seconded By Senator Nething

Senators	Yes	No	Senators	Yes	No
Chairman Gary Lee	✓		Senator Tim Mathern	✓	
Vice Chairman Dave Oehlke					
Senator Dave Nething	✓				
Senator George Nodland	✓				
Senator Margaret Sitte	✓				

Total (Yes) 5 No 0

Absent 1

Floor Assignment Senator Nodland

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

REPORT OF STANDING COMMITTEE

HB 1113: Transportation Committee (Sen. G. Lee, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1113 was placed on the Fourteenth order on the calendar.

2011 TESTIMONY

HB 1113

HOUSE TRANSPORTATION COMMITTEE
Date: January 13th – 9:00 a.m. – Fort Totten

North Dakota Department of Transportation
Linda Sitz, Director, Motor Vehicle Division

HB 1113

Mr. Chairman and members of the committee. I'm Linda Sitz, Director of the Motor Vehicle Division at the North Dakota Department of Transportation. Thank you for giving me the opportunity to present information to you today.

The North Dakota Department of Transportation pre-filed HB1113 as an agency bill. This bill is a cleanup bill.

In **Section 1**, Firefighters plates, **Section 2**, FFA plates, and **Section 3**, Public or Non Profit Organizational Plates, the words "equal or" are removed to add clarity to the fact that this fee can be applied to a vehicle up to and including 20,000 lbs, but clarifies that vehicles with a weight more than 20,000 cannot receive the same fee.

Last session we attempted to harmonize the language as it referred to weights of vehicles and the resulting registration fees. Gross weight, manufacturer's weight and gross vehicle registered weight were all references made to the weight upon which the department was to assess registration fees.

Section 4: In order to calculate the proper registration fee, the manufacturer's shipping weight was to be doubled before applying registration fees. Last session, we established a single referenced weight, "registered gross weight" as the manufacturer's shipping weight times two. This sections of statute was overlooked and hence this bill is primarily clean up to harmonize language. Here the "registered gross weight" is defined to be two times the manufacturer's weight of the vehicle. This brings this section in line with the language which was changed last session. There are no fee increases resulting from this change.

Section 5: We are recognizing that some vehicles used by disabled veterans may have special equipment causing them to exceed the 20,000 lb. threshold; therefore we are raising the threshold to 26,000 for this class of citizen.

Section 6: We are correcting an error in wording. In paragraph 3 of this section, it is clear the statue is talking about motor powered recreational vehicles. Motor cycles are one in this class. Therefore the word motor cycle should be changed to motor powered recreation vehicles in paragraph 4.

Thank you, Mr. Chairman, I would be happy to answer any questions.

SENATE TRANSPORTATION COMMITTEE #1
Date: March 11th – 9:00 a.m. – Lewis and Clark

North Dakota Department of Transportation
Linda Sitz, Director, Motor Vehicle Division

HB 1113

Mr. Chairman and members of the committee. I'm Linda Sitz, Director of the Motor Vehicle Division at the North Dakota Department of Transportation (DOT). I have with me, Jennifer Hoggarth, who is a supervisor within the Motor Vehicle Consumer Section. Thank you for giving me the opportunity to present information to you today.

The DOT pre-filed HB1113 as an agency bill. This bill is a cleanup bill. These sections were accidently overlooked last session.

In **Section 1**, Firefighters plates, **Section 2**, FFA plates, and **Section 3**, Public or Non Profit Organizational Plates, the words "equal or" are removed to add clarity to the fact that this fee can be applied to a vehicle up to and including 20,000 lbs, but clarifies that vehicles with a weight more than 20,000 cannot receive the same fee.

Last session we attempted to harmonize the language as it referred to weights of vehicles and the resulting registration fees. Gross weight, manufacturer's weight and gross vehicle registered weight were all references made to the weight upon which the department was to assess registration fees and this caused confusion with staff.

Section 4: In order to calculate the proper registration fee, the manufacturer's shipping weight was to be doubled before applying registration fees. There are several descriptions used for vehicle weight, to include gross weight, gross vehicle weight, shipping weight, and registered weight. Last session, we established a single referenced weight, "registered gross weight" as the manufacturer's shipping weight times two. This section of statute was overlooked and hence this bill is primarily clean up to harmonize language. Here the "registered gross weight" is defined to be two times the manufacturer's weight of the vehicle. Currently, NDCC 39-04-19.2.a requires the shipping weight of a pickup to be doubled for a registration weight. This bill seeks to clarify the wording to reflect the actual practice of DOT. We request a change in wording from "gross weight," which implies the actual weight of the vehicle, to "registered gross weight," which is the weight for which the vehicle is registered. As stated previously, the "registered gross weight" is double the shipping weight for a pickup. To illustrate, a 2002 Chevrolet pickup with a shipping weight of 4,858 pounds is registered at two times the shipping weight, so it is 9,716 pounds.

The verbiage change will bring this section in line with the language which was changed last session. This change **will not change** any fees owed by the vehicle owners.

Section 5: We are recognizing that some vehicles used by disabled veterans may have special equipment causing them to exceed the 20,000 lb. threshold; therefore we are raising the threshold to 26,000 for this class of citizen.

Section 6: We are correcting an error in wording. In paragraph 3 of this section, it is clear the statue is talking about motor powered recreational vehicles. Motor cycles are one in this class. Therefore the word motor cycle should be changed to motor powered recreation vehicles in paragraph 4.

Thank you, Mr. Chairman, I would be happy to answer any questions.