

Sixty-third  
Legislative Assembly  
of North Dakota

## ENGROSSED HOUSE BILL NO. 1205

Introduced by

Representatives Paur, Gruchalla, D. Johnson, Meier, Owens

Senator Lyson

1 A BILL for an Act to create and enact a new section to chapter 39-04 of the North Dakota  
2 Century Code, relating to patriotic logos on number plates; to amend and reenact sections  
3 39-04-10.3 and 39-04-10.14 and subdivisions j and o of subsection 2 of section 39-04-18 of the  
4 North Dakota Century Code, relating to number plates for certain veterans; and to provide an  
5 appropriation.

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

7 **SECTION 1. AMENDMENT.** Section 39-04-10.3 of the North Dakota Century Code is  
8 amended and reenacted as follows:

9 **39-04-10.3. Personalized plates.**

10 ~~The~~At the request of a registrant, the department may, ~~in its discretion,~~ provide special  
11 license plates marked with not more than seven numerals, letters, or ampersands, or  
12 combinations of numerals, letters, and ampersands, ~~at the request of the registrant,~~ upon  
13 application ~~therefor~~for a special license plate and payment of an additional fee of twenty-five  
14 dollars per registration period, unless the plate is a gold star license plate or a prisoner of war  
15 license plate, then there is no additional charge. The department shall make the special license  
16 plates authorized by this section available for motor vehicles registered under section  
17 39-04-10.6, trailers, travel trailers, and motorcycles. The fee for the special license plates issued  
18 under this section for vehicles registered under section 39-04-10.6 is a one-time fee of one  
19 hundred dollars. The special license plates for motorcycles may contain not more than six  
20 numerals, letters, or ampersands, or a combination of not more than six numerals, letters, and  
21 ampersands. In the event of sale or transfer of the vehicle, the owner must remove the special  
22 license plates in accordance with section 39-04-36. Upon payment of the applicable transfer  
23 fee, the special license plates may be transferred to a replacement motor vehicle.

1       **SECTION 2. AMENDMENT.** Section 39-04-10.14 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3       **39-04-10.14. North Dakota gold star number plates ~~--Definition--Description--Fee.~~**

- 4       1. The director may issue distinctive number plates to a surviving spouse, parent,  
5 including stepmother, stepfather, parent through adoption, and foster parent who  
6 stands or stood in loco parentis, grandparents, child, including stepchild and child  
7 through adoption, and sibling, including half-brother and half-sister, of a member of the  
8 armed forces of the United States who died while serving on active duty during a time  
9 of military conflict. The director shall issue a number plate under this section upon  
10 receiving:
- 11       a. ~~Payment~~ payment of all other fees required under this chapter for registration of a  
12 motor vehicle;
  - 13       b. ~~Payment of an initial fee of fifteen dollars, of which ten dollars is to be deposited~~  
14 ~~in the highway tax distribution fund and five dollars is to be deposited in the~~  
15 ~~veterans' cemetery maintenance fund; and~~
  - 16       c. ~~Verification of subsequent payments of an annual surcharge of ten dollars paid to~~  
17 ~~the adjutant general.~~
- 18       2. ~~The department shall collect the fees and the ten dollar surcharge under this section.~~  
19 ~~The department shall report to the legislative assembly on the funds collected under~~  
20 ~~this section during each legislative session. The department shall pay the funds~~  
21 ~~collected for the veterans' cemetery and adjutant general to the adjutant general~~  
22 ~~monthly. Within ten days of receipt of the funds, the adjutant general shall deposit five~~  
23 ~~dollars of each initial fee in the veterans' cemetery maintenance fund and shall~~  
24 ~~apportion the ten dollar surcharge and deposit five dollars in the veterans' cemetery~~  
25 ~~trust fund and five dollars in the veterans' cemetery maintenance fund in the state~~  
26 ~~treasury. The state treasurer may invest the fund in the same manner as the state~~  
27 ~~investment board is authorized to make investments. At the request of the adjutant~~  
28 ~~general, the interest in the veterans' cemetery trust fund must be deposited in the~~  
29 ~~veterans' cemetery maintenance fund for the purpose of funding salaries and~~  
30 ~~maintenance of the veterans' cemetery.~~

1       3. Plates issued under this section must bear a gold star emblem logo on the left side of  
2       the plate and the letters "GS" before the number. The director shall cooperate with the  
3       director of the department of veterans' affairs to design the gold star emblem logo. The  
4       director may issue one set of plates per eligible owner of a passenger motor vehicle or  
5       a truck the registered gross weight of which does not exceed twenty thousand pounds  
6       [9071.85 kilograms].

7       4.3. On request of the director, the department of veterans' affairs shall certify those  
8       surviving family members of deceased members of the United States armed forces  
9       listed above as eligible to receive the plates.

10      5.4. Once declared eligible for a gold star plate, the department may not remove the  
11      eligibility of a surviving family member.

12      6.5. Once a plate number is issued to an eligible family member, the department may not  
13      assign the plate to another eligible person.

14      **SECTION 3. AMENDMENT.** Subdivisions j and o of subsection 2 of section 39-04-18 of the  
15      North Dakota Century Code are amended and reenacted as follows:

16           j. Motor vehicles not exceeding twenty-six thousand pounds [11793.40 kilograms]  
17           registered gross weight owned and operated by a disabled veteran under the  
18           provisions of Public Law 79-663 [38 U.S.C. 3901], a disabled veteran who has a  
19           one hundred percent service-connected disability as determined by the  
20           department of veterans' affairs, or a disabled veteran who has an extra-schedular  
21           rating to include individual unemployability that brings the veteran's total disability  
22           rating to one hundred percent as determined by the department of veterans'  
23           affairs is entitled to display a distinctive license plate issued by the department  
24           ~~upon the payment of a fee of five dollars.~~ This exemption applies to no more than  
25           two such motor vehicles owned by a disabled veteran at any one time.

26           o. Passenger motor vehicles, house cars, or pickup trucks not exceeding twenty  
27           thousand pounds [9071.84 kilograms] registered gross weight owned and  
28           operated by a resident who, while serving in the United States armed forces, was  
29           a prisoner of war and has received an honorable discharge from the United  
30           States armed forces; ~~provided, however, that~~ vehicles is entitled to display a  
31           distinctive license plate issued by the department ~~upon the payment of five-~~

1           dollars. This exemption also applies to any passenger motor vehicle, house car,  
2           or pickup truck not exceeding twenty thousand pounds [9071.84 kilograms]  
3           registered gross weight subsequently purchased or acquired by such a former  
4           prisoner of war; ~~provided, that the.~~ This exemption provided by this subdivision is  
5           ~~allowed only with respect~~ applies to no more than two motor vehicle  
6           ~~owned by such a former prisoner of war at any one time. A surviving spouse of a~~  
7           ~~former prisoner of war who has not remarried retains the exemption of the~~  
8           ~~deceased veteran who qualified under this subdivision for one vehicle.~~

9           **SECTION 4.** A new section to chapter 39-04 of the North Dakota Century Code is created  
10          and enacted as follows:

11          **Patriotic logos.**

12          1. The director shall issue four patriotic logos under this section upon receiving:

13               a. Payment of all other fees required under this chapter for registration of a motor  
14               vehicle;

15               b. Payment of an initial fee of twenty dollars of which the department shall deposit  
16               fifteen dollars in the highway tax distribution fund and pay five dollars to the state  
17               treasurer; and

18               c. Payment of an annual surcharge of ten dollars which the department shall pay to  
19               the state treasurer.

20          2. The department shall collect the initial fees and the annual surcharges under this  
21          section. During each legislative session, the department shall report to the legislative  
22          assembly on the funds collected under this section. For funds payable to the state  
23          treasurer under subdivisions b and c of subsection 1, the department shall pay the  
24          funds monthly to the state treasurer, who within ten days of receipt of the funds, shall  
25          deposit five dollars of each initial fee and the annual surcharge in the veterans'  
26          postwar trust fund to be added to the principal of the fund. The state treasurer shall  
27          invest the fund in the same manner as the state investment board is authorized to  
28          make investments.

29          **SECTION 5. APPROPRIATION.** There is appropriated out of any moneys in the general  
30          fund in the state treasury, not otherwise appropriated, the sum of \$9,000, or so much of the sum  
31          as may be necessary, to the department of transportation for the purpose of issuing patriotic

1 logos as provided for under section 4 of this Act, for the biennium beginning July 1, 2013, and  
2 ending June 30, 2015.

3 **SECTION 6. APPROPRIATION.** There is appropriated out of any moneys in the general  
4 fund in the state treasury, not otherwise appropriated, the sum of \$3,500, or so much of the sum  
5 as may be necessary, to the adjutant general to be divided equally between the veterans'  
6 cemetery trust fund and veterans' cemetery maintenance fund for the biennium beginning  
7 July 1, 2013, and ending June 30, 2015.