

**SENATE BILL NO. 2114**

Introduced by

Transportation Committee

(At the request of the Tax Commissioner)

1 A BILL for an Act to create and enact a new subsection to section 39-24-03 and a new  
2 subsection to section 39-29-03 of the North Dakota Century Code, relating to registration of  
3 snowmobiles and to registration of off-highway vehicles; to amend and reenact subsection 2 of  
4 section 57-40.3-01 of the North Dakota Century Code, relating to the definition of motor vehicle;  
5 and to provide an effective date.

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

7 **SECTION 1.** A new subsection to section 39-24-03 of the North Dakota Century Code is  
8 created and enacted as follows:

9 The director may not issue a title or license registration for the ownership or operation  
10 of any snowmobile unless the applicant for title or registration presents proof of  
11 payment of sales or use tax that was due upon acquisition or bringing the snowmobile  
12 into this state for storage or use in this state, or presents proof of exemption from  
13 sales or use taxes. Credit for taxes paid by the applicant upon acquisition of the  
14 snowmobile in another state must be allowed as provided in section 57-40.2-11 if proof  
15 of that payment is presented. To establish that the snowmobile was acquired through a  
16 casual sale and qualifies for exempt status, the applicant shall present a receipt for the  
17 sale signed by the seller and showing the seller's name and address. The department  
18 may waive the furnishing of a signed receipt for a casual sale if the applicant shows  
19 good cause why a receipt is unavailable and signs a statement showing the name and  
20 address of the seller and stating that to the best of the applicant's knowledge the seller  
21 is not in the business of selling snowmobiles.

22 **SECTION 2.** A new subsection to section 39-29-03 of the North Dakota Century Code is  
23 created and enacted as follows:

1           The director may not issue a title or license registration for the ownership or operation  
2           of any off-highway vehicle unless the applicant for title or registration presents proof of  
3           payment of sales or use tax that was due upon acquisition or bringing the off-highway  
4           vehicle into this state for storage or use in this state, or presents proof of exemption  
5           from sales or use taxes. Credit for taxes paid by the applicant upon acquisition of the  
6           off-highway vehicle in another state must be allowed as provided in section 57-40.2-11  
7           if proof of that payment is presented. To establish that the off-highway vehicle was  
8           acquired through a casual sale and qualifies for exempt status, the applicant shall  
9           present a receipt for the sale signed by the seller and showing the seller's name and  
10           address. The department may waive the furnishing of a signed receipt for a casual  
11           sale if the applicant shows good cause why a receipt is unavailable and signs a  
12           statement showing the name and address of the seller and stating that to the best of  
13           the applicant's knowledge the seller is not in the business of selling off-highway  
14           vehicles.

15           **SECTION 3. AMENDMENT.** Subsection 2 of section 57-40.3-01 of the North Dakota  
16 Century Code is amended and reenacted as follows:

17           2. "Motor vehicle" includes every vehicle that is self-propelled and every vehicle that is  
18           propelled by electric power obtained from overhead trolley wires, but not operated  
19           upon rails, every trailer, semitrailer, park model trailer as defined in subsection 2 of  
20           section 57-55-10, ~~off-highway vehicle, snowmobile,~~ low-speed vehicle, and travel  
21           trailer for which a certificate of title is required to be obtained under chapter 39-05, but  
22           not including ~~off-highway vehicles, snowmobiles,~~ housetrailers or mobile homes.

23           **SECTION 4. EFFECTIVE DATE.** This Act is effective for taxable events occurring after  
24 June 30, 2015.