

PROPOSED AMENDMENTS TO SENATE BILL NO. 2144

Page 1, after "A BILL" replace the remainder of the bill with "for an act to amend and reenact sections 39-04-19, 57-43.1-02, and 57-43.2-02 of the North Dakota Century Code, relating to registration fees for motor vehicles and fuels taxes; to repeal section 7 of chapter 12 of the 2003 Session Laws, relating to registration fee allocation; and to provide an effective date.

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

**SECTION 1. 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	<del>\$60</del> <u>\$68</u>	<del>\$52</del> <u>\$60</u>	<del>\$44</del> <u>\$52</u>	<del>\$36</del> <u>\$44</u>	
3,200 - 4,499	<del>80</del> <u>88</u>	<del>68</del> <u>76</u>	<del>56</del> <u>64</u>	<del>44</del> <u>52</u>	
4,500 - 4,999	<del>98</del> <u>106</u>	<del>84</del> <u>89</u>	<del>66</del> <u>74</u>	<del>50</del> <u>58</u>	
5,000 - 5,999	<del>129</del> <u>137</u>	<del>107</del> <u>115</u>	<del>85</del> <u>93</u>	<del>63</del> <u>71</u>	
6,000 - 6,999	<del>162</del> <u>170</u>	<del>133</del> <u>141</u>	<del>104</del> <u>112</u>	<del>76</del> <u>84</u>	
7,000 - 7,999	<del>195</del> <u>203</u>	<del>159</del> <u>167</u>	<del>124</del> <u>132</u>	<del>89</del> <u>97</u>	
8,000 - 8,999	<del>228</del> <u>236</u>	<del>186</del> <u>194</u>	<del>144</del> <u>152</u>	<del>102</del> <u>110</u>	
9,000 and over	<del>264</del> <u>269</u>	<del>212</del> <u>220</u>	<del>164</del> <u>172</u>	<del>115</del> <u>123</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].

- a. 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	<del>\$58</del> <u>\$66</u>		<del>\$45</del> <u>\$53</u>		<del>\$40</del> <u>\$48</u>		<del>\$37</del> <u>\$45</u>		<del>\$36</del> <u>\$44</u>	
4,001 - 6,000	<del>63</del> <u>71</u>		<del>50</del> <u>58</u>		<del>44</del> <u>52</u>		<del>38</del> <u>46</u>		<del>37</del> <u>45</u>	
6,001 - 8,000	<del>68</del> <u>76</u>		<del>55</del> <u>63</u>		<del>48</del> <u>56</u>		<del>39</del> <u>47</u>		<del>38</del> <u>46</u>	
8,001 - 10,000	<del>73</del> <u>81</u>		<del>60</del> <u>68</u>		<del>52</del> <u>60</u>		<del>44</del> <u>49</u>		<del>40</del> <u>48</u>	
10,001 - 12,000	<del>78</del> <u>86</u>		<del>65</del> <u>73</u>		<del>56</del> <u>64</u>		<del>43</del> <u>51</u>		<del>42</del> <u>50</u>	
12,001 - 14,000	<del>83</del> <u>91</u>		<del>70</del> <u>78</u>		<del>60</del> <u>68</u>		<del>46</del> <u>54</u>		<del>45</del> <u>53</u>	
14,001 - 16,000	<del>88</del> <u>96</u>		<del>75</del> <u>83</u>		<del>64</del> <u>72</u>		<del>49</del> <u>57</u>		<del>48</del> <u>56</u>	
16,001 - 18,000	<del>93</del> <u>101</u>		<del>80</del> <u>88</u>		<del>68</del> <u>76</u>		<del>54</del> <u>59</u>		<del>50</del> <u>58</u>	
18,001 - 20,000	<del>96</del> <u>104</u>		<del>83</del> <u>91</u>		<del>70</del> <u>78</u>		<del>52</del> <u>60</u>		<del>54</del> <u>59</u>	

Gross Weights	YEARS REGISTERED							
	1st, 2nd, 3rd, 4th, 5th, 6th, and 7th Years			8th, 9th, 10th, 11th, and 12th Years			13th and Subsequent Years	
20,001 - 22,000	<del>\$126</del> <u>\$134</u>			<del>\$100</del> <u>\$108</u>			<del>\$87</del> <u>\$95</u>	
22,001 - 26,000	<del>178</del> <u>186</u>			<del>148</del> <u>156</u>			<del>132</del> <u>140</u>	
26,001 - 30,000	<del>239</del> <u>247</u>			<del>197</del> <u>205</u>			<del>175</del> <u>183</u>	
30,001 - 34,000	<del>305</del> <u>313</u>			<del>250</del> <u>258</u>			<del>222</del> <u>230</u>	
34,001 - 38,000	<del>366</del> <u>374</u>			<del>299</del> <u>307</u>			<del>265</del> <u>273</u>	
38,001 - 42,000	<del>427</del> <u>435</u>			<del>348</del> <u>356</u>			<del>307</del> <u>315</u>	
42,001 - 46,000	<del>488</del> <u>496</u>			<del>396</del> <u>404</u>			<del>350</del> <u>358</u>	
46,001 - 50,000	<del>549</del> <u>557</u>			<del>445</del> <u>453</u>			<del>393</del> <u>401</u>	
50,001 - 54,000	<del>619</del> <u>627</u>			<del>503</del> <u>511</u>			<del>444</del> <u>452</u>	
54,001 - 58,000	<del>680</del> <u>688</u>			<del>552</del> <u>560</u>			<del>487</del> <u>495</u>	
58,001 - 62,000	<del>742</del> <u>750</u>			<del>604</del> <u>609</u>			<del>530</del> <u>538</u>	
62,001 - 66,000	<del>802</del> <u>810</u>			<del>649</del> <u>657</u>			<del>573</del> <u>581</u>	
66,001 - 70,000	<del>863</del> <u>871</u>			<del>698</del> <u>706</u>			<del>615</del> <u>623</u>	
70,001 - 74,000	<del>924</del> <u>932</u>			<del>747</del> <u>755</u>			<del>658</del> <u>666</u>	
74,001 - 78,000	<del>985</del> <u>993</u>			<del>796</del> <u>804</u>			<del>704</del> <u>709</u>	
78,001 - 82,000	<del>1,046</del> <u>1,054</u>			<del>845</del> <u>853</u>			<del>744</del> <u>752</u>	
82,001 - 86,000	<del>1,109</del> <u>1,117</u>			<del>894</del> <u>902</u>			<del>787</del> <u>795</u>	
86,001 - 90,000	<del>1,171</del> <u>1,179</u>			<del>943</del> <u>951</u>			<del>830</del> <u>838</u>	
90,001 - 94,000	<del>1,233</del> <u>1,241</u>			<del>992</del> <u>1,000</u>			<del>873</del> <u>881</u>	
94,001 - 98,000	<del>1,295</del> <u>1,303</u>			<del>1,041</del> <u>1,049</u>			<del>916</del> <u>924</u>	
98,001 - 102,000	<del>1,357</del> <u>1,365</u>			<del>1,090</del> <u>1,098</u>			<del>959</del> <u>967</u>	
102,001 - 105,500	<del>1,419</del> <u>1,427</u>			<del>1,139</del> <u>1,147</u>			<del>1,002</del> <u>1,010</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.

Gross Weights	YEARS REGISTERED			
	1st, 2nd, 3rd, 4th, 5th, and 6th Years	7th and 8th Years	9th and 10th Years	11th and Subsequent Years
20,001 - 22,000	<del>98</del> <u>106</u>	<del>84</del> <u>92</u>	<del>70</del> <u>78</u>	<del>52</del> <u>60</u>
22,001 - 24,000	<del>103</del> <u>111</u>	<del>88</del> <u>96</u>	<del>73</del> <u>81</u>	<del>54</del> <u>62</u>
24,001 - 26,000	<del>111</del> <u>119</u>	<del>94</del> <u>102</u>	<del>77</del> <u>85</u>	<del>56</del> <u>64</u>
26,001 - 28,000	<del>122</del> <u>130</u>	<del>102</del> <u>110</u>	<del>83</del> <u>91</u>	<del>60</del> <u>68</u>
28,001 - 30,000	<del>134</del> <u>139</u>	<del>110</del> <u>118</u>	<del>89</del> <u>97</u>	<del>64</del> <u>72</u>
30,001 - 32,000	<del>146</del> <u>154</u>	<del>123</del> <u>131</u>	<del>100</del> <u>108</u>	<del>73</del> <u>81</u>
32,001 - 34,000	<del>156</del> <u>164</u>	<del>134</del> <u>139</u>	<del>106</del> <u>114</u>	<del>77</del> <u>85</u>
34,001 - 36,000	<del>166</del> <u>174</u>	<del>139</del> <u>147</u>	<del>112</del> <u>120</u>	<del>84</del> <u>89</u>
36,001 - 38,000	<del>176</del> <u>184</u>	<del>147</del> <u>155</u>	<del>118</del> <u>126</u>	<del>85</del> <u>93</u>
38,001 - 40,000	<del>186</del> <u>194</u>	<del>155</del> <u>163</u>	<del>124</del> <u>132</u>	<del>89</del> <u>97</u>
40,001 - 42,000	<del>196</del> <u>204</u>	<del>163</del> <u>171</u>	<del>130</del> <u>138</u>	<del>93</del> <u>101</u>
42,001 - 44,000	<del>206</del> <u>214</u>	<del>171</del> <u>179</u>	<del>136</del> <u>144</u>	<del>97</del> <u>105</u>
44,001 - 46,000	<del>216</del> <u>224</u>	<del>179</del> <u>187</u>	<del>142</del> <u>150</u>	<del>104</del> <u>109</u>
46,001 - 48,000	<del>226</del> <u>234</u>	<del>187</del> <u>195</u>	<del>148</del> <u>156</u>	<del>105</del> <u>113</u>
48,001 - 50,000	<del>236</del> <u>244</u>	<del>195</del> <u>203</u>	<del>154</del> <u>162</u>	<del>109</del> <u>117</u>
50,001 - 52,000	<del>256</del> <u>264</u>	<del>213</del> <u>221</u>	<del>170</del> <u>178</u>	<del>123</del> <u>131</u>
52,001 - 54,000	<del>266</del> <u>274</u>	<del>224</del> <u>229</u>	<del>176</del> <u>184</u>	<del>127</del> <u>135</u>
54,001 - 56,000	<del>276</del> <u>284</u>	<del>229</del> <u>237</u>	<del>182</del> <u>190</u>	<del>134</del> <u>139</u>
56,001 - 58,000	<del>286</del> <u>294</u>	<del>237</del> <u>245</u>	<del>188</del> <u>196</u>	<del>135</del> <u>143</u>
58,001 - 60,000	<del>296</del> <u>304</u>	<del>245</del> <u>253</u>	<del>194</del> <u>202</u>	<del>139</del> <u>147</u>
60,001 - 62,000	<del>306</del> <u>314</u>	<del>253</del> <u>261</u>	<del>200</del> <u>208</u>	<del>143</del> <u>151</u>
62,001 - 64,000	<del>316</del> <u>324</u>	<del>264</del> <u>269</u>	<del>206</del> <u>214</u>	<del>147</del> <u>155</u>
64,001 - 66,000	<del>326</del> <u>334</u>	<del>269</del> <u>277</u>	<del>212</del> <u>220</u>	<del>154</del> <u>159</u>
66,001 - 68,000	<del>336</del> <u>344</u>	<del>277</del> <u>285</u>	<del>218</del> <u>226</u>	<del>155</del> <u>163</u>
68,001 - 70,000	<del>346</del> <u>354</u>	<del>285</del> <u>293</u>	<del>224</del> <u>232</u>	<del>159</del> <u>167</u>
70,001 - 72,000	<del>356</del> <u>364</u>	<del>293</del> <u>301</u>	<del>230</del> <u>238</u>	<del>163</del> <u>171</u>
72,001 - 74,000	<del>366</del> <u>374</u>	<del>304</del> <u>309</u>	<del>236</del> <u>244</u>	<del>167</del> <u>175</u>
74,001 - 76,000	<del>376</del> <u>384</u>	<del>309</del> <u>317</u>	<del>242</del> <u>250</u>	<del>174</del> <u>179</u>
76,001 - 78,000	<del>386</del> <u>394</u>	<del>317</del> <u>325</u>	<del>248</del> <u>256</u>	<del>175</del> <u>183</u>
78,001 - 80,000	<del>396</del> <u>404</u>	<del>325</del> <u>333</u>	<del>254</del> <u>262</u>	<del>179</del> <u>187</u>
80,001 - 82,000	<del>406</del> <u>414</u>	<del>333</del> <u>341</u>	<del>260</del> <u>268</u>	<del>183</del> <u>191</u>
82,001 - 84,000	<del>416</del> <u>424</u>	<del>355</del> <u>363</u>	<del>303</del> <u>311</u>	<del>259</del> <u>267</u>

84,001 - 86,000	<del>436</del> <u>444</u>	<del>372</del> <u>380</u>	<del>347</del> <u>325</u>	<del>274</del> <u>279</u>
86,001 - 88,000	<del>456</del> <u>464</u>	<del>389</del> <u>397</u>	<del>334</del> <u>339</u>	<del>283</del> <u>291</u>
88,001 - 90,000	<del>476</del> <u>484</u>	<del>406</del> <u>414</u>	<del>345</del> <u>353</u>	<del>295</del> <u>303</u>
90,001 - 92,000	<del>496</del> <u>504</u>	<del>423</del> <u>431</u>	<del>359</del> <u>367</u>	<del>307</del> <u>315</u>
92,001 - 94,000	<del>516</del> <u>524</u>	<del>440</del> <u>448</u>	<del>373</del> <u>381</u>	<del>319</del> <u>327</u>
94,001 - 96,000	<del>536</del> <u>544</u>	<del>457</del> <u>465</u>	<del>387</del> <u>395</u>	<del>334</del> <u>339</u>
96,001 - 98,000	<del>556</del> <u>564</u>	<del>474</del> <u>482</u>	<del>404</del> <u>409</u>	<del>343</del> <u>351</u>
98,001 - 100,000	<del>576</del> <u>584</u>	<del>494</del> <u>499</u>	<del>415</del> <u>423</u>	<del>355</del> <u>363</u>
100,001 - 102,000	<del>596</del> <u>604</u>	<del>508</del> <u>516</u>	<del>429</del> <u>437</u>	<del>367</del> <u>375</u>
102,001 - 104,000	<del>616</del> <u>624</u>	<del>525</del> <u>533</u>	<del>443</del> <u>451</u>	<del>379</del> <u>387</u>
104,001 - 105,500	<del>636</del> <u>644</u>	<del>542</del> <u>550</u>	<del>457</del> <u>465</u>	<del>394</del> <u>399</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.

7. Eleven dollars of each registration fee collected under subsections 2 and 5 must be deposited in the state highway fund.

**SECTION 2. AMENDMENT.** Section 57-43.1-02 of the North Dakota Century Code is amended and reenacted as follows:

**57-43.1-02. Tax imposed on motor vehicle fuels.**

1. Except as otherwise provided in this section, a tax of ~~twenty-one~~ twenty-two cents per gallon [3.79 liters] is imposed on all motor vehicle fuel sold or used in this state.
2. A supplier or distributor shall remit the tax imposed by this section on motor vehicle fuel used, on the wholesale distribution of motor vehicle fuel to a retailer, and on direct sales of motor vehicle fuel to a consumer.
3. The tax imposed by this section does not apply on a sale by a supplier to another supplier, on a sale by a supplier to a distributor, on a sale by a distributor to another distributor, on an export, or on a sale to an exempt consumer.
4. The person required to remit the tax imposed by this section shall pass the tax on to the retailer and to the consumer. A retailer who paid the tax to the supplier or distributor shall pass the tax on to the consumer.
5. The person required to remit the tax imposed by this section shall pay the tax to the commissioner by the twenty-fifth day of the calendar month after the month during which the motor vehicle fuel was sold or used by the person. When the twenty-fifth day of the calendar month falls on a Saturday, Sunday, or legal holiday, the due date is the first working day after the Saturday, Sunday, or legal holiday. When payment is made by mail, the payment is timely if the envelope containing the payment is postmarked by the United States postal service or other postal carrier service before midnight of the due date.
6. The commissioner shall pay over all of the money received during each calendar month to the state treasurer.

**SECTION 3. AMENDMENT.** Section 57-43.2-02 of the North Dakota Century Code is amended and reenacted as follows:

**57-43.2-02. (Contingent effective date - See note - Effective through June 30, 2005) Tax imposed.**

1. Except as otherwise provided in this chapter, an excise tax of ~~twenty-one~~ twenty-two cents per gallon [3.79 liters] is imposed on the sale or delivery of all special fuel sold or used in this state. For the purpose of determining the tax upon compressed natural gas under this section, one hundred twenty cubic feet [3.40 cubic meters] of compressed natural gas is equal to one gallon [3.79 liters] of other special fuel. The tax under this subsection is reduced by one and five-hundredths cents per gallon [3.79 liters] on the sale or delivery of diesel fuel that contains at least two percent biodiesel fuel by weight.
2. A supplier, distributor, or retailer shall remit the tax imposed by this section on special fuel used and on direct sales of special fuel to a customer.
3. The tax imposed by this section does not apply on sales by a supplier to another supplier, on a sale by a supplier to a distributor, on a sale by a distributor to another distributor, on a sale by a distributor to a retailer, on an export, or on a sale to an exempt consumer.
4. The person required to remit the tax imposed by this section shall pass the tax on to the customer.
5. The person required to remit the tax imposed by this section shall pay the tax to the commissioner by the twenty-fifth day of the calendar month after the month during which the special fuel was sold or used by the person. When the twenty-fifth day of the calendar month falls on a Saturday, Sunday, or legal holiday, the due date is the first working day after the Saturday, Sunday, or legal holiday. When payment is made by mail, the payment is timely if the envelope containing the payment is postmarked by the United States postal service or other postal carrier service before midnight of the due date.
6. The commissioner shall pay over all of the money received during each calendar month to the state treasurer.

**(Effective after June 30, 2005) Tax imposed.**

1. Except as otherwise provided in this chapter, an excise tax of ~~twenty-one~~ twenty-two cents per gallon [3.79 liters] is imposed on the sale or delivery of all special fuel sold or used in this state. For the purpose of determining the tax upon compressed natural gas under this section, one hundred twenty cubic feet [3.40 cubic meters] of compressed natural gas is equal to one gallon [3.79 liters] of other special fuel.
2. A supplier, distributor, or retailer shall remit the tax imposed by this section on special fuel used and on direct sales of special fuel to a customer.
3. The tax imposed by this section does not apply on sales by a supplier to another supplier, on a sale by a supplier to a distributor, on a sale by a distributor to another distributor, on a sale by a distributor to a retailer, on an export, or on a sale to an exempt consumer.
4. The person required to remit the tax imposed by this section shall pass the tax on to the customer.
5. The person required to remit the tax imposed by this section shall pay the tax to the commissioner by the twenty-fifth day of the calendar month after the month during which the special fuel was sold or used by the person. When the twenty-fifth day of the calendar month falls on a Saturday, Sunday, or legal holiday, the due date is the first working day after the Saturday, Sunday, or legal holiday. When payment is made by mail, the

payment is timely if the envelope containing the payment is postmarked by the United States postal service or other postal carrier service before midnight of the due date.

6. The commissioner shall pay over all of the money received during each calendar month to the state treasurer.

**SECTION 4. REPEAL.** Section 7 of chapter 12 of the 2003 Session Laws is repealed.

**SECTION 5. EFFECTIVE DATE.** Sections 2 and 3 of this Act apply to taxable events occurring after June 30, 2005."

Renumber accordingly