

**Sixty-third Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 8, 2013**

HOUSE BILL NO. 1205
(Representatives Paur, Gruchalla, D. Johnson, Meier, Owens)
(Senator Lyson)

AN ACT to amend and reenact sections 39-04-10.3 and 39-04-10.14 and subdivisions j and o of subsection 2 of section 39-04-18 of the North Dakota Century Code, relating to number plates for certain veterans.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

39-04-10.3. Personalized plates.

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

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

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

1. The director may issue distinctive number plates to a surviving spouse, parent, including stepmother, stepfather, parent through adoption, and foster parent who stands or stood in loco parentis, grandparents, child, including stepchild and child through adoption, and sibling, including half-brother and half-sister, of a member of the armed forces of the United States who died while serving on active duty during a time of military conflict. The director shall issue a number plate under this section upon receiving:
 - a. ~~Payment~~ payment of all other fees required under this chapter for registration of a motor vehicle;
 - b. ~~Payment of an initial fee of fifteen dollars, of which ten dollars is to be deposited in the highway tax distribution fund and five dollars is to be deposited in the veterans' cemetery maintenance fund; and~~
 - c. ~~Verification of subsequent payments of an annual surcharge of ten dollars paid to the adjutant general.~~
2. ~~The department shall collect the fees and the ten dollar surcharge under this section. The department shall report to the legislative assembly on the funds collected under this section during each legislative session. The department shall pay the funds collected for the veterans'~~

~~cemetery and adjutant general to the adjutant general monthly. Within ten days of receipt of the funds, the adjutant general shall deposit five dollars of each initial fee in the veterans' cemetery maintenance fund and shall apportion the ten dollar surcharge and deposit five dollars in the veterans' cemetery trust fund and five dollars in the veterans' cemetery maintenance fund in the state treasury. The state treasurer may invest the fund in the same manner as the state investment board is authorized to make investments. At the request of the adjutant general, the interest in the veterans' cemetery trust fund must be deposited in the veterans' cemetery maintenance fund for the purpose of funding salaries and maintenance of the veterans' cemetery.~~

- ~~3.~~ Plates issued under this section must bear a gold star emblem logo on the left side of the plate and the letters "GS" before the number. The director shall cooperate with the director of the department of veterans' affairs to design the gold star emblem logo. The director may issue one set of plates per eligible owner of a passenger motor vehicle or a truck the registered gross weight of which does not exceed twenty thousand pounds [9071.85 kilograms].
- ~~4.3.~~ On request of the director, the department of veterans' affairs shall certify those surviving family members of deceased members of the United States armed forces listed above as eligible to receive the plates.
- ~~5.4.~~ Once declared eligible for a gold star plate, the department may not remove the eligibility of a surviving family member.
- ~~6.5.~~ Once a plate number is issued to an eligible family member, the department may not assign the plate to another eligible person.

SECTION 3. AMENDMENT. Subdivisions j and o of subsection 2 of section 39-04-18 of the North Dakota Century Code are 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], a disabled veteran who has a one hundred percent service-connected disability as determined by the department of veterans' affairs, or a disabled veteran who has an extra-schedular rating to include individual unemployability that brings the veteran's total disability rating to one hundred percent as determined by the department of veterans' affairs 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.
- o. Passenger motor vehicles, house cars, or pickup trucks not exceeding twenty thousand pounds [9071.84 kilograms] registered gross weight owned and operated by a resident who, while serving in the United States armed forces, was a prisoner of war and has received an honorable discharge from the United States armed forces; ~~provided, however, that the vehicles is entitled to display a distinctive license plate issued by the department upon the payment of five dollars.~~ This exemption also applies to any passenger motor vehicle, house car, or pickup truck not exceeding twenty thousand pounds [9071.84 kilograms] registered gross weight subsequently purchased or acquired by such a former prisoner of war; ~~provided, that the.~~ This exemption provided by this subdivision is allowed only with respect applies to one no more than two motor vehiclevehicles owned by such a former prisoner of war at any one time. A surviving spouse of a former prisoner of war who has not remarried retains the exemption of the deceased veteran who qualified under this subdivision for one vehicle.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-third Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1205.

House Vote: Yeas 92 Nays 0 Absent 2

Senate Vote: Yeas 46 Nays 0 Absent 1

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2013.

Approved at _____ M. on _____, 2013.

Governor

Filed in this office this _____ day of _____, 2013,

at _____ o'clock _____ M.

Secretary of State