

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.