

**SECOND ENGROSSMENT
with Senate Amendments
REENGROSSED HOUSE BILL NO. 1464**

Introduced by

Representatives Steiner, J. Nelson, D. Ruby

Senator Kreun

1 A BILL for an Act to amend and reenact subsection 1 of section 39-04-19.2 and
2 sections 57-43.1-02 and 57-43.2-02 of the North Dakota Century Code, relating to electric and
3 plug-in hybrid vehicle road use fees and the tax imposed on motor vehicle fuels and special
4 fuels; to provide for a legislative management study; and to provide an effective date.

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

6 **SECTION 1. AMENDMENT.** Subsection 1 of section 39-04-19.2 of the North Dakota
7 Century Code is amended and reenacted as follows:

- 8 1. In addition to all other fees required under this chapter for registration of a motor
9 vehicle, the department shall collect at the beginning of each annual registration
10 period:
- 11 a. An electric vehicle road use fee of one hundred ~~twentythree~~thirty-five dollars for each
12 electric vehicle registered.
 - 13 b. A plug-in hybrid vehicle road use fee of ~~fiftyseven~~thirty-five dollars for each plug-in hybrid
14 vehicle registered.
 - 15 c. An electric motorcycle road use fee of ~~twentythree~~thirty-five dollars for each electric
16 motorcycle registered.

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

19 **57-43.1-02. Tax imposed on motor vehicle fuels.**

- 20 1. Except as otherwise provided in this section, a tax of ~~twentythree~~twenty-six cents per
21 gallon [3.79 liters] is imposed on all motor vehicle fuel sold or used in this state.
- 22 2. A refiner, supplier, or distributor shall remit the tax imposed by this section on motor
23 vehicle fuel used, on the wholesale distribution of motor vehicle fuel to a retailer, and
24 on direct sales of motor vehicle fuel to a consumer.

- 1 3. The tax imposed by this section does not apply on a sale by a supplier to another
2 supplier, on a sale by a supplier to a distributor, on a sale by a distributor to another
3 distributor, on an export, or on a sale to an exempt consumer.
- 4 4. The person required to remit the tax imposed by this section shall pass the tax on to
5 the retailer and to the consumer. A retailer who paid the tax to the supplier or
6 distributor shall pass the tax on to the consumer.
- 7 5. The person required to remit the tax imposed by this section shall pay the tax to the
8 commissioner by the twenty-fifth day of the calendar month after the month during
9 which the motor vehicle fuel was sold or used by the person. When the twenty-fifth day
10 of the calendar month falls on a Saturday, Sunday, or legal holiday, the due date is the
11 first working day after the Saturday, Sunday, or legal holiday. When payment is made
12 by mail, the payment is timely if the envelope containing the payment is postmarked
13 by the United States postal service or other postal carrier service before midnight of
14 the due date.
- 15 6. The commissioner shall pay over all of the money received during each calendar
16 month to the state treasurer.

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

19 **57-43.2-02. Tax imposed.**

- 20 1. Except as otherwise provided in this chapter, an excise tax of ~~twenty-three~~twenty-six
21 cents per gallon [3.79 liters] is imposed on the sale or delivery of all special fuel sold or
22 used in this state. For the purpose of determining the tax upon compressed natural
23 gas and liquefied natural gas under this section, one hundred twenty cubic feet [3.40
24 cubic meters] of compressed natural gas, and one and seven-tenths gallons [6.44
25 liters] of liquefied natural gas is equal to one gallon [3.79 liters] of other special fuel.
- 26 2. A refiner, supplier, distributor, or retailer shall remit the tax imposed by this section on
27 special fuel used and on direct sales of special fuel to a customer.
- 28 3. The tax imposed by this section does not apply on sales by a supplier to another
29 supplier, on a sale by a supplier to a distributor, on a sale by a distributor to another
30 distributor, on a sale by a distributor to a retailer, on an export, or on a sale to an
31 exempt consumer.

1 4. The person required to remit the tax imposed by this section shall pass the tax on to
2 the customer.

3 5. The person required to remit the tax imposed by this section shall pay the tax to the
4 commissioner by the twenty-fifth day of the calendar month after the month during
5 which the special fuel was sold or used by the person. When the twenty-fifth day of the
6 calendar month falls on a Saturday, Sunday, or legal holiday, the due date is the first
7 working day after the Saturday, Sunday, or legal holiday. When payment is made by
8 mail, the payment is timely if the envelope containing the payment is postmarked by
9 the United States postal service or other postal carrier service before midnight of the
10 due date.

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

13 **SECTION 4. LEGISLATIVE MANAGEMENT STUDY - IMPACT OF ELECTRIC VEHICLES**

14 **ON TRANSPORTATION FUNDING.** During the 2021-22 interim, the legislative management
15 shall consider studying the impact of electric vehicles on transportation funding. The study must
16 include consideration of the current and projected reductions in motor fuels tax collections
17 resulting from increased electric vehicle use and the impact of decreased revenue collections
18 on highway tax distribution fund allocations. The study also must review the taxes and fees
19 imposed on electric vehicles in other states and methods to address the impact of electric
20 vehicles that are not registered in this state on the roads in this state. The legislative
21 management shall report its findings and recommendations, together with any legislation
22 necessary to implement the recommendations, to the sixty-eighth legislative assembly.

23 **SECTION 5. EFFECTIVE DATE.** Sections 2 and 3 of this Act are effective for taxable
24 events occurring after June 30, 2021.