

**PROPOSED LEGISLATION REGARDING
"GOOSENECK" TRAILERS**

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A Bill for an Act to create and enact a new subsection to section 39-01-01 of the North Dakota Century Code, relating to farm trailers.

SECTION 1.) A new subsection to section 39-01-01 of the North Dakota Century Code is hereby created and enacted to read as follows:

"Farm trailer" shall mean any trailer used principally on public roads and used by the owner thereof to transport agricultural, horticultural, dairy, and other farm products. Such products shall include but are not limited to livestock in the possession of the owner of the trailer. Farm trailers may also be used to transport personal property owned by the farmer or rancher or other person to whom the license for such trailer is issued and to transport property and supplies to and from a farm or ranch or the residence of the owner of the trailer. Farm trailers may be used by the owner thereof to occasionally transport livestock and unprocessed raw farm products not produced by the owner of the trailer, from farm to market when such transportation constitutes a normal business exchange among neighbors. "Farm trailer" shall not be construed to mean those trailers and equipment owned by a farmer or rancher which are principally used on the farm, such as silage wagons, stack movers, hay wagons, manure spreaders, and feed wagons.

EXPLANATION: This subsection is based on a Minnesota statute. It sets up a separate category for trailers (including goose-neck vehicles) owned by a farmer or rancher and used in the agricultural business. It is hoped that these farm trailers would fall under the exemption for farm trucks rather than be taxed as a semitrailer, according to gross weight.

A Bill for an Act to amend and reenact subsection 68 of section 39-01-01 of the North Dakota Century Code, relating to definition of trailer.

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

SECTION 1. AMENDMENT.) Subsection 68 of section 39-01-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

68. "Trailer" shall include every vehicle without motive power designed to carry property or passengers (((wholly on its own structure))) and to be drawn by a motor vehicle, except that it shall not include a "house trailer" or "mobile home," which terms shall mean a vehicle as defined in this subsection on which is designed and intended for use as a living or sleeping quarters for people and which is not used for commercial hauling of passengers; nor shall it include a "semitrailers" as defined in subsection 55 of this section.

EXPLANATION: This amendment would remove the requirement that a trailer be completely supported on its own wheels. Thus, a gooseneck or fifth wheel trailer would be classified along with other agricultural, recreational, or utility trailers instead of being lumped in with the semitrailers.

A Bill for an Act to amend and reenact subsection 55 of section 39-01-01 of the North Dakota Century Code, relating to definition of semitrailer.

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

SECTION 1. AMENDMENT.) Subsection 55 of section 39-01-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

55. "Semitrailer" shall include every vehicle of the trailer type so designed and used in conjunction with a (((motor vehicle))) truck tractor that some part of its own weight and that of its own load rests upon or is carried by a (((motor vehicle) truck tractor), except that it shall not include a "house trailer" or "mobile home" as defined as subsection 68 of this section.

EXPLANATION: The present law categorizes gooseneck trailers with semitrailers used by over-the-road truckers. This change would remove goosenecks from the semitrailer classification, and allows them to be reclassified as conventional trailers, which is more appropriate to their use.

A Bill for an Act to amend and reenact subsection 1 of section 39-04-18 of the North Dakota Century Code, relating to registration of motor vehicles.

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

SECTION 1. AMENDMENT.) Subsection 1 of section 39-04-18 of the 1975 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. Except as provided in this section, every motor vehicle as defined in subsection 32 of section 39-01-01 ((and)), semitrailers designed to be towed by a truck tractor and farm trailers operated or intended to be operated upon any highway, road, or street in this state shall be registered annually with the motor vehicle registrar. Any vehicle being operated on highways, roads, or streets of this state shall display such license plates as are furnished by the motor vehicle registrar upon the payment of the fees prescribed in this chapter.

Upon satisfactory proof to the registrar that a motor vehicle owned by a resident of this state was not used upon any of the highways of this state in any one or more years, such motor vehicle may be registered upon payment of the registration fee for the current year, and upon further payment of five dollars for each calendar year for which the vehicle was not registered, therefore, no license fee would be paid.

Any resident of the state of North Dakota, serving in the armed forces of the United States for a period of time greater than one year, may relicense any motor vehicle owned by him without paying any fee for the intervening years when such vehicle was not licensed, nor any penalties therefore, providing such veteran shows by suitable affidavit that such vehicle was not in use during any year in which it was not licensed. Such vehicle shall be licensed for the license fee applicable to the month of the year in which application is made.

EXPLANATION: Presently, registration of trailers is voluntary for identification purposes only. This change would require the registration of farm trailers, including gooseneck vehicles, just as semitrailers are required to be registered today. This change has been requested by stockmen and law enforcement officials as a better tool for dealing with the problems of rustling.

A Bill for an Act to amend and reenact subsection 4 of section 39-04-19 of the North Dakota Century Code, relating to trailer registration plates.

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

SECTION 1. AMENDMENT.) Subsection 4 of section 39-04-19 of the 1975 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

4. The fee for a trailer identification plate for all privately owned trailers excluding farm trailers shall be two dollars; for all trailers which are offered for lease or rent to the public, five dollars; and for all semitrailers designed to be towed by a truck tractor, ten dollars. The fee for registration of a farm trailer shall be five dollars for a trailer less than or equal to seventeen feet in cargo area length; and ten dollars for a trailer greater than seventeen feet in cargo area length.

EXPLANATION: The present law provides optional identification for trailers. This change would require trailers to register as motor vehicles, but would not increase the fee.

A Bill for an Act to amend and reenact section 39-04-26 of the North Dakota Century Code, relating to registration of vehicles transporting property.

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

SECTION 1. AMENDMENT.) Section 39-04-26 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-04-26. Registration of vehicles transporting property -- Based on gross weight -- Minimum gross weight -- Farm exception. The registration and license fee for a motor vehicle or for any lawful combination of motor vehicles used for the transportation of property shall be based upon the gross weight of such motor vehicle or combination of vehicles. The minimum gross weight for which such motor vehicle or combination of motor vehicles can be licensed shall be double the unloaded weight of such motor vehicle or such combination of vehicles and, subject to such minimum, the owner of any motor vehicle or combination of vehicles in his application for license shall set out the gross weight for which he desires a license. A vehicle owned and operated by a bona fide resident farmer or rancher who uses such vehicle exclusively for transporting his own property between farms and market places, between farms locally or for transporting farm equipment owned by the owner of the vehicle, or for transporting his own livestock or commodities from his farm in his own vehicle to any market or place where such livestock and commodities are to be sold, stored, or otherwise disposed of, or for transporting livestock or commodities from any city or place where same is purchased or acquired to his farm or ranch, or in the normal course of his business exchange work with his neighbors, or within the city limits of any municipality (((and the usual local trading places))) and not for hire shall not be required to include the weight of any trailer being towed for registration purposes.

EXPLANATION: This change broadens the agricultural exemption for registration of trailers and eliminates the ambiguity of the phrase "and the usual local trading places."