

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1243

That the Senate recede from its amendments as printed on pages 1006 and 1007 of the House Journal and page 776 of the Senate Journal and that House Bill No. 1243 be amended as follows:

Page 1, line 1, replace "section" with "sections" and after "39-05-17.2" insert "and 39-05-20.2"

Page 1, line 2, after "disclosure" insert "and salvage certificate of title", remove "and", and after "penalty" insert "; and to declare an emergency"

Page 1, line 15, replace "four" with "seven"

Page 1, line 16, replace "five" with "eight"

Page 1, line 23, replace "fifty" with "the greater of five thousand dollars or forty"

Page 2, after line 3, insert:

- "4. A person repairing, replacing parts, or performing body work on a motor vehicle that is less than eight years old shall provide a statement to the owner of the motor vehicle when the motor vehicle has sustained motor vehicle damage requiring disclosure under this section. The owner shall disclose this damage when ownership of the motor vehicle is transferred. When a vehicle is damaged in excess of seventy-five percent of its retail value as determined by the national automobile dealers association official used car guide, the person repairing, replacing parts, or performing body work on the motor vehicle that is less than eight years old shall also advise the owner of the motor vehicle that the owner of the vehicle must comply with section 39-05-20.2.
5. The amount of damage to a motor vehicle is determined by adding the retail value of all labor, parts, and material used in repairing the damage. When the retail value of labor has not been determined by a purchase in the ordinary course of business, for example when the labor is performed by the owner of the vehicle, the retail value of the labor is presumed to be the product of the repair time, as provided in a generally accepted autobody repair flat rate manual, multiplied by thirty-five dollars.

Page 2, line 4, replace "4" with "6" and after "violates" insert "this section or"

Page 2, after line 5, insert:

"SECTION 2. AMENDMENT. Section 39-05-20.2 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

39-05-20.2. Issuance of salvage certificate of title. ~~Any person or organization who completely destroys or completely dismantles a vehicle so as to cause that vehicle to lose its identity~~ The owner of a vehicle that is damaged in excess of seventy-five percent of its retail value as determined by the national automobile dealers association official used car guide, shall forward the title for that vehicle to the department within ten days and the department shall issue a salvage certificate of title.

If a vehicle for which a salvage certificate of title has been issued is reconstructed, a regular certificate of title may be obtained by completing an application for the certificate. The applicant shall include with the application a certificate of inspection in the form required by the department, the salvage certificate of title, and a five dollar fee. The department shall place on the regular certificate of title and on all subsequent certificates of title issued for the vehicle, a notation that damage disclosure information is available from the department. The department may not issue a new certificate unless the vehicle identification number of the vehicle has been inspected and found to conform to the description given in the application, or unless other proof of the identity of the vehicle has been provided to the satisfaction of the department.

SECTION 3. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly