

Fifty-sixth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2161

Introduced by

Transportation Committee

(At the request of the Department of Transportation)

1 A BILL for an Act to create and enact a new subsection to section 39-01-01 of the North Dakota
2 Century Code, relating to the definition of recreational vehicle; and to amend and reenact
3 subsection 67 of section 39-01-01, subsection 2 of section 39-04-36, section 39-05-17.2,
4 subparagraph a of paragraph 3 of subdivision b of subsection 2 of section 39-06-14, and
5 section 39-18-01 of the North Dakota Century Code, relating to vehicle registration fee credits,
6 motor vehicle body damage disclosure, and correction of statutory references.

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

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

10 "Recreational vehicle" means any motorcycle not qualified for registration,
11 all-terrain vehicle, snowmobile, vessel, or personal watercraft.

12 **SECTION 2. AMENDMENT.** Subsection 67 of section 39-01-01 of the North Dakota
13 Century Code is amended and reenacted as follows:

14 ~~67.~~ 68. "Semitrailer" includes every vehicle of the trailer type so designed and used in
15 conjunction with a truck or truck tractor that some part of its own weight and that of
16 its own load rests upon or is carried by a truck or truck tractor, except that it does
17 not include a "housetrailer" or "mobile home" as defined in subsection ~~82~~ 83.

18 **SECTION 3. AMENDMENT.** Subsection 2 of section 39-04-36 of the North Dakota
19 Century Code is amended and reenacted as follows:

20 2. Upon applying for the transfer of the registration and paying a five dollar fee, a
21 person who transfers or assigns to another person the ownership of a registered
22 vehicle may receive credit for the unused portion of the fees paid for the
23 transferred vehicle. The department may establish procedures that permit the
24 transferor to assign the credit to the transferee if the transferor is the spouse, a

sibling, or a lineal ancestor or descendant of the transferee. One-twelfth of the annual fee must be credited for each month of the registration period remaining after the month in which the transfer is made. The credit may not extend beyond the original expiration of the registration. Except as provided in section 39-04-44, the credit must be applied to the registration fees for a replacement vehicle. The transferor shall apply for the transfer of registration within thirty days of the purchase of the replacement vehicle.

SECTION 4. AMENDMENT. Section 39-05-17.2 of the North Dakota Century Code is amended and reenacted as follows:

39-05-17.2. Body damage disclosure - Rules - When required - Penalty.

1. The department shall adopt rules relating to the manner and form of disclosing motor vehicle body damage on the certificate of title to a motor vehicle. The rules must provide for a damage disclosure statement from the transferor to the transferee at the time ownership of a motor vehicle is transferred and provide that the department must refuse to transfer the title without the required damage disclosure statement.
2. Motor vehicle body damage disclosure requirements apply only to the transfer of title on ~~all current year models of a motor vehicles and those models~~ vehicle that was manufactured in the seven eight calendar years before the current model calendar year. When a motor vehicle has been subject to this disclosure requirement and more than eight years have elapsed since the date of manufacture, the holder of the certificate of title with the damage disclosure may have the disclosure removed and a new certificate of title issued for a fee of five dollars.
3. As used in this section, "motor vehicle damage" means a change in the body or structure of a motor vehicle, generally resulting from a vehicular crash or accident, including loss by fire, vandalism, weather, or submersion in water, resulting in damage to the motor vehicle which equals or exceeds the greater of five thousand dollars or forty percent of the predamage retail value of the motor vehicle as determined by the national automobile dealers association official used car guide.

1 The term does not include body or structural modifications, normal wear and tear,
2 glass damage, hail damage, or items of normal maintenance and repair.

3 4. A person repairing, replacing parts, or performing body work on a motor vehicle
4 that ~~is less than~~ was manufactured in the eight calendar years old before the
5 current calendar year shall provide a statement to the owner of the motor vehicle
6 when the motor vehicle has sustained motor vehicle damage requiring disclosure
7 under this section. The owner shall disclose this damage when ownership of the
8 motor vehicle is transferred. When a vehicle is damaged in excess of seventy-five
9 percent of its retail value as determined by the national automobile dealers
10 association official used car guide, the person repairing, replacing parts, or
11 performing body work on the motor vehicle that is less than eight years old shall
12 also advise the owner of the motor vehicle that the owner of the vehicle must
13 comply with section 39-05-20.2.

14 5. The amount of damage to a motor vehicle is determined by adding the retail value
15 of all labor, parts, and material used in repairing the damage. When the retail
16 value of labor has not been determined by a purchase in the ordinary course of
17 business, for example when the labor is performed by the owner of the vehicle, the
18 retail value of the labor is presumed to be the product of the repair time, as
19 provided in a generally accepted autobody repair flat rate manual, multiplied by
20 thirty-five dollars.

21 6. A person who violates this section or rules adopted pursuant to this section is
22 guilty of a class A misdemeanor.

23 **SECTION 5. AMENDMENT.** Subparagraph a of paragraph 3 of subdivision b of
24 subsection 2 of section 39-06-14 of the North Dakota Century Code is amended and reenacted
25 as follows:

26 (a) A double trailer, triple trailer, or, if under eighteen years of age, a
27 truck tractor as defined in ~~subsection 85 of~~ section 39-01-01.

28 **SECTION 6. AMENDMENT.** Section 39-18-01 of the North Dakota Century Code is
29 amended and reenacted as follows:

30 **39-18-01. Mobile home dealer's license - Fees - Dealer's plates.** No person,
31 partnership, corporation, or limited liability company may engage in the business of buying,

1 selling, or exchanging of mobile homes or travel trailers, or advertise or hold oneself or itself out
2 to the public as being in the business of buying, selling, or exchanging of mobile homes or
3 travel trailers without first being licensed to do so as hereinafter provided.

4 Application for dealer's license and renewal license must be made to the department on
5 such forms as the department prescribes and furnishes, and the application must be
6 accompanied by an annual fee of thirty-five dollars for which must be issued one dealer plate.
7 A dealer's license expires on December thirty-first of each year, and application for renewal of a
8 dealer's license must be made on or before the expiration of the current dealer's license.

9 A mobile home dealer's license must be issued only to those who will maintain a
10 permanent office and place of business, and an adequate service department, during the
11 licensing year, and will abide by all the provisions of law pertaining to mobile home dealers.

12 In addition, the dealer shall maintain that person's business records in one central
13 location.

14 Upon the payment of the fee of ten dollars for each additional plate, the department
15 shall register and issue dealer's license plates for use on any mobile homes owned by the
16 licensed dealer, and the mobile homes bearing the dealer's license plates may be lawfully
17 operated upon the public highways of the state of North Dakota by the dealer, and the dealer's
18 agents and servants, during the year of the registration. A dealer's license plates expire on
19 December thirty-first of each year.

20 The term "mobile home" as used in this chapter includes and has the same meaning as
21 "housetrailer", and both terms have the meaning prescribed in ~~subsection 82 of section~~
22 39-01-01. The term "travel trailer" as used in this chapter has the meaning as prescribed in
23 section 39-01-01.

24 Any mobile home dealer licensed under the provisions of this chapter may sell house
25 cars without being licensed under the provisions of chapter 39-22. A mobile home dealer plate
26 displayed on a house car must be displayed on the rear of the vehicle.