

Sixtieth  
Legislative Assembly  
of North Dakota

## HOUSE BILL NO. 1120

Introduced by

Transportation Committee

(At the request of the State Department of Health)

1 A BILL for an Act to amend and reenact sections 39-26-01, 39-26-02, 39-26-10, and 39-26-12  
2 of the North Dakota Century Code, relating to abandoned motor vehicles.

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

4 **SECTION 1. AMENDMENT.** Section 39-26-01 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **39-26-01. Statement of legislative intent concerning abandoned motor vehicles.**

7 Abandoned motor vehicles and scrap tires constitute a hazard to the health and welfare of the  
8 people of the state in that such vehicles and tires can harbor noxious diseases, furnish shelter  
9 and breeding places for vermin, and present physical dangers to the safety and well-being of  
10 children and other citizens. Abandoned motor vehicles, scrap tires, and other scrap metals also  
11 constitute a blight on the landscape of the state and therefore a detriment to the environment.  
12 The abandonment and retirement of motor vehicles, scrap tires, and other scrap metals  
13 constitutes a waste of a valuable ~~source of~~ resources and useful metal. It is therefore in the  
14 public interest and the intent of the legislative assembly that the present accumulation of  
15 abandoned motor vehicles, scrap tires, and other scrap metals be eliminated, that future  
16 abandonment of motor vehicles, scrap tires, and other scrap metals be prevented, that the  
17 expansion of existing scrap recycling facilities be developed, and that other acceptable and  
18 economically useful methods for the disposal of abandoned motor vehicles, scrap tires, and  
19 other forms of scrap metal be developed.

20 **SECTION 2. AMENDMENT.** Section 39-26-02 of the North Dakota Century Code is  
21 amended and reenacted as follows:

22 **39-26-02. Definitions.** As used in this chapter, unless the context or subject matter  
23 otherwise requires:

1. "Abandoned motor vehicle" means a motor vehicle, as defined in section 39-01-01, that has remained for a period of more than forty-eight hours on public property illegally or lacking vital component parts, or has remained for a period of more than forty-eight hours on private property without consent of the person in control of such property or in an inoperable condition such that it has no substantial potential further use consistent with its usual functions unless it is kept in an enclosed garage or storage building. It also means a motor vehicle voluntarily surrendered by its owner to a person duly licensed under section 39-26-10. An antique automobile, as defined in section 39-04-10.4, and other motor vehicles to include parts car and special interest vehicles, may not be considered an abandoned motor vehicle within the meaning of this chapter.
2. "Collector" means the owner of one or more special interest vehicles who collects, purchases, acquires, trades, or disposes of special interest vehicles or parts thereof for the person's own use in order to restore, preserve, and maintain a special interest vehicle or antique vehicle.
3. "Department" means the state department of health.
4. "Parts car" means a motor vehicle generally in nonoperable condition which is owned by the collector to furnish parts to restore, preserve, and maintain a special interest vehicle or antique vehicle.
5. "Scrap tire" means a tire that is no longer suitable for its original intended purpose because of wear, damage, or defect.
6. "Special interest vehicle" means a motor vehicle which is at least twenty years old and which has not been altered or modified from original manufacturer's specifications and, because of its historic interest, is being preserved by hobbyists.
- ~~6-~~ 7. "Unit of government" includes a state department or agency, a county, city, township, or other political subdivision.
- ~~7-~~ 8. "Vital component parts" means those parts of a motor vehicle that are essential to the mechanical functioning of the vehicle, including, but not limited to, the motor, drive train, and wheels.

**SECTION 3. AMENDMENT.** Section 39-26-10 of the North Dakota Century Code is amended and reenacted as follows:

**39-26-10. Contracts for disposal - Issuance of licenses by state department of health - Reimbursement of units of government for costs.**

1. A unit of government may contract with any qualified licensed scrap iron processor or licensed waste transporter for collection, storage, incineration, volume reduction, transportation, or other services necessary to prepare abandoned motor vehicles, scrap tires, and other scrap metal for recycling or other methods of disposal. Such contract may authorize the contracting scrap iron processor or waste transporter to pay to the owner of any abandoned motor vehicle or accumulation of scrap tires an incentive payment for such vehicle if it is voluntarily surrendered and delivered to the scrap iron processor or waste transporter. For the purposes of this section, an owner of an abandoned motor vehicle includes only a person who has owned and operated the vehicle for the person's personal or business use.
2. The department may issue a license to any qualified scrap iron processor desiring to participate in such a contract who meets the requirements for solid waste disposers established by the department.
3. ~~Where~~ If a unit of government enters into a contract with a scrap iron processor or waste transporter duly licensed by the department, the department may review the contract to determine whether it conforms to the department's plan for solid waste disposal. A contract that does so conform may be approved by the department.  
~~Where~~ If a contract has been approved, the department may reimburse the unit of government for the costs incurred under the contract, including incentive payments authorized and made under the contract, subject to the limitations of legislative appropriations.
4. The department may demand that a unit of government contract for the disposal of abandoned motor vehicles, scrap tires, and other scrap metal pursuant to the department's plan for solid waste disposal. ~~Where~~ If the unit of government fails to so contract within one hundred eighty days of the demand, the department, on behalf of such unit of government, may contract with any scrap iron processor duly licensed by the department for such disposal.

**SECTION 4. AMENDMENT.** Section 39-26-12 of the North Dakota Century Code is amended and reenacted as follows:

**39-26-12. Tax on initial motor vehicle certificates of title - When tax is suspended.**

There is hereby imposed a tax of two dollars on each initial North Dakota certificate of title issued to a passenger motor vehicle or a truck motor vehicle. The proceeds of such tax must be paid into the abandoned motor vehicle disposal fund in the state treasury. No registration plates or title certificate may be issued unless such tax is paid. Expenses of the fund arising from the provisions of this chapter must be paid from the fund within the limits of legislative appropriation. The department may retain ten percent of the proceeds collected in each year for the administration of this chapter. If on the first day of July in any year the amount of uncommitted money in the abandoned motor vehicle disposal fund is two hundred fifty thousand dollars or more, the tax must be suspended and the amount in excess of two hundred fifty thousand dollars must be transferred to the highway fund. If the tax has been suspended and on the first day of July in any year the amount of uncommitted money in the abandoned motor vehicle disposal fund is one hundred thousand dollars or less, the tax must be reimposed on and after January first of the succeeding year.