

Sixty-first  
Legislative Assembly  
of North Dakota

Introduced by

(At the request of the Department of Transportation)

1 A BILL for an Act to amend and reenact sections 39-05-17 and 39-05-17 of the North Dakota  
2 Century Code, relating to certificates of notary showing registration requirements and transfer of  
3 title of a vehicle.

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

5 **SECTION 1. AMENDMENT.** Section 39-04-17 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7 **39-04-17. Certificate of notary showing compliance with registration is prima**  
8 **facie evidence - Penalty.** The possession of a certificate made out by a notary public or an  
9 authorized agent of a licensed vehicle dealer who took the acknowledgment of the application  
10 when the vehicle was first registered or required to be registered under the laws of this state, if  
11 such certificate shows the date of application, the make, registered weight, and year model of  
12 the motor vehicle, the manufacturer's number of the motor vehicle which such application  
13 describes, and further shows that such notary public, or authorized agent of a vehicle dealer,  
14 personally mailed the application with the remittance fee, is prima facie evidence of compliance  
15 with motor vehicle law with reference to the vehicle therein described, for a period of ~~thirty~~  
16 forty-five days from the date of such application. Any violation of this section is an infraction  
17 punishable by a fine of not less than fifty dollars.

18 **SECTION 2. AMENDMENT.** Section 39-05-17 of the North Dakota Century Code is  
19 amended and reenacted as follows:

20 **39-05-17. Transfer of title of vehicle - Endorsement required - Certificate of title**  
21 **delivered - New certificate obtained - Penalty.**

22 1. The owner or transferor of a motor vehicle who transfers title to a vehicle shall  
23 endorse an assignment and warranty of title upon the certificate of title for the

- 1                    vehicle. The owner or transferor shall include on the assignment and warranty of  
2                    title the name of the transferee and the selling price of the vehicle, if applicable.
- 3                    2. If legal title passes to the transferee, the owner shall deliver the endorsed  
4                    certificate of title to the transferee within fifteen days.
- 5                    3. If legal title passes to a lienholder rather than the transferee, the transferee shall  
6                    endorse a statement that the lienholder holds the lien and shall send the certificate  
7                    of title to the department with an application for a new certificate of title showing the  
8                    names of the new owner and lienholder. The certificate of title when issued must  
9                    be sent by the department to the lienholder or the department may use an  
10                    electronic lien notification procedure in lieu of sending a certificate of title to a  
11                    lienholder.
- 12                    4. Within thirty days ~~after receipt~~, the transferee shall deliver the endorsed certificate  
13                    of title to the department with a transfer fee of five dollars, and shall make an  
14                    application for a new certificate of title. In addition to any other penalty, the  
15                    registration to a motor vehicle may be suspended or revoked if the transferee fails  
16                    to present the endorsed certificate of title to the department for transfer and make  
17                    application for a new certificate of title within thirty days. The department shall  
18                    deliver the new certificate of title to the lienholder with priority. If there is no  
19                    lienholder, delivery must be made to the owner.
- 20                    5. A violation of this section by an owner, lienholder, or transferee is a class B  
21                    misdemeanor.