

June 2009

## **TITLE 39**

### **Motor Vehicles**

### **Summary of Bills Enacted by 2009 Legislative Assembly**

This memorandum summarizes 2009 legislation primarily affecting North Dakota Century Code Title 39. Bills primarily affecting other titles also affect this title, and relevant provisions of those bills are summarized in this memorandum.

The legislation relating to motor vehicles may be classified in these subject areas: title, registration, and license; driving while under the influence; commercial vehicles and licenses; snowmobile, off-highway vehicles, motorcycles, unconventional vehicles and bicycles; Highway Patrol; and miscellaneous.

#### **TITLE, REGISTRATION, AND LICENSE**

**House Bill No. 1301** provides for the conversion of manufactured homes to real property, for a certificate of title to a manufactured home, and for the department to accept a certificate of origin or certificate of title that is surrendered when a manufactured home is permanently affixed to real property and to cancel the same.

**Senate Bill No. 2148** allows a receipt printed on the department's online registration renewal service to be evidence of compliance with motor vehicle registration laws for a period of 15 days from the date printed on the receipt.

**House Bill No. 1133** extends from 30 days to 45 days the validity of a certificate of registration issued upon purchase from a licensed vehicle dealer and clarifies that the owner or transferor of a motor vehicle who transfers title shall endorse an assignment and warranty a title upon a certificate of title for the vehicle.

**House Bill No. 1153** makes technical corrections to motor vehicle-related laws.

**Senate Bill No. 2150** requires an application for registration or certificate of title to include the legal name of the owner as evidenced by a valid state-issued driver's license, identity card, or any other documentary evidence that confirms to the satisfaction of the director the true identity of the owner, and if two or more owners are designated, at least one must comply with this requirement.

**Senate Bill No. 2149** changes the term gross weight to registered gross weight and increases the weight from a maximum of 10,000 pounds to 20,000 pounds for the purpose of allowing certain vehicles up to that weight to receive a National Guard number plate, North Dakota Firefighter's Association plate, North Dakota Future Farmers of America Foundation number plate, or public or nonprofit organization number plate and makes the same changes for purposes of registration renewal, exemption from registration, and other registration provisions.

**House Bill No. 1414** allows the director to issue a North Dakota Gold Star number plate for an initial additional fee of \$15, of which \$10 is deposited in the highway tax distribution fund and \$5 is deposited in the Veterans' Cemetery maintenance fund, and subsequent payments of annual surcharge of \$10 to be paid to the Adjutant General, of which \$5 is deposited in the Veterans' Cemetery trust fund and \$5 in the Veterans' Cemetery maintenance fund. In addition, the bill provides that the plate must bear a gold star emblem on the left side of the plate with the letters "GS" before the number.

**Senate Bill No. 2313** allows for antique military vehicles to display military identification numbers instead of a number plate.

**Senate Bill No. 2067** allows for voluntary identification of an applicant for a nondriver color photo identification card or operator's license as an anatomical donor through an online registry approved by the director.

**House Bill No. 1161** allows the director to require information on the application for a nondriver color photo identification card to include information to improve identity security and the director may require a Social Security card and proof of residence address as a way of confirming the identity, date of birth, and legal presence of the applicant. In addition, the same provisions apply to operator's licenses and commercial driver's licenses.

**House Bill No. 1132** provides technical corrections relating to who may be licensed, the use of Social Security numbers on a driver's license, and disqualifying a commercial driver; removes the requirement that the law

enforcement officer shall immediately take possession of the person's operator's license when testing positive for driving while under the influence; and deems the third day after the mailing of a temporary operator's permit to be the issuance.

**House Bill No. 1288** allows the uniform complaint and summons to be used for violations of state law which occur on property that the Department of Transportation owns, leases, or manages or on sovereign lands and requires a court to suspend an individual's hunting, fishing, and trapping privileges until after the final disposition of a case if the individual fails to appear in court after promising to do so on a uniform complaint and summons. In addition, the bill removes the right to appeal from a finding from a district judge or magistrate that the person committed a traffic offense and allows a state's attorney to consent to prosecute an appeal for an offense committed within a city.

### **DRIVING WHILE UNDER THE INFLUENCE**

**House Bill No. 1306** allows the director of the Department of Transportation to issue a temporary restricted license for the purposes of participation in the 24/7 Sobriety Program.

**House Bill No. 1534** requires that a defendant be notified of the minimum mandatory sentence of one year's imprisonment for causing injury or death while operating a vehicle while under the influence of alcohol and requires the verdict form for a finding of guilt to include the elements that create the minimum sentence.

**Senate Bill No. 2112** requires the driver of a motor vehicle to move over a lane on the interstate system or a multilane highway for Department of Transportation maintenance vehicles displaying a flashing light. In addition, an individual who violates this requirement is guilty of an infraction if that person causes an accident and is otherwise subject to two demerit points and a fee of \$50.

**House Bill No. 1134** clarifies that a law enforcement officer may mail a temporary operator's permit whether or not the person is a resident of the officer's jurisdiction.

**House Bill No. 1287** removes references to the level of blood alcohol content for the purposes of suspension for a violation of driving while under the influence or equivalent ordinance to allow a suspension when the record does not contain the blood alcohol content level.

**House Bill No. 1219** requires a police officer to compel a driver involved in an accident resulting in death who the officer has probable cause to believe was driving while under the influence or, as added by the bill, committed a moving violation. In addition, if the accident results in serious bodily injury and the law enforcement officer has probable cause to believe the driver was driving while under the influence, the law enforcement officer may compel the driver to submit to testing.

### **COMMERCIAL VEHICLES AND LICENSES**

**Senate Bill No. 2241** lowers the overwidth vehicle fee for a calendar year from \$500 to \$100.

**Senate Bill No. 2092** repeals the prohibition on enforcement of rear-end protection, as required by federal law, on rear-end dump trucks and trailers used to haul agricultural products.

**Senate Bill No. 2429** changes an hours of service violation from driving more than 10 hours since the last 8 hours off duty to driving more than 11 hours since the last 10 hours off duty and from driving after 15 hours on duty since the last 8 hours off duty to driving after 14 hours on duty since the last 10 hours off duty.

**House Bill No. 1438** provides for a nonresident commercial driver's license that does not require a Social Security number and is good only for the period of time of the applicant's authorized stay in the United States. The bill allows renewal without a skills or knowledge test if the license has not expired for longer than one year. In addition, the bill provides for a nonresident commercial driver's license fee of \$20.

### **SNOWMOBILE, OFF-HIGHWAY VEHICLES, MOTORCYCLES, UNCONVENTIONAL VEHICLES, AND BICYCLES**

**Senate Bill No. 2367** creates a \$5 snowmobile safety fee to be collected by the snowmobile dealer from the buyer to be deposited in the state's snowmobile fund to be used solely for snowmobile safety education and promotion. In addition, the bill requires the Parks and Recreation Department to provide a report to the Department of Transportation on motor-powered recreational vehicle dealers that submitted the safety fee for snowmobiles and for off-highway vehicles.

**House Bill No. 1318** exempts a snowmobile operator on a snowmobile trail maintained by the Parks and Recreation Department that is within the right of way of a highway from traveling in the same direction as motor vehicles traveling in the lane next to the snowmobile operator.

**Senate Bill No. 2378** requires the Department of Transportation to issue a decal that contains the registration number of an off-highway vehicle to the owner and, upon request of the owner, to issue a distinctive number plate. In addition, the bill increases the off-highway vehicle trail tax from \$5 to \$15 and allows the department to use these funds to make grants to governmental agencies and nonprofit organizations for the purpose of developing and improving off-highway vehicle facilities and use areas and promoting off-highway vehicle safety and education. In addition, the department may use these funds to make grants to law enforcement agencies for the purpose of enforcing laws applicable to off-highway vehicles and off-highway vehicle facilities and use areas.

**House Bill No. 1295** allows for the title and registration of an unconventional vehicle for a registration of \$50 per year. In addition, the bill defines an unconventional vehicle as a motor vehicle that is designed to travel on at least three wheels in contact with the ground, has an unladen weight of at least 300 pounds but less than 8,000 pounds, has a permanent upright seat or saddle for the driver which is mounted at least 24 inches from the ground, has a steering device for front wheel steering control, is capable of speeds in excess of 65 miles per hour, is equipped as a motorcycle or off-highway vehicle, and may not be registered otherwise under the laws of this state. The bill allows a licensed driver to operate an unconventional vehicle on any highway except an access-controlled highway. In addition, the bill allows motorcycle rims to be less than 10 inches if otherwise in compliance with federal motor vehicle safety standards.

**Senate Bill No. 2349** removes the requirement that bicycle riders use a bicycle path and not the roadway when a bicycle path is adjacent to the roadway.

## **HIGHWAY PATROL**

**House Bill No. 1233** removes funds received from federal shared forfeiture proceedings from the Highway Patrol asset forfeiture fund.

**Senate Bill No. 2153** standardizes the purchase provisions of the Highway Patrol to make the provisions the same as for the Public Employees Retirement System plan; authorizes payment of employee contributions on a pretax basis, instead of on an aftertax basis, for the Highway Patrolmen's retirement system via employer pickup under Internal Revenue Code rules; changes the automatic distribution rules for the Highway Patrol plan to conform with federal requirements relating to automatic distributions; allows members of the Highway Patrolmen's retirement system to elect a new optional form of monthly retirement benefit that provides a graduated increase of 1 percent or 2 percent; and updates federal compliance provisions for the Highway Patrolmen's retirement system, including additional language to comply with Internal Revenue Code Section 415(b) and related regulations.

## **MISCELLANEOUS**

**Senate Bill No. 2012** moves the \$3 registration fee for the public transportation fund into the motor vehicle registration fees and removes the deposit of \$13 of each registration fee into the state highway fund.

**Senate Bill No. 2223** creates public transportation coordination pilot projects in a rural and an urban area of this state which must have a regional coordination administrator who coordinates the provision of public transportation services to the residents of the region in a manner that is cost-effective, efficient, and reduces fragmentation and duplication of services. The bill requires the Department of Transportation to develop standards for public transportation providers and contractors who provide public transportation within the coordinated public transportation system and the standards must promote coordination among public transportation providers. In addition, the bill provides spending authority to the department for gifts, grants, or donations for the pilot projects and requires a report to the 62<sup>nd</sup> Legislative Assembly.

**Senate Bill No. 2279** changes who may obtain the investigating officer's opinion about a motor vehicle accident from allowing the director to provide a copy to requiring the director or the investigating agency to provide a completed copy upon request.