

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1352

Page 1, line 1, remove the second "and"

Page 1, line 2, remove "subsection 1 of"

Page 1, line 2, remove "and sections"

Page 1, line 2, replace the second "and" with a comma

Page 1, line 2, after "39-26-08" insert ", and 47-30.1-23"

Page 1, line 3, after "vehicles" insert "and deposit of funds; and to declare an emergency"

Page 2, line 7, overstrike "has remained for a period of more than"

Page 2, line 8, overstrike "forty-eight hours" and insert immediately thereafter "is located"

Page 3, replace lines 11 through 22 with:

"SECTION 4. AMENDMENT. Section 39-26-06 of the North Dakota Century Code is amended and reenacted as follows:

39-26-06. Notice to owner of abandoned vehicle.

1. When an abandoned motor vehicle does not fall within the provisions of section 39-26-05, the unit of government or commercial towing service taking it into custody shall give notice of the taking within ten days. The notice must set forth the date and place of the taking, the year, make, model, and serial number of the abandoned motor vehicle and the place where the vehicle is being held, must inform the owner and any lienholders or secured parties of their right to reclaim the vehicle under section 39-26-07, and must state that failure of the owner or lienholders or secured parties to exercise their right to reclaim the vehicle is deemed a waiver by them of all right, title, and interest in the vehicle and a consent to the sale/disposal of the vehicle ~~at a public auction~~ pursuant to section 39-26-08.
2. The notice must be sent by certified mail, return receipt requested, to the registered owner, if any, of the abandoned motor vehicle and to all readily identifiable lienholders or secured parties of record. If it is impossible to determine with reasonable certainty the identity and address of the registered owner and all lienholders, the notice must be published once in a newspaper of general circulation in the area where the motor vehicle was abandoned. Published notices may be grouped together for convenience and economy."

Page 3, line 29, overstrike "fifteen" and insert immediately thereafter "thirty"

Page 4, line 4, replace "ninety" with "thirty"

Page 4, line 4, replace "the date" with "receipt"

Page 4, line 6, after "3." insert "Storage charges under subsection 2 may not exceed fifty dollars per day for an abandoned vehicle weighing less than one ton [907.18 kilograms].

4."

Page 5, line 2, after "department" insert "of transportation"

Page 5, after line 5, insert:

"4. From the proceeds of the sale of an abandoned motor vehicle, the commercial towing service may reimburse itself for the cost of towing, preserving, and storing the vehicle, and for all notice and publication costs incurred under this chapter. Any remainder from the proceeds of a sale must be held for the owner of the vehicle or entitled lienholder or secured parties for ninety days and then must be delivered to the administrator of the state abandoned property office in accordance with chapter 47-30.1.

SECTION 7. AMENDMENT. Section 47-30.1-23 of the North Dakota Century Code is amended and reenacted as follows:

47-30.1-23. Deposit of funds - Continuing appropriation.

1. Except as otherwise provided by this section, the administrator shall promptly deposit in the state treasury to the credit of the common schools trust fund all funds received under this chapter, including the proceeds from the sale of abandoned property under section 47-30.1-22.
2. The administrator shall promptly deposit in the state treasury to the credit of the permanent school fund all funds received from the sale of abandoned property under section 47-30.1-22 which were delivered to the administrator in accordance with section 39-26-08.
3. There is appropriated annually the amounts necessary to pay all expense deductions under this section, including:
 - a. Any costs in connection with the sale of abandoned property;
 - b. Costs of mailing, publication, and outreach efforts in connection with any abandoned property;
 - c. Reasonable service charges;
 - d. Costs incurred in examining records of holders of property and in collecting the property from those holders;
 - e. Funds for the payment of claims; and
 - f. Funds for the payment of holder refunds.

SECTION 8. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly