

Fifty-fifth  
Legislative Assembly  
of North Dakota

**HOUSE BILL NO. 1243**

Introduced by

Representatives Wald, Timm, Skarphol

Senator Mutch

1 A BILL for an Act to amend and reenact section 39-05-17.2 of the North Dakota Century Code,  
2 relating to motor vehicle body damage disclosure; and to provide a penalty.

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

4 **SECTION 1. AMENDMENT.** Section 39-05-17.2 of the 1995 Supplement to the North  
5 Dakota Century Code is amended and reenacted as follows:

6 **39-05-17.2. Body damage disclosure - Rules - When required - Penalty.**

- 7 1. Before January 1, 1992, the The department shall adopt rules relating to the  
8 manner and form of disclosing motor vehicle body damage on the certificate of title  
9 to a motor vehicle. The rules must provide for a damage disclosure statement from  
10 the transferor to the transferee at the time ownership of a motor vehicle is  
11 transferred and provide that the department must refuse to transfer the title without  
12 the required damage disclosure statement.
- 13 2. Motor vehicle body damage disclosure requirements apply only to the transfer of  
14 title on all current year models of motor vehicles and those models manufactured in  
15 the four years before the current model year. When a motor vehicle has been  
16 subject to this disclosure requirement and more than five years have elapsed since  
17 the date of manufacture, the holder of the certificate of title with the damage  
18 disclosure may have the disclosure removed and a new certificate of title issued for  
19 a fee of five dollars.
- 20 3. As used in this section, "motor vehicle damage" means a change in the body or  
21 structure of a motor vehicle, generally resulting from a vehicular crash or accident,  
22 including loss by fire, vandalism, weather, or submersion in water, resulting in  
23 damage to the motor vehicle which equals or exceeds fifty percent of the  
24 predamage retail value of the motor vehicle as determined by the national

- 1                    automobile dealers association official used car guide. The term does not include  
2                    body or structural modifications, normal wear and tear, glass damage, hail  
3                    damage, or items of normal maintenance and repair.  
4                    4. A person who violates rules adopted pursuant to this section is guilty of a class A  
5                    misdemeanor.