

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1382

Page 1, line 3, remove "26.1-40-01 and" and after "39-05-17.2" insert "and 39-05-20.2"

Page 1, line 4, remove "coverage for loss of value to insured motor vehicles and"

Page 1, line 5, after "disclosure" insert "and salvage certificate of title"

Page 1, line 9, replace "**Loss**" with "**Definitions - Loss**"

Page 1, line 10, after "1." insert "As used in this section:"

- a. "Loss of value" means the loss of market value or residual diminution of value caused by a covered occurrence under a valid motor vehicle policy which remains after the physical damage to the vehicle is repaired.
- b. "Policy" means a motor vehicle policy providing coverage for collision or comprehensive damages.

2."

Page 1, line 10, replace "must" with "may" and after "provide" insert "optional"

Page 1, line 11, remove ", unless the policy"

Page 1, remove lines 12 through 14

Page 1, line 15, remove "policy"

Page 1, line 16, replace "2" with "3"

Page 1, line 17, remove "or the owner of the vehicle"

Page 1, line 18, remove "recognizes the loss of value in some other similar fashion"

Page 1, line 19, remove "or claimant"

Page 2, line 1, replace "3" with "4"

Page 2, remove lines 10 through 31

Page 3, remove lines 1 through 31

Page 4, remove lines 1 through 8

Page 4, line 28, replace "five thousand dollars or thirty" with "forty"

Page 4, line 30, remove ", whichever is greater"

Page 5, line 3, after "4." insert "Any person repairing, replacing parts, or performing body work on a motor vehicle that is less than five years old shall provide a statement to the owner of the motor vehicle when the motor vehicle has sustained motor vehicle damage requiring disclosure under this section. The owner shall disclose this damage when ownership of the motor vehicle is transferred.

5. The amount of damage to a motor vehicle is determined by adding the retail value of all labor, parts, and material used in repairing the damage. When the retail value of labor has not been determined by a purchase in the ordinary course of business, for example when the labor is performed by the owner of the vehicle, the retail value of the labor is presumed to be the product of the repair time, as provided in a generally accepted autobody repair flat rate manual, multiplied by thirty-five dollars.

6."

Page 5, after line 4, insert:

**"SECTION 3. AMENDMENT.** Section 39-05-20.2 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**39-05-20.2. Issuance of salvage certificate of title.** ~~Any person or organization who completely destroys or completely dismantles a vehicle so as to cause that vehicle to lose its identity~~ The owner of a vehicle that is damaged in excess of seventy-five percent of its retail value shall forward the title for that vehicle to the department within ten days and the department shall issue a salvage certificate of title. If a vehicle for which a salvage certificate of title has been issued is reconstructed, a regular certificate of title may be obtained by completing an application for the certificate. The applicant shall include with the application a certificate of inspection in the form required by the department, the salvage certificate of title, and a five dollar fee. The department shall place on the regular certificate of title and on all subsequent certificates of title issued for the vehicle, a notation that damage disclosure information is available from the department. The department may not issue a new certificate unless the vehicle identification number of the vehicle has been inspected and found to conform to the description given in the application, or unless other proof of the identity of the vehicle has been provided to the satisfaction of the department."

Renumber accordingly