

February 16, 2017

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1352

In lieu of the amendments as printed on pages 477 and 478 of the House Journal, House Bill No. 1352 is amended as follows:

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; to provide for a continuing appropriation; 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, pickup, van or truck that does not exceed twenty thousand registered gross weight points [9071.85 kilograms].

4."

Page 4, line 29, overstrike "permanent school" and insert immediately thereafter "common schools trust"

Page 4, line 30, remove "not more"

Page 4, line 31, remove "than seven model years of age"

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

Renumber accordingly