

January 19, 2023

PROPOSED AMENDMENTS TO SENATE BILL NO. 2118

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

Page 1 line 1, after the third comma insert "and"

page 1, line 2, remove "subsection 1 of section"

Page 2, after line 15, insert:

"9. "Secured party" means an insurer covering the abandoned motor vehicle under an insurance policy."

Page 2, line 16, replace "9." with "10."

Page 2, line 19, replace "10." with "11."

Page 2, line 21, replace "11." with "12."

Page 3, remove lines 18 through 30

Page 4, replace lines 1 and 2 with:

**"SECTION 4. AMENDMENT.** Section 23.1-15-05 of the North Dakota Century Code is amended and reenacted as follows:

**23.1-15-05. Notice to owner and law enforcement of abandoned motor vehicle.**

1. When an abandoned motor vehicle does not fall within the provisions of section 23.1-15-04, the unit of government or commercial towing service taking it into custody shall give notice of the taking within ten days or within ten days after communications from the owner, lienholder, or secured parties of the abandoned motor vehicle have ceased. 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 23.1-15-06, must state that failure of the owner, lienholders, or secured parties to exercise their right to reclaim the vehicle within thirty days is deemed a waiver by the owner, lienholders, or secured parties of all right, title, and interest in the vehicle and a consent to the disposal of the vehicle pursuant to section 23.1-15-07, and must state the end date of the thirty-day period during which the owner may reclaim the abandoned motor vehicle.
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 or placed on the official website for the unit of government that initiated the impound process from public property. When posted on a

website, the notice must be placed in a designated area on the official website for a minimum of thirty days and must include the information in subsection 1. Published notices may be grouped together for convenience and economy. Failure of the owner, lienholders, or secured parties to exercise the right to reclaim the abandoned motor vehicle by the end of the public notice period is deemed a waiver by the owner, lienholders, or secured parties of all right, title, and interests in the vehicle and a consent to the disposal of the vehicle pursuant to section 23.1-15-07.

3. Subject to section 23.1-15-04, a commercial towing service that takes an abandoned motor vehicle into custody shall provide notice to the law enforcement agency having jurisdiction in the location from which the motor vehicle was towed within twelve hours after completing the tow.
4. Notice under subsection 3 must include:
  - a. The license plate number and state of registration;
  - b. The location from which the abandoned motor vehicle was towed;
  - c. The location to which the abandoned motor vehicle was towed;
  - d. The name, address, and telephone number of the commercial towing service that towed and is storing the abandoned motor vehicle; and
  - e. A description of the abandoned motor vehicle, including make, model, year, and color.
5. A commercial towing service that violates subsection 3 may not collect a storage fee under section 23.1-15-06 and shall return the motor vehicle to the registered owner at no cost to the owner, lienholder, or secured party.
6. This section also applies to emergency towing."

Renumber accordingly