

**Prepared Testimony Before The
Senate Transportation Committee
Honorable David A. Clemens, Chairman**

Regarding

SB 2247

Respectively Submitted By:

**Roger Gazur
706 10th Street NE
Beulah, ND 58523**

January 31, 2025

Personal:

My name is Roger Gazur. I live in Beulah, ND and have done so since 1978. I am a member of the Early Iron Rodders Car Club in Beulah and have been a car enthusiast since the age of eleven. I am joined in this testimony by Richard Simenson a lifelong resident of Zap, a member of the Early Iron Rodders Car Club and an accomplished car builder who has built a number of cars from junk. I am also joined by Jeff Walker, a lifelong resident of Beulah who is a nationally recognized authority on Edsel automobiles, another member of the Early Iron Rodders Car Club and a co-owner of J&J Restoration and Repair in Hazen, a nationally recognized restoration firm.

Discussion:

SB2247 contains four revisions to the NDCC. I'd like to go through them individually.

Page (1) Lines 9 and 10: We are neutral on this revision.

Page (2) Lines 20 and 21: We are neutral on this revision.

Page (3) Lines 17 to 19 inclusive: We fully support this revision. For those of us that rebuild automobiles we rarely, if ever, purchase finished cars. We buy what is commonly termed "project cars". Well, what is a project car? A project car typically is not complete. It may be missing minor items such as trim or accessories or it may be missing major components such as glass, sheet metal, interior, powertrain, it could be anything. Our position is that if a carcass has a VIN (Vehicle Identification Number), then it is a car regardless of how complete it may or may not be. I personally know of one instance when an enthusiast bought a project car with the body on his trailer and his pickup filled with all the front end sheet metal and other parts to the car. He took photographs of the car body as per the MVD (Motor Vehicle Division) procedure. When he applied for a title the MVD clerk informed him that she would not even consider his application as, based on the photos, "we only title cars, not parts". So the applicant took all of the sheet metal, just sat it on the body, and took additional pictures. Now the application was accepted, even though nothing really had changed. This revision addresses this situation and again, we fully support it.

Page (2) Lines 27 to 31 inclusive and Page (3) Lines 1 to 3 inclusive: We oppose the language in the bill and offer the following revisions.

- a) Page 2, Line 28: Add “when the department is unable to determine the legal owner of record,”. If the department can determine the legal owner of record, there is no need for this procedure, thus we believe this caveat should be added.
- b) Page 2, Line 28 and 29: Remove the requirement for a bill of sale. We oppose requiring a bill of sale for many reasons. It places the responsibility for ownership, for the purposes of titling, on the seller and not the buyer. In many cases the current owner has no history on the vehicle and could care less. As such they are reluctant to claim they are the owner when the ownership is murky. I personally had a seller refuse to sell to me when I asked for a bill of sale as he didn’t want the liability that goes along with a bill of sale. We believe that proof of ownership rests with the buyer (applicant) and that the applicant should be liable for any future challenges to the ownership of the vehicle. Now some may argue that as the verbiage is bill of sale OR statement of ownership there is no need to eliminate the bill of sale. We disagree. We can easily see the MVD offices using this option to dismiss a statement of ownership and demand a bill of sale. Eliminating the bill of sale option removes potential abuse.
- c) Page 2, Line 29, 30, and 31: We are opposing two items in this area. We may be misreading the bill but this section states “If satisfactory proof of ownership is established the department shall cancel the old certificate of title and issue a new certificate to the individual, subject to any existing lien.” We are under the impression that the goal here was to revise the procedure for titling vehicles that do not have current titles. This concerns us that this appears to be a procedure to legally reassign a title for a vehicle that currently has an owner of record. If this is the intent, we strongly oppose this.

We are also concerned that this section appears to be in conflict with Page 1, Lines 15 through 18 in that this section uses the term “may” and Page 2, Line 30 uses the term “shall” for the same activity. Again, we may be misreading this but we see the potential for confusion in this area.

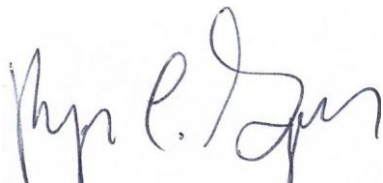
- d) Moving forward, we would also recommend putting a time limit on the response from the MVD. I personally know of two instances where applications for a lost title descended into “MVD purgatory” where, after months of delay, the MVD still hadn’t come to a decision on the application. In both cases, only after the applicants got their elected state legislators involved were the cases completed. Applicants shouldn’t have to resort to this.

In conclusion, if our recommendations are implemented, Page 2, Line 27 though Page 3, Line 3 would read:

*If the transferee is an individual and the vehicle is more than forty years old at the time of the application, **when the department is unable to determine the legal owner of record, satisfactory proof of ownership is established by a bill of sale or statement of ownership and any other requirements the department deems necessary, other than a Bill of Sale.** If satisfactory proof of ownership is established the department shall ~~cancel the old certificate of title and issue a new certificate to the individual, subject to any existing lien.~~ When valuing a vehicle transferred under this subdivision, the department shall use the sale price on the ~~bill of sale if a bill of sale is presented~~ **statement of ownership.** The department may ~~only request an appraisal of the vehicle if a bill of sale is not presented to the department~~ **if it has legitimate cause to do so.** **The department shall have 60 days from the date of the transferee’s application to issue a certificate of title or deny the application for legitimate cause.***

This concludes my testimony. Thank you for your time.

Respectfully:

A handwritten signature in blue ink, appearing to read "Roger E. Gazur". The signature is written in a cursive style with a large, stylized initial "R".

Roger Gazur
January 31, 2025