

2013 HOUSE TRANSPORTATION

HB 1218

2013 HOUSE STANDING COMMITTEE MINUTES

House Transportation Committee Fort Totten Room, State Capitol

HB 1218
01-24-13
HB 17698

Conference Committee

Committee Clerk Signature

Jeanette Cook

Explanation or reason for introduction of bill/resolution:

A bill relating to abandoned vehicles.

Minutes:

Attachments 1-4

Chairman Ruby opened the hearing on HB 1218.

Representative Patrick Hatlestad, District One, introduced HB 1218. He provided written testimony and an amendment sheet. See attachment #1-2. (4:00)

Representative Drovdal: Currently, if a tow truck owner picks up an abandoned vehicle off the highway; would the tow truck driver be reimbursed from the state or county?

Representative Patrick Hatlestad: It would depend if the sheriff's department or the Highway Patrol had asked them to pick it up. Then it would be reimbursed. If a private owner asked it to be picked off the property, it would not be reimbursed, and he would get his money back by either selling the vehicle or scrapping it.

Representative Drovdal: If the state authorized the towing and paid for it, would the state be able to recover some of the money if the vehicle was sold or scrapped?

Representative Patrick Hatlestad: The towing company can submit a bill for their costs. If there is any money left over, the state could possibly get some money back.

Representative Fransvog: You stated that "many (vehicles) are being dropped off." Are people pulling abandoned vehicles in front of the salvage yard and walking away? Why aren't the local law enforcement people ordering that these vehicles being picked up and moved, and having a sale for abandoned vehicles? The owner of this salvage company could bid and then get the vehicles.

Representative Patrick Hatlestad: The gentleman told me that he might come to work on Monday morning, and there might be two to three abandoned vehicles parked in his parking lot. It might be someone who is leaving the area and has a junker. They strip them from identification and just leave them. It might be a vehicle or a camper.

Representative Delmore: Is there going to be a problem with just requiring a VIN number and without being able to produce a title?

Representative Patrick Hatlestad: I don't know whether it will be a problem. Once the Department of Transportation got the VIN number and tagged it as being destroyed, I would think that if someone came in with a title with that VIN number, it would bring up a red flag.

Chairman Ruby: What is the period of time before this procedure can start to take place?

Representative Patrick Hatlestad: I think they have 15 days and have to notify people either by letter or public notice. There is another 30 days before it can be put up for public auction. There is a sufficient time frame for the owner to claim it.

Representative Heller: What is this particular salvage yard doing with these abandoned units now?

Representative Patrick Hatlestad: He says they are just stacked up on his property. He says he basically cannot do anything with them until he gets permission to destroy them.

There was no further support for HB 1218.

Mike Reitan, Assistant Chief, West Fargo Police Department, spoke in opposition to HB 1218. He provided written testimony. See attachment #3. (16:45)

Chairman Ruby: You mentioned lienholders. That would be important to find out if there is any entity that has a lien on the property before the 90 days is up. Would the lienholder get first chance to get the property back?

Mike Reitan: According to the current rule when law enforcement impounds a vehicle they need to check for the registered owner and any lienholders that may have an interest in the vehicle. The notice that we send out goes to both the owner and lienholder. The lienholder can claim the vehicle at any time during the process.

Chairman Ruby: Would that be bypassed with this bill?

Mike Reitan: For me as a law enforcement agency, I am uncomfortable passing that off to a third party with the hopes that they fulfill my requirements.

Representative Heller: If you were dealing with the salvage yard that **Representative Hatlestad** referred to, what would be the legal route that he would use to get rid of the abandoned vehicles in his yard?

Mike Reitan: There is a process that the Department of Transportation has in place right now. It is more detailed than in the bill. The Department of Transportation will speak to that.

Linda Sitz, Director of Motor Vehicle Division, Department of Transportation, spoke in opposition to HB 1218. She provided written testimony and documents that are used for the process she described. See attachments #4 and 4A-4F. (23:35);

Representative Delmore: You have a form for vehicles without titles. Even now is it impossible for the Department of Transportation to go through and find titles on all abandoned vehicles?

Linda Sitz: The Department of Transportation uses that Request for Information Form to retrieve information on abandoned vehicles. If we cannot receive the information with that form, we use attachment A. That is our standard for titling untitled vehicles.

Chairman Ruby: In a situation where someone leaves an abandoned vehicle at a salvage yard, do they need to go through the same process?

Linda Sitz: Currently that individual could be using the Storage and Repairman's Lien. They can also use that Request for Vehicle Information Form to gain access to that owner and vehicle information. They can then go through the process of meeting with the owner.

Chairman Ruby: Are the funds paid with our registrations that are set up for abandoned vehicles, only for vehicles that are left on public property?

Linda Sitz: I'm not sure.

Representative Sukut: I have only had one brief conversation with the individual that precipitated this bill. He indicated that he has made several trips to the Department of Transportation, and he has not been able to get any information for the vehicles that have been abandoned at his salvage yard. Should he have been able to get the information so that he can get the titles? What did he not do that he should have done?

Linda Sitz: Without having the exact information in front of me I can't answer specifically. Generally, if he filled out the Request for Information Form correctly, he should have been able to obtain the information.

Chairman Ruby: If someone goes through the process to get the title transferred to himself, does he have to pay state tax on that?

Linda Sitz: Normally, we assess a fair market value, and then assess excise tax on that.

Chairman Ruby: So, if he was going to crush the vehicle, he still has to pay sales tax on it?

Linda Sitz: If they are going to crush the vehicle, I don't think we have to have excise tax on that.

Representative Vigessaa: Are we adequately funded in the abandoned vehicle fund?

Linda Sitz: I understand that the State Treasury Office monitors that fund. Every year it can only reach a certain percentage, after that it goes into the Highway Distribution Fund. Currently, I don't know the balance in that account.

There was no further opposition to HB 1218.
There was no neutral testimony on HB 1218.

The hearing was closed on HB 1218.

The bill will be held for further discussion.

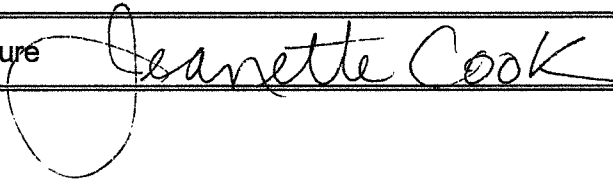
2013 HOUSE STANDING COMMITTEE MINUTES

House Transportation Committee
Fort Totten Room, State Capitol

HB 1218
01-24-13
Job # 17719

Conference Committee

Committee Clerk Signature

A handwritten signature in cursive script that reads "Jeanette Cook". The signature is written over a horizontal line and extends slightly above and below it.

Minutes:

Chairman Ruby brought HB 1218 back before the committee for discussion.

Chairman Ruby: The Department of Transportation had a lot of issues with this bill.

Representative Drovdal moved a **DO NOT PASS** on HB 12:18.
Representative Gruchella seconded the motion.

A short discussion took place about all the problems with the bill.

A roll call vote was taken: Aye 12 Nay 1 Absent 1

The motion carried.
Representative Weisz will carry HB 1218.

Date: 1-24-13
 Roll Call Vote #: 1

**2013 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 1218**

House Transportation Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: Do Pass Do Not Pass Amended Adopt
 Amendment

Rerefer to Appropriations Reconsider

Motion Made By Drovdal Seconded By Gruchalla

Representatives	Yes	No	Representatives	Yes	No
Chairman Dan Ruby	✓		Rep. Lois Delmore	✓	
Vice Chairman Mark Owens	✓		Rep. Edmund Gruchalla	✓	
Rep. Rick Becker	✓		Rep. Kylie Oversen	✓	
Rep. David Drovdal	✓				
Rep. Robert Frantsvog	✓				
Rep. Brenda Heller	✓				
Rep. Curtiss Kreun	✓				
Rep. Mike Schatz	A				
Rep. Gary Sukut		✓			
Rep. Don Vigesaa	✓				
Rep. Robin Weisz	✓				

Total (Yes) 12 No 1

Absent 1

Floor Assignment Weisz

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1218: Transportation Committee (Rep. Ruby, Chairman) recommends **DO NOT PASS** (12 YEAS, 1 NAYS, 1 ABSENT AND NOT VOTING). HB 1218 was placed on the Eleventh order on the calendar.

2013 TESTIMONY

HB 1218

#1

Chairman Ruby and members of the Transportation Committee, for the record I am Representative Patrick Hatlestad, District One, Williston.

I stand before you to request support of HB 1218, a bill filed at the requested of a private individual, an owner of a Towing and Salvage Company. One problem is the significant number of abandon vehicles, including campers, many being "dropped off" often lacking identification with the exception of the VIN (vehicle identification number) number. Second problem is their inability to get access to information from law enforcement/DOT to contact the owner and start the redemption/destruction process - reportedly, privacy issues. I don't know if it is a local problem with this one salvage yard, a western ND issue or a state wide issue. But for this individual there are problems.

Basically the bill looks at three things: 1) ability for the towing operator or the owner of the salvage yard to get the necessary information from law enforcement or DOT to be able to track the owner of the abandon vehicle. Under this bill the individual will follow all the requirements in Century Code in sections 39-26-06 and 07 related to the disposal of the abandon vehicles including meeting time frames, letter to owner, published notices, redemption of vehicle, holding of public auction and

the holding of receipts. The only difference from a government entity is that the business gets to keep the money after 90 days.

2) Second issue deals with the crushing and/or selling for scrape of the abandon vehicles. DOT currently requires a title be turned in to DOT indicating that the vehicles has been taken out of commission and will no longer be on the highway. Actually applies to any vehicle that carries a VIN number. They may be difficult If not impossible to obtain. Therefore, this bill only requires that the salvage co. inform DOT that the vehicle has been decommission (crushed/scraped) and provides the VIN number.

3) In case an error takes place in the disposal of the abandon vehicle and an "owner" shows up and wants to reclaim the vehicle, it has been sold or crush or scraped, the bill requires a posting of a \$100,000 blanket bond to cover the replacement costs.

I respectfully ask you to support HB 1218. Thank you I will stand for questions.

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1218

- Page 1, line 6, after "**truck**" insert "**and salvage yard**"
 - Page 1, line 7, after "business" insert "or salvage yard"
 - Page 1, line 17, after "business" insert "or salvage yard"
 - Page 1, line 21, after "business" insert "or salvage yard"
 - Page 2, line 4, after "business" insert "or salvage yard"
 - Page 2, line 6, after "business" insert "or salvage yard"
 - Page 2, line 12, after "business" insert "or salvage yard"
 - Page 2, line 16, after "business" insert "or salvage yard"
 - Page 2, line 18, after "business" insert "or salvage yard"
 - Page 2, line 20, after "business" insert "or salvage yard"
 - Page 2, line 22, after "business" insert "or salvage yard"
 - Page 2, line 24, after "business" insert "or salvage yard"
 - Page 2, line 25, after "business" insert "or salvage yard"
 - Page 2, line 26, after "business" insert "or salvage yard"
 - Page 3, line 5, after "business" insert "or salvage yard"
 - Page 3, line 6, after "operator" insert "or salvage yard"
- Renumber accordingly

Good Morning

Chairman Ruby, Vice Chair Owens and members of the Committee, for the record my name is Mike Reitan, Assistant Chief of the West Fargo Police Department. I am testifying today in opposition of House Bill 1218.

The bill before you today appears to have issues that make me uncomfortable as an administrator of a law enforcement agency and as a property owner. I believe the protection of a person's property interests is paramount and those rights must be safeguarded through proper notice and procedure. To have one's property taken and sold without due process is unacceptable.

I have a concern with the bill authorizing what would be the conveyance of the authority of a law enforcement agency to a towing company. The towing company, acting as an agent of the agency, could expose the agency to possible civil or criminal penalty for wrong doing committed by a property owner or personnel of a towing company.

An issue for me in the proposed language is the apparent attempt to absolve the towing company from wrong doing, first through the property owner. Once a vehicle has been towed the liability would shift to the law enforcement agency of jurisdiction through an agreement of acceptance of the use of the procedure allowed under the new section.

Under HB1218 the law enforcement agency would be expected to enter into an open end agreement with the towing company. Such agreement would expose the agency to the risk for claims by the registered owner relating to the improper disposal of personal property and the potential carries the dangers of expanding how protected personal information is released to private companies. It was not too long ago the public demanded more restriction on releasing vehicle license information. This bill would open the protected information up with no viable way to audit whom the information was released to.

As proposed the property owner would complete a form stating the conditions under which the vehicle was left and a description of the vehicle. The circumstance detailed by the property owner for causing the tow would be taken on face value by the towing company. The towing company would perform the tow and notify the law enforcement agency per the written agreement. The agency would accept the actions of the towing company and would be obligated to release personal protected information covered under chapter 39-33. The record would be maintained by the towing company and would not be conveyed to the law enforcement agency. Who should the registered owner contact to dispute the allegations that caused the vehicle to be towed?

The towing company would then proceed to notify the registered owner and lien holder based on registration information provided the law enforcement agency. This is problematic as the law enforcement agency would be in violation of chapter 39-33 Driver and Motor Vehicle Record Privacy by releasing the information to the towing company.

There currently is a lawful process for a third party to request the protected information through the ND Department of transportation.

Upon sale of an abandoned vehicle any proceeds after expenses go to the towing company **in opposition of 39-26-08** where deposits must be made with the state. The towing company is required to hold the money for 90 days to allow the registered owner the ability to recoup the proceeds of sale above those of the towing company's expenses. There is no provision as to how those expenses will be calculated or recorded. Vehicles not sold at auction would be allowed to be sold by any other means **in opposition of 39-26-09**.

The final issue is the HB 1218 fails to set a penalty for a violation of the rules. Is a violation meant to be handled as a theft of property and who is to be charged? Would it be the property owner that authorized the removal of the vehicle or the law enforcement agency who assigned the towing company as their agent?

HB1218 appears to be an attempt to short cut a process already in place with the ND Department of Transportation to handle abandoned motor vehicles. HB1218 is asking law enforcement agencies to commit time and personnel to conduct records checks for the benefit of a private business. Those records checks appear to be in violation of chapter 39-33. The potential for the abuse of a written agreement transferring the law enforcement agency's authority to the towing company creates an unacceptable liability for my agency. I respectfully ask for you to cast a vote for a DO NOT PASS relating to HB1218.

Thank you for your time this morning. I will take any questions you may have.

#4

House Transportation COMMITTEE
January 24, 2013 – 11:00 a.m. – Fort Totten

North Dakota Department of Transportation
Linda Sitz, Director of Motor Vehicle Division
House Bill 1218

Mr. Chairman and members of the committee - I'm Linda Sitz, Director of the Motor Vehicle Division at the North Dakota Department of Transportation (DOT). Thank you for giving me the opportunity to present information to you today.

DOT has two major concerns with this bill. First, existing law already addresses a method for a towing company to obtain a title for abandoned vehicles and second, this bill, if passed, would allow a non-law enforcement entity to have more authority than law enforcement currently has.

DOT would like to state that there is a current law in place which is covered under the Storage and Repairman's Lien that addresses abandoned motor vehicles. The existing law and forms used when dealing with abandoned motor vehicles are outlined in- Attachment A, which is our administrative code that develops process to obtain a certificate of title based on NDCC. Appendix B is the Storage and Repairman lien structured guidelines for obtaining a title and protecting the citizen: N.D.C.C. §§ 35-13, 35-14, 35-20, 39-05-19 and 19-05-20. Appendix C and D are forms currently used by the department as an application to title a vehicle and request for vehicle information when an owners identity is unknown. Appendix E is the current section of statute that addresses the standards for abandoned motor vehicles.

The second issue of allowing a non-law enforcement entity to have more authority than law enforcement currently has was addressed by Assistant Chief Reitan. Here are some of DOT's concerns and unanswered questions we identified when we read the bill.

- The bill will allow towing companies to go onto private land and tow vehicles left without permission or when permission was withdrawn.
- The tow company would be able to conduct sheriff sales on their own without paying tax on the vehicles, a privilege currently extended only to municipalities and law enforcement.
- What form will be created and used for written verification of the sheriff sale for the citizen who wants to title the vehicle?
- How would the tow company report out of state vehicle information to DOT without a title?
- How will the expenses and sales from the sale of towed vehicles be reported to DOT if the tow company does not put the titles in their name?
- The bill is silent as to how verification is made on who is and isn't an authorized towing company.
- There is no definition in law on who can be a towing company and how they are regulated. Or how it will be determined that the vehicle was towed according to law?

- Should the towing company which qualifies be registered with the Secretary of States office?
- How will the bond be setup and monitored?
- Will DOT receive a notice that the vehicle has been crushed?
- Will the salvage yard or towing company report to National Motor Vehicle Title Information System (NMVTIS) that the vehicle has been crushed? MV currently does not have a method in place to report these types of vehicles to NMVTIS or to the titling state.
- Should a public notice be mandated to be put in the paper, court house, etc. when a vehicle is towed?
- Without a title if these vehicles are sold to people that use them and want to title and license them or sell them as parts, having no title will become a problem.
- Should the salvage yard or towing company title these vehicles in their name to avoid issues with buyers not having a title?
- What instrument will be used to convey ownership of an abandoned vehicle a Sheriffs bill of sale (attachment F) or the ND MV Untitled Vehicle policy (Attachment A).
- If the vehicle is titled and registered from another state, the buyer would be required to contact the previous owner and obtain a transfer of title.

Mr. Chairman, I would be happy to answer any questions at this time. Thank you.

**CHAPTER 37-12-04
OBTAINING CERTIFICATE OF TITLE FOR UNTITLED VEHICLES**

Section
37-12-04-01 Procedure

37-12-04-01. Procedure. If a North Dakota resident owns a vehicle for which the resident is unable to obtain a proper certificate of title, the motor vehicle division will use the following forms and procedures to determine ownership of a vehicle and issue a certificate of title:

1. A check of the records of the motor vehicle division, as well as the records of other appropriate states, will be conducted to determine if a certificate of title has previously been issued.
2. If no record of a previous certificate of title is found, the motor vehicle division will issue a North Dakota certificate of title to the applicant upon receipt of:
 - a. A notarized bill of sale.
 - b. A vehicle statement of ownership from the applicant (form SFN 2903).
 - c. An inspection of the vehicle by the North Dakota highway patrol (form SFN 2486).
 - d. Appropriate title fee, license fees, and motor vehicle excise tax.
3. When there is no record of a previous title, the motor vehicle division will check the national crime information center computer to determine that the vehicle is not listed as a stolen vehicle.
4. If a record of a previous certificate of title is found, the motor vehicle division will advise the applicant of the name and address of the last owner of the vehicle but will take no further action to issue a certificate of title. The applicant must obtain the certificate of title from the last owner or obtain an order of the court awarding ownership to the applicant.

History: Effective July 1, 2008.
General Authority: NDCC 39-05-20(1)
Law Implemented: NDCC 39-05-20(1)

Storage and Repairman's Lien: 35-13, 35-14, 35-20, 39-05-19, 39-05-20 (NDCC)

A. Vehicle acquired through storage or repair must be titled before it can be sold. The following requirements must be met:

1. Establish the registered owner by checking Motor Vehicle Division records. Fee is \$3 and Request for Vehicle Information (SFN 51269) must be completed.
2. If there is a lien holder on the Motor Vehicle records, contact the lien holder for the certificate of title or release of lien. If the lien holder will not release the certificate of title, no new certificate of title can be issued.
3. If the vehicle has been left for storage or repair by a non-resident, the state where the vehicle was last titled and registered will have to be contacted for ownership and lien information.
4. A certified letter detailing the costs accrued for storage and/or repairs must be mailed to the record owner. If the vehicle was left by someone other than the registered owner, a certified letter must be mailed to that person.
5. Receipt of the certified letter or undeliverable return of the letter to the sender will be required. Before an application for a certificate of title can be made, allow 30 days for the owner to respond.
6. Letter of indemnification from the storage or repair facility releasing the State of North Dakota and its agencies from any or all claims is required.

B. After the above-mentioned requirements have been met, the following steps are necessary to obtain a certificate of title:

1. Application for Certificate of Title and Registration of a Motor Vehicle (SFN 2872) must be completed in full and signed on the front side.
2. Proof, such as a copy of the certified letter and the returned receipt or the undelivered returned letter must accompany the application for certificate of title.
3. Certificate of title fee is \$5.
4. Abandoned motor vehicle disposal fee of \$1.50 applies upon initial application for certificate of title.
5. Motor vehicle excise tax (5%) must be remitted with the application. See the following examples:

EXAMPLES

Storage or Repair Bill \$ 500 Fair Market Value \$ 600 Taxable Amount \$ 600

Storage or Repair Bill \$1,000 Fair Market Value \$3,000 Taxable Amount \$3,000

Storage or Repair Bill \$2,000 Fair Market Value \$ 500 Taxable Amount \$ 500

39-05-19. Obtaining certificate of title for vehicle when ownership obtained by other than voluntary means.

Whenever the ownership of any vehicle passes otherwise than by voluntary transfer, the transferee may obtain a certificate of title for the vehicle from the department upon application for the certificate and payment of a fee of five dollars. The application for the certificate must be accompanied by instruments or documents of authority, or copies thereof, as may be required by law to evidence or effect a transfer of title in or to chattels in such case. The department, when satisfied of the genuineness and regularity of such transfer, shall issue a new certificate of title to the person entitled thereto, provided that the department may not issue a certificate of title for a manufactured home with respect to which there has been recorded an affidavit of affixation under section 47-10-27.

39-05-20. Transferee may obtain new certificate of title upon inability to obtain old certificate - Proof of ownership - Appeal.

1. When the transferee of a vehicle is unable to obtain a properly assigned certificate of title for a vehicle, and makes application for a new certificate and presents satisfactory proof of ownership, the department may cancel the old certificate and issue a new certificate to the transferee, provided that the department may not issue a certificate of title for a manufactured home with respect to which there has been recorded an affidavit of affixation under section 47-10-27. Satisfactory proof of ownership must include compliance by the transferee with the procedures outlined in title 35. The department may establish procedures for determining satisfactory proof of ownership of a vehicle in those cases when the department is unable to determine the legal owner of record. Any person aggrieved by a decision of the department as to ownership of a vehicle may appeal that decision to the district court under chapter

28-32.

2. A person holding a certificate of title whose interests in the vehicle have been extinguished or transferred other than by voluntary transfer shall mail or deliver the certificate to the department upon request of the department. The delivery of the certificate pursuant to the request of the department does not affect the rights of the person surrendering the certificate. The action of the department in issuing a new certificate of title as provided herein is not conclusive upon the rights of the owner or lienholder listed in the old certificate.

C

APPLICATION FOR CERTIFICATE OF TITLE & REGISTRATION OF A VEHICLE

North Dakota Department of Transportation, Motor Vehicle Division
SFN 2872 (Rev. 01-2011)

Motor Vehicle Division
North Dakota Department of Transportation
608 E Boulevard Ave
Bismarck ND 58505-0780
Phone (701) 328-2725
Web site: www.dot.nd.gov

This Application is for:

<input checked="" type="checkbox"/> (Check only one) SEE INSTRUCTIONS ON REVERSE SIDE.		<input type="checkbox"/> Duplicate plates, tabs & registration card \$5.00
<input type="checkbox"/> New or Out-of-State Vehicle		<input type="checkbox"/> Duplicate tabs & registration card \$3.00
<input type="checkbox"/> Vehicle License		<input type="checkbox"/> Duplicate registration card only \$2.00
<input type="checkbox"/> Gross Weight Increase		<input type="checkbox"/> Duplicate title \$5.00
<input type="checkbox"/> Utility Trailer License \$5.00		REQUIRED: Reason for Duplicate (Circle: lost, stolen, mutilated)

II. Applicant Information

Applicant's Legal Name (first, middle, last) or Firm Name (Lessor, Trust):				<input type="checkbox"/> DL <input type="checkbox"/> CID <input type="checkbox"/> CORPID <input type="checkbox"/> FEIN (Check One)	Telephone Number
Mailing Address	City	State	Zip	County	
Co-Applicant's Legal Name (first, middle, last) or Firm Name (Lessor, Trust):				<input type="checkbox"/> DL <input type="checkbox"/> CID <input type="checkbox"/> CORPID <input type="checkbox"/> FEIN (Check One)	Telephone Number
Mailing Address	City	State	Zip	County	
Check one: <input type="checkbox"/> Or <input type="checkbox"/> And <input type="checkbox"/> And/Joint Tenants with Right of Survivorship					

III. Vehicle Information

				North Dakota Title Number	
Year	Make	Model	Body Style		
Vehicle Identification Number			Color	Fuel Type	
Weight	Previous Weight	Length (Travel Trailer/Mobile Home/Motor Home)	ND License Plate Number	Credit Plate Number	
Date 1st used on ND Highways		Odometer Reading	Odometer Indicator (check one) <input type="checkbox"/> Actual Mileage <input type="checkbox"/> Exceeds Mechanical Limits <input type="checkbox"/> Not Actual		

Motor Vehicle Purchaser's Certificate

Full Purchase Price	\$
Less Trade-In Allowance	\$
Less Total Loss Allowance	\$
Difference / Subtotal	\$
Tax (5% of Difference / Subtotal)	\$
Abandoned Vehicle Disposal fee (\$1.50)	\$
Title Fee (\$5.00)	\$
License Fee	\$
License Plate Credit Amount	\$-
Plate Transfer Fee (\$5.00)	\$
TOTAL FEES DUE:	\$
Year and Make of Trade-In	
VIN of Trade-In	
Tax Exempt (see instructions on reverse) <input type="checkbox"/>	NOTE: A guide published by the automobile industry will be used to check values.

V. Dealer and Lienholder Information

Date Acquired	<input type="checkbox"/> New Vehicle (Check One) <input type="checkbox"/> Used Vehicle (One)
Acquired From:	North Dakota Dealer Number (if applicable)
First Lienholder (title will be mailed to first lienholder)	
Mailing Address	
City	State Zip
Second Lienholder	
Mailing Address	
City	State Zip

X _____
Signature - this is my legal signature Date

X _____
Signature - this is my legal signature Date

VI. NDCC Chapters 39-04 and 39-05. Applicant certifies this vehicle will be insured as required by law. The applicant, under penalties of law and as rightful owner of the vehicle described on this application declares that the information set forth is correct.

If vehicle is company owned, company name and title of authorized agent signing the application must be noted.

ATTENTION TRUCK OWNERS HAULING HAZARDOUS MATERIALS:

I declare, with my signature on my registration application that I am knowledgeable of the Federal or State Motor Carrier and Hazardous Materials Safety Regulations.

PENALTY: Any person making any false statement on this application for license or title for which another penalty is not specifically provided is guilty of a class B misdemeanor.

VII. TAX EXEMPTION

(CONTINUATION OF MOTOR VEHICLE PURCHASER'S CERTIFICATE)

Vehicle is exempt from tax, enter number corresponding to exemption in Section IV. (front of this form)

Gift from wife, husband, parent, child, brother or sister (Circle One)

2. Joint Tenants with Right of Survivorship and now vehicle is being put in one name only

3. Inheritance

4. Change of name by marriage, adoption or court order (Circle One)

5. Vehicle acquired through a lease purchase agreement (Circle One)

A. If tax was paid on the total lease consideration, tax is due on the lease buyout amount.

B. If tax was paid on the full purchase price and you have been in possession of the vehicle over one year, no tax is due.

C. If tax was paid on the full purchase price and you have been in possession of the vehicle for less than one year, tax is due on the lease buyout amount.

6. State Fleet

7. Lien change --- RECORD ODOMETER READING _____

8. Interstate carriers --- Account Number _____

9. Tax paid to state that grants reciprocity to North Dakota (Proof Required)

10. Transfer into state by non-resident

11. Dealer resale - USED vehicle

12. Dealer resale - NEW vehicle

13. Tribal (form SFN 18085 required)

14. Disabled American Veteran or former Prisoner of War

15. Nonprofit senior citizens' or mobility impaired person's corporation owned buses

16. Mobility impaired persons purchasing specially equipped vehicles

17. Homemade vehicles

18. Newly formed partnership or corporation (Circle One)
Date formed: _____

19. Dissolved partnership or corporation (Circle One)
Date dissolved: _____

20. Parochial or private non-profit school buses

21. Assembled vehicles by motor vehicle dealer (form SFN 22056 required)

22. Transfer into family trust

23. Military home of record --- entry or discharge (Circle One)

24. Mobile Home (form SFN 3004 required)

25. North Dakota political subdivisions

26. Repossession (form SFN 2880 required)

27. Non-resident military lease

28. Insurance company - total loss settlement

29. Other

VIII. DAMAGE DISCLOSURE STATEMENT

DAMAGE DISCLOSURE: NDCC 39-05-17.2

Within the past eight (8) years, has this vehicle sustained body or structural damage from a vehicular crash or accident, including loss by fire, vandalism, weather, or submersion in water, resulting in damage to the motor vehicle which equals or exceeds the greater of \$8,000.00 or forty percent of the predamage retail value of the motor vehicle as determined by the national automobile dealers association official used car guide? The term does not include body or structural modifications, normal wear and tear, glass damage, hail damage, or items of normal maintenance and repair.

Yes No

Type of Damage (check all that apply)	<input type="checkbox"/> Collision	<input type="checkbox"/> Weather	<input type="checkbox"/> Theft	<input type="checkbox"/> Interior	<input type="checkbox"/> Other
	<input type="checkbox"/> Water	<input type="checkbox"/> Vandalism	<input type="checkbox"/> Fire	<input type="checkbox"/> Under Carriage	

Has this vehicle been damaged in excess of seventy-five percent (75%) of its retail value? Yes No

Explanation of Damage

Signature of Transferor (Seller) _____ Date _____

X

Any person who makes a false statement on this form is guilty of a Class A Misdemeanor.

INSTRUCTIONS:

SECTION NO.

I. Check the type of application you are submitting (check only one).

II. Complete applicant information in **FULL** for each owner.

III. Complete **ALL** applicable vehicle information. Odometer reading required on all vehicles 10 years old and newer.

IV. Complete **ALL** applicable purchaser's certificate information.

- Abandoned vehicle disposal fee of \$1.50 is due on all new and out-of-state passengers, trucks, buses, and motorhomes when first titled in North Dakota.
- Title fee is \$5.00
- Enter license fee and pay applicable plate credit using the appropriate fee schedule.
- If applying plate credit, enter \$5.00 plate transfer fee.
- If a trade allowance, year, make, and VIN are required.
- Enter the appropriate tax exemption number if an exemption for tax is claimed (see tax exemptions Section VII).

V. Complete **ALL** applicable dealer and lienholder information.

VI. Application must be signed with applicant's legal signature and dated.

VII. Applicable tax exemptions.

VIII. Damage Disclosure statement must be completed for all vehicles less than 9 model years old.

D

REQUEST FOR VEHICLE INFORMATION

North Dakota Department of Transportation, Motor Vehicle Division
SFN 51269 (Rev. 07-2010)

MOTOR VEHICLE DIVISION
608 E BOULEVARD AVE
BISMARCK ND 58505-0780
Telephone (701) 328-2725 Fax (701) 328-1487

Identity of Person Requesting Information:

Name			
Address	City	State	Zip Code
Daytime Telephone Number			
Who do you represent?			

Information Requested (be specific): **Fee is \$3 per vehicle or \$3 per search if none found.**

North Dakota law prohibits the disclosure of personal information from the records of the Motor Vehicle Division except to persons or entities that meet one or more of the exceptions listed below. Personal information is defined as the name or address of vehicle owners.

Please initial the appropriate exception(s) listed below when submitting this "Request for Personal Information." If no exception is initialed, personal information cannot be disclosed.

Initial the proper category

- 1. For use by any government agency, including any court or law enforcement agency, in carrying out its functions, or any private person acting on behalf of a government agency in carrying out its functions.
- 2. For use in connection with matters of motor vehicle or driver safety and theft; motor vehicle emissions; motor vehicle product alterations, recalls, or advisories; performance monitoring of motor vehicles, motor vehicle parts, and dealers; motor vehicle market research activities, including survey research; and removal of nonowner records from the original owner records of motor vehicle manufacturers.
- 3. For use in the normal course of business by a legitimate business or its agents, employees, or contractors:
 - a. To verify the accuracy of personal information submitted by the individual to the business or its agents, employees, or contractors; and
 - b. If the information as so submitted is not correct or is no longer correct, to obtain the correct information, but only for the purposes of preventing fraud by, pursuing legal remedies against, or recovering on a debt or security interest against, the individual.
- 4. For use in connection with any proceeding in any court or government agency or before any self-regulatory body, including the service of process, investigation in anticipation of litigation, and the execution or enforcement of judgments and orders, or pursuant to an order of any court.
- 5. For use in research activities, and for use in producing statistical reports, so long as the personal information is not published, redisclosed, or used to contact individuals.
- 6. For use by any insurer or insurance support organization, or by a self-insured entity, or its agents, employees, or contractors, in connection with claims investigation activities, antifraud activities, rating, or underwriting.
- 7. For use in providing notice to the owner or lienholder of a towed or impounded vehicle.
- 8. For use by any licensed private investigative agency or licensed security service for any purpose permitted under this section.
- 9. For use by an employer or its agent or insurer to obtain or verify information relating to a holder of a commercial driver's license which is required under the Commercial Motor Vehicle Safety Act of 1986 [title XII of Pub. L. 99-570].
- 10. For use in connection with the operation of private toll transportation facilities.
- 11. For any use specifically authorized by law that is related to the operation of a motor vehicle or public safety.
- 12. Unrestricted or specified use with written consent of the person who is the subject of the information. (Attach proof of written consent.)

In requesting and using this information I acknowledge that this disclosure is subject to the federal Driver's Privacy Protection Act (Public Law 103-322) and North Dakota law. This is signed and the request made under the penalties of law.

Signature _____

Date _____

CHAPTER 39-26
ABANDONED MOTOR VEHICLES

39-26-01. Statement of legislative intent concerning abandoned motor vehicles.

Abandoned motor vehicles constitute a hazard to the health and welfare of the people of the state in that such vehicles can harbor noxious diseases, furnish shelter and breeding places for vermin, and present physical dangers to the safety and well-being of children and other citizens. Abandoned motor vehicles and other scrap metals also constitute a blight on the landscape of the state and therefore a detriment to the environment. The abandonment and retirement of motor vehicles and other scrap metals constitutes a waste of a valuable source of useful metal. It is therefore in the public interest and the intent of the legislative assembly that the present accumulation of abandoned motor vehicles and other scrap metals be eliminated, that future abandonment of motor vehicles and other scrap metals be prevented, that the expansion of existing scrap recycling facilities be developed, and that other acceptable and economically useful methods for the disposal of abandoned motor vehicles and other forms of scrap metal be developed.

39-26-02. Definitions.

As used in this chapter, unless the context or subject matter otherwise requires:

1. "Abandoned motor vehicle" means a motor vehicle, as defined in section 39-01-01, that has remained for a period of more than forty-eight hours on public property illegally or lacking vital component parts, or has remained for a period of more than forty-eight hours on private property without consent of the person in control of such property or in an inoperable condition such that it has no substantial potential further use consistent with its usual functions unless it is kept in an enclosed garage or storage building. It also means a motor vehicle voluntarily surrendered by its owner to a person duly licensed under section 39-26-10. An antique automobile, as defined in section 39-04-10.4, and other motor vehicles to include parts car and special interest vehicles, may not be considered an abandoned motor vehicle within the meaning of this chapter.
2. "Collector" means the owner of one or more special interest vehicles who collects, purchases, acquires, trades, or disposes of special interest vehicles or parts thereof for the person's own use in order to restore, preserve, and maintain a special interest vehicle or antique vehicle.
3. "Department" means the state department of health.
4. "Parts car" means a motor vehicle generally in nonoperable condition which is owned by the collector to furnish parts to restore, preserve, and maintain a special interest vehicle or antique vehicle.
5. "Special interest vehicle" means a motor vehicle which is at least twenty years old and which has not been altered or modified from original manufacturer's specifications and, because of its historic interest, is being preserved by hobbyists.
6. "Unit of government" includes a state department or agency, a county, city, township, or other political subdivision.
7. "Vital component parts" means those parts of a motor vehicle that are essential to the mechanical functioning of the vehicle, including, but not limited to, the motor, drive train, and wheels.

39-26-03. Penalty for abandoning a motor vehicle.

Any person who abandons a motor vehicle on any public or private property, without the consent of the person in control of such property, is guilty of a class A misdemeanor.

39-26-04. Custody of abandoned vehicle.

Units of government may take into custody and impound any abandoned motor vehicle.

39-26-09. Disposal of vehicles not sold.

When no bid has been received for an abandoned motor vehicle, the unit of government may dispose of it pursuant to contract under section 39-26-10.

39-26-10. Contracts for disposal - Issuance of licenses by state department of health - Reimbursement of units of government for costs.

1. A unit of government may contract with any qualified licensed scrap iron processor for collection, storage, incineration, volume reduction, transportation, or other services necessary to prepare abandoned motor vehicles and other scrap metal for recycling or other methods of disposal. Such contract may authorize the contracting scrap iron processor to pay to the owner of any abandoned motor vehicle an incentive payment for such vehicle if it is voluntarily surrendered and delivered to the scrap iron processor. For the purposes of this section, an owner of an abandoned motor vehicle includes only a person who has owned and operated the vehicle for the person's personal or business use.
2. The department may issue a license to any qualified scrap iron processor desiring to participate in such a contract who meets the requirements for solid waste disposers established by the department.
3. When a unit of government enters into a contract with a scrap iron processor duly licensed by the department, the department may review the contract to determine whether it conforms to the department's plan for solid waste disposal. A contract that does so conform may be approved by the department. When a contract has been approved, the department may reimburse the unit of government for the costs incurred under the contract, including incentive payments authorized and made under the contract, subject to the limitations of legislative appropriations.
4. The department may demand that a unit of government contract for the disposal of abandoned motor vehicles and other scrap metal pursuant to the department's plan for solid waste disposal. When the unit of government fails to so contract within one hundred eighty days of the demand, the department, on behalf of such unit of government, may contract with any scrap iron processor duly licensed by the department for such disposal.

39-26-11. Abandoned motor vehicle disposal fund.

There is hereby established in the state treasury a special fund which must be known as the abandoned motor vehicle disposal fund. All moneys derived from the investment of the fund are to be credited to the fund.

39-26-12. Tax on initial motor vehicle certificates of title.

There is hereby imposed a tax of one dollar and fifty cents on each initial North Dakota certificate of title issued to a passenger motor vehicle or a truck motor vehicle. The proceeds of such tax must be paid into the abandoned motor vehicle disposal fund in the state treasury. No registration plates or title certificate may be issued unless such tax is paid. Expenses of the fund arising from the provisions of this chapter must be paid from the fund within the limits of legislative appropriation. If on the first day of July in any year the amount of uncommitted money in the abandoned motor vehicle disposal fund is two hundred fifty thousand dollars or more, the amount in excess of two hundred fifty thousand dollars must be transferred to the highway fund.

39-26-13. Storage of vehicles by collector - Limitations.

A collector may store unlicensed, operable or inoperable, vehicles and parts cars on the collector's property provided the vehicles and parts cars and the outdoor storage area are maintained in such a manner that they do not constitute a health hazard and are screened from ordinary public view by means of a fence, trees, shrubbery, or other appropriate means.

F

LAW ENFORCEMENT IMPOUND VEHICLE BILL OF SALE

North Dakota Department of Transportation, Motor Vehicle Division
SFN 2902 (07-2009)

608 E BOULEVARD AVE BISMARCK ND 58505-0780
Telephone (701) 328-2725 Web site: www.dot.nd.gov

In consideration of _____ Dollars

(\$ _____), the undersigned, herein referred to as seller, hereby sells and delivers to

Buyer's Legal Name	<input type="checkbox"/> DL <input type="checkbox"/> CID <input type="checkbox"/> CORPID <input type="checkbox"/> FEIN (Check One)	Telephone Number	
Address	City	State	Zip Code

the following motor vehicle:

Year	Make	Model	Body Style
Vehicle Identification Number	Color	Fuel Type	Weight

The above described vehicle was sold by an authorized unit of government under authority granted in Chapter 39-26 of the North Dakota Century Code (NDCC).

Unit of Government		
By (Signature of Seller) X	Title	Date

ODMETER DISCLOSURE CERTIFICATION: Section 39-05-05.1(h) (NDCC) required on all passenger cars, motor homes, pickup trucks, trucks, and motorcycles if they are less than 10 years old (SFN 18773).

DAMAGE DISCLOSURE STATEMENT: This form must be completed for all vehicles less than nine (9) model years old.

<p>Within the past eight (8) years, has this vehicle sustained body or structural damage from a vehicular crash or accident, including loss by fire, vandalism, weather, or submersion in water, resulting in damage to the motor vehicle which equals or exceeds the greater of \$8,000 or forty percent of the predamage retail value of the motor vehicle as determined by the national automobile dealers association official used car guide? The term does not include body or structural modifications, normal wear and tear, glass damage, hail damage, or items of normal maintenance and repair.</p>							
<input type="checkbox"/> Yes	<input type="checkbox"/> No	Type of Damage (check all that apply)	<input type="checkbox"/> Collision	<input type="checkbox"/> Weather	<input type="checkbox"/> Theft	<input type="checkbox"/> Interior	<input type="checkbox"/> Other
			<input type="checkbox"/> Water	<input type="checkbox"/> Vandalism	<input type="checkbox"/> Fire	<input type="checkbox"/> Under Carriage	
<p>Any person who makes a false statement on this form is guilty of a Class A Misdemeanor.</p>							
Signature of Transferor (Seller) X						Date	

A person repairing, replacing parts, or performing body work on a motor vehicle that is less than nine (9) 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. When a vehicle is damaged in excess of seventy-five percent of its retail value as determined by the national automobile dealers association official used car guide, the person repairing, replacing parts, or performing body work on the motor vehicle that is less than nine (9) years old shall also advise the owner of the motor vehicle that the owner of the vehicle must comply with section 39-05-20.2 (NDCC).

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.

39-05-20.2. Issuance of salvage certificate of title.

The owner of a vehicle that is damaged in excess of seventy-five percent of its retail value as determined by the national automobile dealers association official used car guide, 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 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.