

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1185

2001 HOUSE TRANSPORTATION

HB 1185

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1185

House Transportation Committee

☐ Conference Committee

Hearing Date January 12, 2001

| Tape Number | Side A | Side B | Meter # |
|---|--------|--------|---------|
| 1 | | X | 56 |
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| | | | |
| Committee Clerk Signature <i>Lauren B. Fink</i> | | | |

Minutes: Rep. Weisz - Chairman opened the hearing on HB 1185, A BILL for an Act to amend and reenact section 39-01-16, subdivision b of subsection 2 of section 39-04-18, subdivision a of subsection of subsection 1 of section 39-05-05, and subsection 1 of section 39-05-09.2 of the North Dakota Century Code, relating to motor vehicle registration and titling.

Keith Kiser, Motor Vehicle Division Director of the North Dakota Department of Transportation spoke on behalf of HB 1185 which was introduced at the request of the Department of Transportation. See a copy of his testimony attached.

Rep. Weisz - Chairman (297) On the Drivers Education section currently they would have issue a special education license even though they are a dealer?

Keith Kiser: Drivers Education vehicles owned by a public entity, public schools do receive an official license plate the same way a city or a county government would -- the difference with these plates is that under the current statute we are required to issue them a special decal -- it simply says this drivers education on it and goes in the upper left hand corner of the license plate.

We don't believe that it is used a lot for transportation and it does cause us a lot of administrative headaches to get those out to driver ed program people and then to get them to get them on the appropriate license plate. That is the reason we are asking for its elimination at this time.

Rep. Thoreson: (365) Is there a standard way in which these drivers ed vehicles are identified?

Keith Kiser: I am not aware of any special way.

Rep. Mahoney: Notice comes up in a lot of these bills and I get a little confused on these things every once in a while, now what is the difference between certified and registered mail?

Keith Kiser: The Post Master here - Registered Mail as I understand him - is something you would use when you want to send something of value and certified mail is what you would use when you want verify delivery of a letter or something to a person or business. The notices we send out are nothing of a value but we do want to know that it was delivered and received.

Rep. Mahoney: My understanding is that certified is the only one which has a return receipt.

Keith Kiser: We really don't use registered mail so I couldn't really tell you.

Rep. Mahoney: Certified is what we are really looking for as we want that signed return receipt.

Rep. Thoreson: On that last -- number 4, what kind of a situation would you or a person fail to transfer an ownership?

Keith Kiser: Maybe I can give you an example -- we are contacted by owners who say they have sold their car 3 or 6 months ago is that vehicle still in my name. One reason a buyer would do this is that they don't pay the taxes due. We then contact buyer and tell them that they are required to transfer that vehicle and pay the taxes due. In the end we really don't have authority to do much more than that. With this we would like to help people and would do this through

the Administrative Hearing process to revoke that title if the person would fail to cooperate with our requests.

Rep. Price: Let me give you an example to see how you would handle it -- my father died in 1998. In 1999 my Mother sold the his car. Obviously, obviously she inherited the car and didn't have a title in her name. What would you in that case?

Keith Kiser: We respond to complaints, in this case we would just tell people to go ahead and register the vehicle. We would not use our authority to revoke as there is not complaint to respond to.

Rep. Thorpe: (761) Along this same line, I know there has been problem in this area of transferring title. Some of have some old vehicles stored in our bone-yards which we think we will some day restore. I have a 1928 Chevrolet truck which belonged to my Dad and he has been gone a long time. Your files, if you still have it, will show that it belongs to my Dad. If I were to do something with it, would your department confiscate that title?

Keith Kiser: We are looking for something punitive. We are looking for authority to respond when we have complaints. In your case we want you to register ownership.

Rep. Thorpe: My second question, I know at times when I have sold a vehicle, I want to make sure that my liability ends there -- that is to make sure transfer is made. I don't know if it would cost more, but if there could be a section on the title that I could remove at the time of sale I could just send it to the Department. Is that possible?

Keith Kiser: We have looked at that --- I know that Minnesota uses a procedure like that. The seller detaches their section and keeps it for his records but I don't believe that is sent to the department. The outlook on that is that there is an additional expense, extra work and if you look

at our title you see that we have an 8 1/2 by 11 and we have a lot of information on there already.

We have looked at it but haven't done anything about it.

Rep. Weisz - Chairman (1120) If you do suspend or revoke a title, what procedure do you use to reinstate that title?

Keith Kiser: If we use this proposed section, we would put that in our files and would be held until such time as the purchaser shows transfer of title. What we are trying to do is get possession and control of that document. I don't know what else we would do.

Rep. Weisz - Chairman nobody could come into your office and take care of the problem and get the title back?

Keith Kiser: Hopefully, you wouldn't have to do that. We would hope that you would respond to our nice letter.

Rep. Thoreson: This is for my own information, what kind of home made vehicles would you title?

Keith Kiser: We have lot of home made vehicles --- mostly trailers, North Dakota law requires that all trailers weighing 1500 pounds loaded be licensed. They are home made out of old pick-up boxes; mobile home axles are used for trailers made from the ground up; most of the home made vehicles are truly trailers. We can have other vehicles like motor cycles, dune buggies, motor homes but the vast majority are trailers.

Rep. Thoreson: they have to have a VIN number on them?

Keith Kiser: Yes they do.

Rep. Thorpe: Some of my friends are rather extensively into building street rods, do yo have a set procedure for issuing numbers for those? Like I have been build one for five years, who knows,

but anyway, the frame was ordered through a mail order catalogue and the serial number will be covered up when the body is installed. I stamped that number on the front horn of the frame.

Would you use that or do you put another number on it?

Keith Kiser: We try use the manufacturers serial number whenever possible. Our home made VIN numbers are used when we have no other manufacturers number and as a last resort. If there is a manufacturers number when that vehicle is stolen, at least, there is a national registry of that number.

Rep. Ruby: (1532) Section number 3 here, do you provide numbers for trailers when someone makes a home made unit?

Keith Kiser: If you have a home made vehicle, we provide you a VIN number on a small thin plate, a piece of material -- 1 by 3 inch -- with an adhesive on back so that when someone tries to remove it, is destroyed but we strongly advise that you somehow stamp that number in the metal somewhere on the frame of that vehicle. All of our VIN numbers begin with 'ND'. That is sort of a standard in most states.

Rep. Schmidt: When you transfer title on a vehicle is there a notice that you should do this within thirty days, is that on the title?

Keith Kiser: Frankly I don't believe there is.

Rep. Schmidt: That is a real problem and people not knowing they are supposed to do that. As an auctioneer I had terrible nightmares. In June this past year I had a bachelor buy 7 vehicles and didn't transfer them right away and then he passed away. The Administrator asked me to auction those vehicles with no titles having been transferred. We could not get those titles until we put down what he paid for those. The end result was the administrator had to go around to those

people. Some of those vehicles were purchased in the 1950's. I think the transportation Department should make that wording a little stronger.

Kelth Kiser: That's a very good idea. I am not sure that it is or is not on there but I make sure that is does.

Rep. Mahoney: On this suspension of title isn't that notice to transfer within thirty days -- isn't that covered somewhere?

Kelth Kiser: There a statutory requirement in 39-05 -17 but statute that is being amended here is that the series of grounds for revocation of certificate of title. So we are proposing to add one but there is no specific authority for use to be able to do that in these instances.

Rep. Weisz - Chairman (1935) there being no further testimony on HB 1185 hearing for testimony is closed.

Discussion followed. (Tape 1 Side B meter at 1940)

Rep. Kelsch moved a 'Do Pass' on HB 1185.

Rep. Hawken seconded that motion.

Roll Call vote: 14 ayes 0 nays 0 Absent

Rep. Jensen was assigned to carry the bill on the floor.

Date: 01/12/01
Roll Call Vote #:

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1185

House Transportation Committee

☐ Subcommittee on _____
or
☐ Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Rep. Kelsch Seconded By Rep. Hawken

| Representatives | Yes | No | Representatives | Yes | No |
|------------------------------|-----|----|-----------------|-----|----|
| Robin Weisz - Chairman | ✓ | | Howard Grumbo | ✓ | |
| Chet Pollert - Vice Chairman | ✓ | | John Mahoney | ✓ | |
| Al Carlson | ✓ | | Arlo E. Schmidt | ✓ | |
| Mark A. Dosch | ✓ | | Elwood Thorpe | ✓ | |
| Kathy Hawken | ✓ | | | | |
| Roxanne Jensen | ✓ | | | | |
| RaeAnn G. Kelsch | ✓ | | | | |
| Clara Sue Price | ✓ | | | | |
| Dan Ruby | ✓ | | | | |
| Laurel Thoreson | ✓ | | | | |
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Total (Yes) 14 No 0

Absent 0

Floor Assignment Rep. Jensen

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

REPORT OF STANDING COMMITTEE (410)
January 12, 2001 11:28 a.m.

Module No: HR-03-0933
Carrier: Jensen
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1185: Transportation Committee (Rep. Welsz, Chairman) recommends DO PASS
(14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1185 was placed on the
Eleventh order on the calendar.

2001 SENATE TRANSPORTATION

HB 1185

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1185

Senate Transportation Committee

☐ Conference Committee

Hearing Date 3-1-01;3-5-01

| Tape Number | Side A | Side B | Meter # |
|---|--------|--------|-----------|
| 1 | x | | 40.7-47.4 |
| 1 | x | | 0.0-8.0 |
| | | | |
| Committee Clerk Signature <i>Suzette Schaefer</i> | | | |

Minutes: HB 1185 relates to motor vehicle registration and titling.

Keith Kiser: (Director of Motor Vehicle Division; Supports) See attached testimony.

Senator Trenbeath: What's a homemade vehicle?

Keith Kiser: Generally speaking, it's a pickup box with a hitch on it. Although there are homemade motorcycles and motor homes. Homemade is something made from scratch.

Senator Trenbeath: Would you have any objection to changing this to "homemade trailers".

Keith Kiser: No, but we also have homemade 3-wheel cycles and other things.

Senator Trenbeath: Should we possibly be defining this as " any vehicle that doesn't already have a VIN number on it"?

Keith Kiser: I would be comfortable with that.

Hearing closed.

Committee reopened on 3-5-01.

Page 2

Senate Transportation Committee

Bill/Resolution Number HB 1185

Hearing Date 3-1-01;3-5-01

Discussion held. Senator Trenbeath moves adoption of the amendment. Seconded by Senator O'Connell. Roll call taken. 5-0-1. Senator Espegard motions to Do Pass as amended. Seconded by Senator Trenbeath. Roll call taken. 3-2-1.

Senator Espegard moves to reconsider. Senator Trenbeath seconds. Roll call taken. 5-0-1.

Senator Espegard motions to amend and delete Section 4-Subsection C'. Senator Mutch seconds.

Roll call taken. 4-1-1.

Senator Espegard motions to Do Pass as amended. Senator Mutch seconds. Roll call taken.

5-0-1. Floor carrier is Senator Espegard.

Committee closed.

18250.0101
Title.

Prepared by the Legislative Council staff for
Senator Trenbeath
March 1, 2001

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1185

Page 3, line 6, replace "homemade vehicles" with "a vehicle not otherwise possessing a
number"

Renumber accordingly

Date: 5-
Roll Call Vote #:

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1186

Senate Transportation

Committee

☐ Subcommittee on _____
or
☐ Conference Committee

Legislative Council Amendment Number 18250.0101

Action Taken Make Adoption of Amendment

Motion Made By Trenbath Seconded By O'Connell

[illegible]

Total (Yes) 5 No 0

Absent

Floor Assignment

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

cate intent:

Homemade Vehicle

3-5

2

1185

Committee

or



18250.010

Do Pass as Amended

Espegard

Trenbeath

[illegible]

3

No 2

1

Floor Assignment

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

Date: 3-5
Roll Call Vote #: 3

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1185

Senate Transportation Committee

☐ Subcommittee on _____
or
☐ Conference Committee

Legislative Council Amendment Number 18250.0101

Action Taken Move to Reconsider

Motion Made By Espgaard Seconded By Trenbeath

| Senators | Yes | No | Senators | Yes | No |
|-------------------------------|-----|----|-------------------|-----|----|
| Senator Stenejem, Chairman | X | | Senator O'Connell | X | |
| Senator Trenbeath, Vice-Chair | X | | Senator Bercler | | |
| Senator Mutch | X | | | | |
| Senator Espgaard | X | | | | |
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Total (Yes) 5 No 0

Absent 1

Floor Assignment _____

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

Date: 3-5
Roll Call Vote #: 4

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1185

Senate Transportation Committee

☐ Subcommittee on _____
or
☐ Conference Committee

Legislative Council Amendment Number _____

Action Taken Motion to Amend & Delete Section

Motion Made By Espgaard Seconded By Mutch 4 - Subsection C.

| Senators | Yes | No | Senators | Yes | No |
|-------------------------------|-----|----|-------------------|-----|----|
| Senator Stenejem, Chairman | X | | Senator O'Connell | X | |
| Senator Trenbeath, Vice-Chair | | X | Senator Bercler | | |
| Senator Mutch | X | | | | |
| Senator Espgaard | X | | | | |
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Total (Yes) 4 No 1

Absent 1

Floor Assignment _____

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

Roll Call Vote #:

Roll Call Vote #:

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 115

BILL/RESOLUTION NO.

Senate Transportation

Committee

☐ Subcommittee on

or

☐ Conference Committee

Legislative Council Amendment Number

Action Taken

Do Pass As Amended

Motion Made By

Espegord

Seconded
By

Muteh

[illegible]

Total (Yes)

5

No

Q

Absent

1

Floor Assignment

Espegard

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

REPORT OF STANDING COMMITTEE (410)
March 6, 2001 9:57 a.m.

Module No: SR-38-4878
Carrier: Espegard
Insert LC: 18250.0102 Title: .0200

REPORT OF STANDING COMMITTEE

HB 1185: Transportation Committee (Sen. Stenehjem, Chairman) recommends
AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS**
(5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1185 was placed on the Sixth
order on the calendar.

Page 1, line 2, after the first comma insert "and" and remove ", and subsection 1 of section"

Page 1, line 3, remove "39-05-09.2"

Page 3, line 6, replace "homemade vehicles" with "a vehicle not otherwise assigned a number"

Page 3, remove lines 9 through 17

Renumber accordingly

2001 TESTIMONY

HB 1185

**HOUSE TRANSPORTATION COMMITTEE
JANUARY 12, 2001**

**North Dakota Department of Transportation
Keith Klser, Motor Vehicle Division Director**

HB 1185

Chairman Weisz and members of the House Transportation Committee: NDDOT supports HB 1185, which would make four changes to the current vehicle registration laws and license.

1. **On page 1, line 12,** we propose to change the type of mail service used for hearing notices from registered mail to certified mail. Throughout the rest of Title 39 we are required to use certified mail, and this statute should be changed to be consistent. According to the U.S. Postal Service, registered mail is generally intended for sending packages that contain something of value. Certified mail is less expensive and is generally intended for verifying delivery of important letters or documents.
2. **On page 2, lines 20 and 21 and lines 25 through 27,** we propose to amend the statute regarding special license plate decals for driver education vehicles. Currently, we are required to issue special decals for the license plates displayed on driver education vehicles. Because these vehicles are usually marked as driver education vehicles, the requirement for a special license plate decal does not seem necessary. Eliminating the requirement for this special decal would save us the trouble of purchasing and distributing them.
3. **On page 3, lines 5 through 8,** we are asking for authority to issue a vehicle identification number (VIN) for homemade vehicles. Although we have done this administratively for many years, we believe there is a need for specific statutory authority. We are also asking for authority to require that the assigned VIN be inspected by the Highway Patrol to make sure it has been properly affixed before we issue a title on the vehicle.
4. **On page 3, lines 16 and 17,** we propose to make failure to transfer a certificate of title a reason for revoking the certificate of title. Currently, we have no authority to take any action against a vehicle purchaser who fails to transfer the certificate of title into his or her name.

Senate TRANSPORTATION COMMITTEE

March 1, 2001

**North Dakota Department of Transportation
Keith Kiser, Motor Vehicle Division Director**

HB 1185

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Mr. Chairman, this concludes my testimony on House Bill 1185. I would be happy to answer any questions the committee may have.