

MICROFILM DIVIDER

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



ROLL NUMBER

DESCRIPTION

2105

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Operator's Signature

Yubereca d. Lee

Date

10-16-03

2003 SENATE TRANSPORTATION

SB 2105

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10-16-03
Date

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2105

Senate Transportation Committee

☐ Conference Committee

Hearing Date 1-10-03

Tape Number	Side A	Side B	Meter #
1	X		1055-2040
1	X		2905-end
Committee Clerk Signature <i>Mary K Monson</i>			

Minutes:

The hearing on SB 2105 relating to grounds for suspension or revocation of a motor vehicle certificate of title was opened by **Chairman Senator Thomas Trenbeath**. Roll call was taken with all committee members present.

Keith Magnusson: (Deputy Director for Driver and Vehicle Services, ND DOT) Testified in support of SB 2105. The purpose of this bill is to correct the problem of not taking the license plates off vehicles when they are sold. Proposing to make the purchaser's failure to transfer a certificate of title a reason for revoking or suspending the certificate of title. (Testimony attached.)

Senator Nething: Is there a time limitation and what is it?

Keith Magnusson: Yes. Fifteen days.

Senator Taylor: What is the cost of transferring the title?

Keith Magnusson: The fee for a new title is \$5.00. (Meter 1455)

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Page 2

Senate Transportation Committee

Bill/Resolution Number SB 2105

Hearing Date 1-10-03

Senator Trenbeath: Can we summarize this as being designed for the specific situation where the seller lets the plates go and the buyer doesn't transfer the title?

Keith Magnusson: That's correct. (Meter 1539)

Senator Trenbeath: Questioned whether it is the responsibility of the seller to take the plates off the vehicle and if there is a penalty for not doing so.

Keith Magnusson: Clarified that it is the obligation of the seller to take the plates off the vehicle. There is no penalty on the seller for not taking them off.

(Meter 1650) Discussion pertaining to the number of title transfer inquiries and reasons for the inquiries that the Department of Transportation receives. There are numerous inquiries. Some inquiries occur when tabs expire or when the seller doesn't know the buyer and wants to know if the transfer has taken place.

Senator Taylor: Would it be correct to say that this would result in a savings by not having to prosecute and by handling it administratively?

Keith Magnusson: (Meter 1895) It's more efficient to do this administratively rather than prosecuting. At this point we are not able to do anything if we get a complaint.

The hearing on SB 2105 was closed.

Discussion was opened on SB 2105. (Meter 2905) The seller should be taking the license plates off when the vehicle is sold. Revoking the registration is already in the law. (Meter 3680) This bill is to revoke the title.

Discussion closed.

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10-16-03
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2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2105

Senate Transportation Committee

☐ Conference Committee

Hearing Date 1-16-03

Tape Number	Side A	Side B	Meter #
1		X	3200-4070

Committee Clerk Signature

Mary K Monson

Minutes:

Chairman Senator Thomas Trenbeath opened SB 2105 for discussion.

Committee members agreed that the seller should pull the plates when the vehicle is sold. By not doing so the buyer can run on the old plates and not pay the excise tax or register the vehicle.

If the seller fails to pull the plates, he should probably notify the Motor Vehicle Department.

As the registered owner of the vehicle the seller could be named in a litigation if one occurred.

The seller should be protected in case the buyer is negligent in not transferring the title.

Senator Bercier motioned a **Do Not Pass**. There was no second. Motion failed.

Senator Espgaard motioned a **Do Pass**. Seconded by **Senator Bercier**. Roll call vote taken.

6-0-0. Passed. Floor carrier is **Senator Bercier**.

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Date

10-16-03

Date: 1-16-03
Roll Call Vote #: 1

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2105

Senate TRANSPORTATION Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Sen. Espgaard Seconded By Sen. Bercier

Senators	Yes	No	Senators	Yes	No
Senator Thomas Trenbeath, Chair	✓		Senator Dennis Bercier	✓	
Senator Duaine Espgaard, V. Chair	✓		Senator Ryan Taylor	✓	
Senator Duane Mutch	✓				
Senator Dave Nething	✓				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Senator Bercier

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

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Yvonne J. Lee
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10-16-03
Date

REPORT OF STANDING COMMITTEE (410)
January 16, 2003 1:02 p.m.

Module No: SR-08-0645
Carrier: Berolier
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE
SB 2105: Transportation Committee (Sen. Trenbeath, Chairman) recommends DO PASS
(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2105 was placed on the
Eleventh order on the calendar.

(2) DESK, (3) COMM

Page No. 1

SR-08-0645

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10-16-03
Date

2003 HOUSE TRANSPORTATION

SB 2105

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10-16-03
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2105

House Transportation Committee

☐ Conference Committee

Hearing Date February 27, 2003

Tape Number	Side A	Side B	Meter #
1	x		6.0 to 10.2
	x		39.7 to 41.2
Committee Clerk Signature <i>Lauren L. Ford</i>			

Minutes:

Rep. Hawken, Vice Chairman opened the hearing on SB 2105, a bill for an Act to amend and reenact subsection 1 section 39-05-09.2 of the North Dakota Century code, relating to grounds for suspension or revocation of a motor vehicle certificate of title.

Keith Kiser Motor Vehicle Director, North Dakota Department of Transportation explained the history and background for this legislation. a copy of his written testimony is attached.

Rep. Hawken -- there is no time frame mentioned in this bill.

Keith Kiser Under existing statutes there is a specific time for requiring the purchaser of a vehicle to transfer he title to our offices within thirty days -- this would occur after that time frame --- .

Rep. Dosch (7.5) what's the procedure for getting that title back if it has been suspended?

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Operator's Signature

10-16-03
Date

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House Transportation Committee

Bill/Resolution Number SB 2105

Hearing Date February 27, 2003

Keith Kiser what we would do is -- he used an example step by step -- which could involved an administrative hearing but failing that we may have to go out and take possession of the particular title. If they then come in and pay the fees we issued them the certificate of title.

Rep. Thorpe What happens if a private person buys a vehicle and 45 days later comes in with the title -- is he subject to a penalty?

Keith Kiser We don't issue administrative fines because the intent of the law is to get them to pay the fees.

Rep. Thorpe Do you feel this will help?

Keith Kiser yes -- we could go through criminal proceedings but the states attorneys have better things to do but his will give us a chance to do that.

Rep. Headland What would be the reason why somebody would not file their certificate of title?

Keith Kiser Money --cost primarily financial -- there is a fee involved and they don't want to pay that -- that is the primary reason people don't.

There being no other persons wanting to testify for or against, Rep. Hawken closed the hearing on SB 2105.

End of hearing record (10.2)

Action - Tape 1 Side A

Rep. Weisz (39.7) opened the discussion for action on SB 2105. Rep. Thorpe moved a 'Do Pass' motion for SB 2105. Rep. Weiler seconded the motion. the motion carried on a roll call vote 10 Ayes 0 Nays 3 Absent and not voting. Rep. Weiler was designated to carry SB 2105 on the floor.

End of record (41.2).

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Operator's Signature

10-16-03
Date

Date: 2/27/03
Roll Call Vote #: 1

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2105

House TRANSPORTATION Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 38167.0100

Action Taken Do Pass

Motion Made By Rep. Thorpe Seconded By Rep. Weiler

Representatives	Yes	No	Representatives	Yes	No
Robin Weisz - Chairman	✓		Lois Delmore	✓	
Kathy Hawken - Vice Chairman	✓		Arlo E. Schmidt	✓	
LeRoy G. Bernstein	✓		Elwood Thorpe	✓	
Mark A. Dosch	✓		Steven L. Zaiser	✓	
Pat Galvin	✓				
Craig Headland	✓				
Clara Sue Price	✓				
Dan J. Ruby	✓				
Dave Weiler	✓				

Total Yes 10 No 0

Absent 3

Floor Assignment Rep. Weiler

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Y. Weiler
Operator's Signature

10-16-03
Date

REPORT OF STANDING COMMITTEE (410)
February 27, 2003 12:18 p.m.

Module No: HR-35-3575
Carrier: Weller
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE
SB 2105: Transportation Committee (Rep. Weisz, Chairman) recommends DO PASS
(10 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). SB 2105 was placed on the
Eleventh order on the calendar.

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2003 TESTIMONY

SB 2105

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10-16-03
Date

SENATE TRANSPORTATION COMMITTEE
JANUARY 10, 2003

North Dakota Department of Transportation
Keith Magnusson, Deputy Director For Driver and Vehicle Services

SB 2105

Same to House

Chairman Trenbeath and members of the Senate Transportation Committee: NDDOT supports SB 2105, which adds one additional reason why the Motor Vehicle Division could suspend or revoke a certificate of title for a vehicle.

On page 1, line 12, we propose to make the purchaser's failure to transfer a certificate of title a reason for revoking the certificate of title. Currently, we have no authority to take administrative action against a vehicle purchaser who fails to transfer the certificate of title into his or her name. However, we do receive complaints from vehicle owners who have sold their vehicle but the purchaser has failed to transfer the title through our office. While failure to transfer a title can be criminally prosecuted, we believe proceeding administratively to suspend or revoke the title is a more efficient way to handle these situations, and will compel the purchaser to transfer the title.

Mr. Chairman, this concludes my testimony on SB 2105. I would be happy to answer any questions the committee may have.

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