

**2021 SENATE JUDICIARY**

**SB 2098**

# 2021 SENATE STANDING COMMITTEE MINUTES

**Judiciary Committee**  
Peace Garden Room, State Capitol

SB 2098  
1/6/2021

A BILL for an Act to amend and reenact subsections 1 and 2 of section 23.1-15-05, subsection 1 of section 23.1-15-07, and sections 23.1-15-08 and 23.1-15-09 of the North Dakota Century Code, relating to abandoned vehicles.

**Chairwoman Larson** called the meeting to order at 11:20 AM  
Senators present: Myrdal, Luick, Dwyer, Bakke, Fors, Heitkamp, Larson

### Discussion Topics:

- abandoned vehicles
- compensation program for tow companies
- new avenue for notification of vehicle owners
- environmental issues from abandoned vehicles

**Aaron Hummel** Chief of Staff ND Highway Patrol testified in favor #28 [11:22]

**Diana Trussell** Solid Waste Program Manager NDDEQ testified in favor #33 [11:30]

**Bill Kalanek** ND Towing Association testified in favor

**Senator Heitkamp** moved for a DO PASS [11:35]

**Senator Myrdal** seconded the motion [11:35]

Roll Call Vote

Motion passed 7-0-0

Senator Heitkamp will carry the bill

Meeting Adjourned [11:36]

*Jamal Omar, Committee Clerk*

Senators	Vote
Senator Diane Larson	Yes
Senator Michael Dwyer	Yes
Senator JoNell A. Bakke	Yes
Senator Robert O. Fors	Yes
Senator Jason G. Heitkamp	Yes
Senator Larry Luick	Yes
Senator Janne Myrdal	Yes

**REPORT OF STANDING COMMITTEE**

**SB 2098: Judiciary Committee (Sen. Larson, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2098 was placed on the Eleventh order on the calendar.

**Testimony**  
**Senate Bill 2098**  
**Senate Judiciary Committee**  
**Senator Larson, Chairman**  
**January 6, 2021**

Chairman Larson and Members of the Senate Judiciary Committee, my name is Major Aaron Hummel, chief of staff for the North Dakota Highway Patrol. I am here to provide testimony in support of Senate Bill 2098.

The changes to NDCC 23.1-15-05 and 07 through 09 were submitted at the request of the North Dakota Highway Patrol through collaboration with the ND Department of Environmental Quality.

The changes will streamline the administrative workload for the North Dakota Highway Patrol and other law enforcement agencies. They will also provide a mechanism for tow companies to seek reimbursement to recover their costs for removing abandoned vehicles from the state's roadways. In addition to these two main points, there is some additional language cleanup provided in the request.

The first amendment requested in **SECTION 1** clarifies the language in subsection 1 of 23.1-15-05 regarding who has the right to reclaim the vehicle. It also clarifies the time frame of 30 days to reclaim the vehicle which is currently established in 23.1-15-06.

The second amendment requested in section 1 adds additional language to subsection 2 of 23.1-15-05. This change would allow another option for units of government to provide notice of an abandoned motor vehicle in the event it is impossible to determine the registered owner or lienholder of the vehicle. This bill requests that units of government be allowed to post notice of the vehicle on an official website in lieu of the requirement to post a notice once in a newspaper of general circulation where the vehicle was abandoned. Currently, when an owner is identified, it is still required that the unit of government or towing service send notice through certified mail. The change only affects the way notice must be given in the event an owner cannot be identified. The annual financial savings for our agency, based on 2020 invoices, would be approximately \$2400.00. The actual savings, however, will be in the processing time spent compiling the notice, sending to publication, processing the billing, and mailing final payment. Currently, the NDHP has a records management system that is capable of automatically pulling the information directly from the initial data submitted by our trooper and putting it on our website, ultimately limiting the time needed for duplicate data entry. I believe publication on an agency website would ultimately provide for greater visibility to the public or the individual who may be seeking their vehicle because it would be posted for 30 days rather than once in a newspaper.

The amendment requested in **SECTION 2** clarifies the language in 23.1-15-07 subsection 1 by adding "of transportation" to "department." The reference pertains to the titling and ownership of the vehicle.

The amendments requested in **SECTIONS 3 and 4** would allow commercial towing services, that are also licensed scrap iron processors, to be eligible for reimbursement of towing costs and up to thirty days of storage charges that resulted from taking an abandoned motor vehicle into custody. When licensed as a scrap iron processor, towing companies would be eligible to apply for funding from the abandoned motor vehicle fund (202) to seek reimbursement of costs associated with the removal of these vehicles from the roadway. I believe there is a representative here today from DEQ to discuss the details of the process and fund so I won't go into detail on those topics, but I do believe that this would be a welcome addition, which is supported by our agency. In the majority, if not all of the cases our agency deals with where an owner cannot be ascertained, the vehicle in question holds little to no value, and quite frankly, is left on the highway for someone else to have to clean up. We have a good working relationship with tow companies around the state and with the ND Towing Association. You will nearly always find one of them to come at our request, which isn't always at the most opportune time. I can speak from my time spent as a trooper, doing many of these impounds, that it was always an uncomfortable feeling asking a company to come out and remove what many would describe as scrap, junked, or garbage from the state's roadways knowing it's questionable if they would be able to recoup their costs when performing the service. Providing the option to use this fund for reimbursement in these cases would be a good step moving forward.

I appreciate your support in considering the changes offered in this bill and I would be happy to answer any questions you may have.

**Testimony**  
**Senate Bill 2098**  
**Senate Judiciary Committee**  
**January 6, 2021, 11:15am**  
**North Dakota Department of Environmental Quality**

Good morning Chairman Larson and Members of the Senate Judiciary Committee, my name is Diana Trussell and I am the Solid Waste Program Manager for the North Dakota Department of Environmental Quality. I am here to provide testimony in support of Senate Bill 2098 regarding the proposed amendments to the Abandoned Motor Vehicle Disposal Fund.

The changes to NDCC Sections 23.1-15-05 and 07 through 09 were submitted at the request of the North Dakota Highway Patrol through collaboration with the North Dakota Department of Environmental Quality. I will be addressing the proposed amendments to NDCC Sections 23.1-15-07 through 09. Major Hummel from the North Dakota Highway Patrol addressed the amendments to NDCC Section 23.1-15-05.

The amendment requested in **SECTION 2** clarifies the language in 23.1-15-07 subsection 1 by adding “of transportation” to “department.” The reference pertains to the titling and ownership of the vehicle. Our agency does not title vehicles.

The amendments requested in **SECTIONS 3 and 4** would allow commercial towing services, which are also licensed scrap iron processors, to be eligible for reimbursement of towing costs and up to thirty days of storage charges that resulted from taking an abandoned motor vehicle into custody. The reimbursement would be from the Abandoned Motor Vehicle Fund (202), which is administered by our agency’s Solid Waste Program. For the 2019 – 2021 biennium, a total of \$250,000 was appropriated. As of now, approximately \$100,000 is remaining for grants for this biennium and our agency believes there is sufficient funding to support this use of additional funds to reimburse commercial towing services. As part of the Department’s appropriation bill for the 2021 – 2023 biennium, the same amount of \$250,000 was requested. In addition, the Solid Waste Program licenses the scrap iron processors. Applying to become a

licensed scrap iron processor is free and easy to do. A vehicle that is truly abandoned and where no owner is found has little if any value. If that vehicle is left exposed to the elements for years, environmental issues could occur such as leaking fluids contaminating the soil and water. Our agency's mission is to conserve and protect the quality of North Dakota's air, land and water resources following the science and the law. The proposed amendment supports this and our agency supports the additional use of funds from the Abandoned Motor Vehicle Fund as it will ensure that abandoned vehicles continue to be removed from the roadways and recycled and/or disposed of properly.

This concludes my testimony. I am happy to answer any questions you may have.

**2021 HOUSE TRANSPORTATION**

**SB 2098**



# 2021 HOUSE STANDING COMMITTEE MINUTES

Transportation Committee  
Room JW327E, State Capitol

SB 2098  
3/4/2021 AM

A bill relating to abandoned vehicles.

11:30 AM **Chairman Ruby** opened the hearing.

## Attendance

<b>Representatives</b>	
Representative Dan Ruby	P
Representative Tom Kading	P
Representative Rick Becker	A
Representative Cole Christensen	P
Representative LaurieBeth Hager	P
Representative Jared C. Hagert	P
Representative Karla Rose Hanson	P
Representative Terry B. Jones	P
Representative Emily O'Brien	P
Representative Mark S. Owens	P
Representative Bob Paulson	P
Representative Gary Paur	P
Representative Robin Weisz	A
Representative Greg Westlind	P

## Discussion Topics:

- Reimbursement costs for abandoned vehicles
- Funding
- Administrative responsibility

**Major Aaron Hummel, Chief of Staff for the ND Highway Patrol**, introduction # 7398.

**Diana Trussell, Solid Waste Program Manager for ND Dept. of Environmental Quality**, supportive testimony #7143.

**William Kalanek, ND Towing Association**, supportive testimony # 7260.

**11:54 Chairman Ruby** closed the hearing.

11:55 Adjourned.

*Jeanette Cook, Committee Clerk*

**Testimony**  
**Senate Bill 2098**  
**House Transportation Committee**  
**Representative D. Ruby, Chairman**  
**March 4, 2021**

Chairman Ruby and Members of the House Transportation Committee, my name is Major Aaron Hummel, chief of staff for the North Dakota Highway Patrol. I am here to provide testimony in support of Senate Bill 2098.

The changes to NDCC 23.1-15-05 and 07 through 09 were submitted at the request of the North Dakota Highway Patrol through collaboration with the ND Department of Environmental Quality. The bill was originally heard by the House Judiciary Committee and passed through both the committee and the Senate unanimously.

The changes will streamline the administrative workload for the North Dakota Highway Patrol and other law enforcement agencies. They will also provide a mechanism for tow companies to seek reimbursement to recover their costs for removing abandoned vehicles from the state's roadways. In addition to these two main points, there is some additional language cleanup provided in the request.

The first amendment requested in **SECTION 1** clarifies the language in subsection 1 of 23.1-15-05 regarding who has the right to reclaim the vehicle. It also clarifies the time frame of 30 days to reclaim the vehicle which is currently established in 23.1-15-06.

The second amendment requested in section 1 adds additional language to subsection 2 of 23.1-15-05. This change would allow another option for units of government to provide notice of an abandoned motor vehicle in the event it is impossible to determine the registered owner or lienholder of the vehicle. This bill requests that units of government be allowed to post notice of the vehicle on an official website in lieu of the requirement to post a notice once in a newspaper of general circulation where the vehicle was abandoned. Currently, when an owner is identified, it is still required that the unit of government or towing service send notice through certified mail. The change only affects the way notice must be given in the event an owner cannot be identified. The annual financial savings for our agency, based on 2020 invoices, would be approximately \$2400.00. The actual savings, however, will be in the processing time spent compiling the notice, sending to publication, processing the billing, and mailing final payment. Currently, the NDHP has a records management system that is capable of automatically pulling the information directly from the initial data submitted by our trooper and putting it on our website, ultimately limiting the time needed for duplicate data entry. I believe publication on an agency website would ultimately provide for greater visibility to the public or the individual who may be seeking their vehicle because it would be posted for 30 days rather than once in a newspaper.

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I appreciate your support in considering the changes offered in this bill and I would be happy to answer any questions you may have.

TESTIMONY OF

**Diana Trussell, Solid Waste Program Manager**

Good morning Chairman Ruby and members of the House Transportation Committee. My name is Diana Trussell and I am the Solid Waste Program Manager of the Department of Environmental Quality. I am here to testify in support of Senate Bill 2098.

The changes to NDCC Sections 23.1-15-05 and 07 through 09 were submitted at the request of the Highway Patrol through collaboration with the Department of Environmental Quality. I will be addressing the proposed amendments to NDCC Sections 23.1-15-07 through 09. Major Hummel from the Highway Patrol addressed the amendments to NDCC Section 23.1-15-05.

The amendment requested in **Section 2** clarifies the language in 23.1-15-07 subsection 1 by adding "of transportation" to "department." The reference pertains to the titling and ownership of the vehicle. Our agency does not title vehicles.

The amendments requested in **Sections 3 and 4** would allow commercial towing services, which are also licensed scrap iron processors, to be eligible for reimbursement of towing costs and up to thirty days of storage charges that resulted from taking an abandoned motor vehicle into custody. The reimbursement would be from the Abandoned Motor Vehicle Fund (202), which is administered by our agency's Solid Waste Program. For the 2019 – 2021 biennium, a total of \$250,000 was appropriated. Projects have been completed in the City of Dodge, City of Glen Ullin, Slope County and Williams County this biennium. As of now, approximately \$80,000 is remaining for grants for this biennium and our agency believes there is sufficient funding to support this use of additional funds to reimburse commercial towing services. As part of the Department's appropriation bill for the 2021 – 2023 biennium, the same amount of \$250,000 was requested. In addition, the Solid Waste Program licenses the scrap iron processors. Applying to become a licensed scrap iron processor is free and easy to do. A vehicle that is truly abandoned and where no owner is found has little if any value. If that vehicle is left exposed to the elements for years, environmental issues could occur such as leaking fluids contaminating the soil and water. Our agency's mission is to conserve and protect the quality of North Dakota's air, land and water resources following the science and the law. The proposed amendment supports this and our agency supports the additional use of funds from the Abandoned Motor Vehicle Fund as it will ensure that abandoned vehicles continue to be removed from the roadways and recycled and/or disposed of properly.

Mr. Chairman and committee members, this concludes my testimony. I ask for your support for Senate Bill 2098 with the requested amendments. I would be happy to answer any questions.

Testimony  
Senate Bill 2098  
House Transportation Committee  
March 4, 2021  
Bill Kalanek  
ND Towing Association

Good morning Chairman Ruby and members of the House Transportation Committee. My name is Bill Kalanek and I'm here today on behalf of the ND Towing Association.

I'd like to begin by expressing our support for SB 2098. This bill comes to you as a Highway Patrol and DEQ proposal that was discussed at length with the members of the ND Towing Association throughout the interim and we feel it is a good representation of those discussions.

During previous sessions the association worked diligently to improve the laws which govern the disposition of abandoned vehicles as the towing companies had become the dump grounds for unwanted vehicles across the state. With the legislature's assistance the ND Towing Association feels we've established a fair process by which towing companies can dispose of vehicles that go unclaimed by owners, lienholders and other secured parties.

Our members recognize SB 2098 as an improvement to the work done in previous sessions by tightening up some language as well as updating the notice process to include an online option.

I would ask that the committee consider giving SB 2098 a DO PASS recommendation and I appreciate your time today.

Thank you.

# 2021 HOUSE STANDING COMMITTEE MINUTES

Transportation Committee  
Room JW327E, State Capitol

SB 2098  
3/11/2021

A bill relating to abandoned vehicles.

2:48 PM **Chairman Ruby** brought the bill back to committee.

## Attendance

<b>Representatives</b>	
Representative Dan Ruby	P
Representative Tom Kading	P
Representative Rick Becker	P
Representative Cole Christensen	A
Representative LaurieBeth Hager	P
Representative Jared C. Hagert	P
Representative Karla Rose Hanson	P
Representative Terry B. Jones	P
Representative Emily O'Brien	P
Representative Mark S. Owens	P
Representative Bob Paulson	P
Representative Gary Paur	P
Representative Robin Weisz	P
Representative Greg Westlind	P

## Discussion Topics:

- Bill review

3:03 **Aaron Hummel, ND Highway Patrol**, responded to question.

**Representative Paur** moved a Do Pass  
**Representative Hagert** seconded.

## Roll Call Vote

<b>Representatives</b>	<b>Vote</b>
Representative Dan Ruby	Y
Representative Tom Kading	Y
Representative Rick Becker	Y
Representative Cole Christensen	A
Representative LaurieBeth Hager	Y
Representative Jared C. Hagert	Y
Representative Karla Rose Hanson	Y
Representative Terry B. Jones	Y
Representative Emily O'Brien	Y
Representative Mark S. Owens	Y
Representative Bob Paulson	Y

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Representative Gary Paur	Y
Representative Robin Weisz	Y
Representative Greg Westlind	Y

Motion Carried 13-0-1 Representative Weisz carrier.

3:07 PM Adjourned.

*Jeanette Cook, Committee Clerk*

**REPORT OF STANDING COMMITTEE**

**SB 2098: Transportation Committee (Rep. D. Ruby, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2098 was placed on the Fourteenth order on the calendar.