

PROPOSED AMENDMENTS TO SENATE BILL NO. 2161

Page 1, line 2, after "reenact" insert "subsection 67 of section 39-01-01,"

Page 1, line 3, remove "subsection 4 of"

Page 1, line 10, after "any" insert "motorcycle not qualified for registration."

Page 1, after line 11, insert:

**"SECTION 2. AMENDMENT.** Subsection 67 of section 39-01-01 of the North Dakota Century Code is amended and reenacted as follows:

~~67.~~ 68. "Semitrailer" includes every vehicle of the trailer type so designed and used in conjunction with a truck or truck tractor that some part of its own weight and that of its own load rests upon or is carried by a truck or truck tractor, except that it does not include a "housetrailer" or "mobile home" as defined in subsection ~~82~~ 83."

Page 1, line 18, after "transferee" insert "if the transferor is the spouse, a sibling, or a lineal ancestor or descendant of the transferee"

Page 2, line 1, replace "Subsection 4 of section" with "Section"

Page 2, replace lines 3 through 12 with:

**"39-05-17.2. Body damage disclosure - Rules - When required - Penalty.**

1. The department shall adopt rules relating to the manner and form of disclosing motor vehicle body damage on the certificate of title to a motor vehicle. The rules must provide for a damage disclosure statement from the transferor to the transferee at the time ownership of a motor vehicle is transferred and provide that the department must refuse to transfer the title without the required damage disclosure statement.
2. Motor vehicle body damage disclosure requirements apply only to the transfer of title on ~~all current year models of a~~ a motor ~~vehicles and those models~~ vehicle that was manufactured in the ~~seven~~ eight calendar years before the current ~~model~~ calendar year. When a motor vehicle has been subject to this disclosure requirement and more than eight years have elapsed since the date of manufacture, the holder of the certificate of title with the damage disclosure may have the disclosure removed and a new certificate of title issued for a fee of five dollars.
3. As used in this section, "motor vehicle damage" means a change in the body or structure of a motor vehicle, generally resulting 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 five thousand dollars 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.

4. A person repairing, replacing parts, or performing body work on a motor vehicle that ~~is less than~~ was manufactured in the eight calendar years ~~old~~ before the current calendar year 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 eight 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.
5. 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.
6. A person who violates this section or rules adopted pursuant to this section is guilty of a class A misdemeanor."

Renumber accordingly