

**FIRST ENGROSSMENT
with Conference Committee Amendments**

ENGROSSED SENATE BILL NO. 2161

Introduced by

Transportation Committee

(At the request of the Department of Transportation)

1 A BILL for an Act to create and enact a new subsection to section 39-01-01 of the North Dakota
2 Century Code, relating to the definition of recreational vehicle; and to amend and reenact
3 subsection 67 of section 39-01-01, subsection 2 of section 39-04-36, section 39-05-17.2,
4 subparagraph a of paragraph 3 of subdivision b of subsection 2 of section 39-06-14, sections
5 39-18-01, and 39-29.1-08 of the North Dakota Century Code, relating to vehicle registration fee
6 credits, motor vehicle body damage disclosure, low-speed vehicles, and correction of statutory
7 references.

8 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

9 **SECTION 1.** A new subsection to section 39-01-01 of the North Dakota Century Code
10 is created and enacted as follows:

11 "Recreational vehicle" means any motorcycle not qualified for registration,
12 all-terrain vehicle, snowmobile, vessel, or personal watercraft.

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

15 ~~67.~~ 68. "Semitrailer" includes every vehicle of the trailer type so designed and used in
16 conjunction with a truck or truck tractor that some part of its own weight and that of
17 its own load rests upon or is carried by a truck or truck tractor, except that it does
18 not include a "housetrailer" or "mobile home" as defined in subsection ~~82~~ 83.

19 **SECTION 3. AMENDMENT.** Subsection 2 of section 39-04-36 of the North Dakota
20 Century Code is amended and reenacted as follows:

21 2. Upon applying for the transfer of the registration and paying a five dollar fee, a
22 person who transfers or assigns to another person the ownership of a registered
23 vehicle may receive credit for the unused portion of the fees paid for the
24 transferred vehicle. The department may establish procedures that permit the

1 transferor to assign the credit to the transferee if the transferor is the spouse, a
2 sibling, or a lineal ancestor or descendant of the transferee. One-twelfth of the
3 annual fee must be credited for each month of the registration period remaining
4 after the month in which the transfer is made. The credit may not extend beyond
5 the original expiration of the registration. Except as provided in section 39-04-44,
6 the credit must be applied to the registration fees for a replacement vehicle. The
7 transferor shall apply for the transfer of registration within thirty days of the
8 purchase of the replacement vehicle.

9 **SECTION 4. AMENDMENT.** Section 39-05-17.2 of the North Dakota Century Code is
10 amended and reenacted as follows:

11 **39-05-17.2. Body damage disclosure - Rules - When required - Penalty.**

- 12 1. The department shall adopt rules relating to the manner and form of disclosing
13 motor vehicle body damage on the certificate of title to a motor vehicle. The rules
14 must provide for a damage disclosure statement from the transferor to the
15 transferee at the time ownership of a motor vehicle is transferred and provide that
16 the department must refuse to transfer the title without the required damage
17 disclosure statement.
- 18 2. Motor vehicle body damage disclosure requirements apply only to the transfer of
19 title on ~~all current year models of~~ motor vehicles of a model year which have been
20 released in the current calendar year and those ~~models manufactured~~ motor
21 vehicles of a model year which were released in the seven calendar years before
22 the current ~~model~~ calendar year. When a motor vehicle has been subject to this
23 disclosure requirement and ~~more than eight years have elapsed since the date of~~
24 ~~manufacture~~ a motor vehicle of a model year has not been released in the current
25 calendar year or the seven calendar years before the current calendar year, the
26 holder of the certificate of title with the damage disclosure may have the disclosure
27 removed and a new certificate of title issued for a fee of five dollars.
- 28 3. As used in this section, "motor vehicle damage" means a change in the body or
29 structure of a motor vehicle, generally resulting from a vehicular crash or accident,
30 including loss by fire, vandalism, weather, or submersion in water, resulting in
31 damage to the motor vehicle which equals or exceeds the greater of five thousand

1 dollars or forty percent of the predamage retail value of the motor vehicle as
2 determined by the national automobile dealers association official used car guide.
3 The term does not include body or structural modifications, normal wear and tear,
4 glass damage, hail damage, or items of normal maintenance and repair.

5 4. A person repairing, replacing parts, or performing body work on a motor vehicle
6 ~~that is less than eight years old~~ of a model year which was released in the current
7 calendar year or the seven calendar years before the current calendar year shall
8 provide a statement to the owner of the motor vehicle when the motor vehicle has
9 sustained motor vehicle damage requiring disclosure under this section. The
10 owner shall disclose this damage when ownership of the motor vehicle is
11 transferred. When a vehicle is damaged in excess of seventy-five percent of its
12 retail value as determined by the national automobile dealers association official
13 used car guide, the person repairing, replacing parts, or performing body work on
14 the motor vehicle ~~that is less than eight years old~~ of a model year which has been
15 released in the current calendar year or the seven calendar years before the
16 current calendar year shall also advise the owner of the motor vehicle that the
17 owner of the vehicle must comply with section 39-05-20.2.

18 5. The amount of damage to a motor vehicle is determined by adding the retail value
19 of all labor, parts, and material used in repairing the damage. When the retail
20 value of labor has not been determined by a purchase in the ordinary course of
21 business, for example when the labor is performed by the owner of the vehicle, the
22 retail value of the labor is presumed to be the product of the repair time, as
23 provided in a generally accepted autobody repair flat rate manual, multiplied by
24 thirty-five dollars.

25 6. A person who violates this section or rules adopted pursuant to this section is
26 guilty of a class A misdemeanor.

27 **SECTION 5. AMENDMENT.** Subparagraph a of paragraph 3 of subdivision b of
28 subsection 2 of section 39-06-14 of the North Dakota Century Code is amended and reenacted
29 as follows:

30 (a) A double trailer, triple trailer, or, if under eighteen years of age, a
31 truck tractor as defined in ~~subsection 85~~ of section 39-01-01.

1 **SECTION 6. AMENDMENT.** Section 39-18-01 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **39-18-01. Mobile home dealer's license - Fees - Dealer's plates.** No person,
4 partnership, corporation, or limited liability company may engage in the business of buying,
5 selling, or exchanging of mobile homes or travel trailers, or advertise or hold oneself or itself out
6 to the public as being in the business of buying, selling, or exchanging of mobile homes or
7 travel trailers without first being licensed to do so as hereinafter provided.

8 Application for dealer's license and renewal license must be made to the department on
9 such forms as the department prescribes and furnishes, and the application must be
10 accompanied by an annual fee of thirty-five dollars for which must be issued one dealer plate.
11 A dealer's license expires on December thirty-first of each year, and application for renewal of a
12 dealer's license must be made on or before the expiration of the current dealer's license.

13 A mobile home dealer's license must be issued only to those who will maintain a
14 permanent office and place of business, and an adequate service department, during the
15 licensing year, and will abide by all the provisions of law pertaining to mobile home dealers.

16 In addition, the dealer shall maintain that person's business records in one central
17 location.

18 Upon the payment of the fee of ten dollars for each additional plate, the department
19 shall register and issue dealer's license plates for use on any mobile homes owned by the
20 licensed dealer, and the mobile homes bearing the dealer's license plates may be lawfully
21 operated upon the public highways of the state of North Dakota by the dealer, and the dealer's
22 agents and servants, during the year of the registration. A dealer's license plates expire on
23 December thirty-first of each year.

24 The term "mobile home" as used in this chapter includes and has the same meaning as
25 "housetrailer", and both terms have the meaning prescribed in ~~subsection 82 of section~~
26 39-01-01. The term "travel trailer" as used in this chapter has the meaning as prescribed in
27 section 39-01-01.

28 Any mobile home dealer licensed under the provisions of this chapter may sell house
29 cars without being licensed under the provisions of chapter 39-22. A mobile home dealer plate
30 displayed on a house car must be displayed on the rear of the vehicle.

1 **SECTION 7. AMENDMENT.** Section 39-29.1-08 of the North Dakota Century Code as
2 created by House Bill No. 1216, as approved by the fifty-sixth legislative assembly, is amended
3 and reenacted as follows:

4 **39-29.1-08. Equipment.** A low-speed vehicle must be equipped with head lamps, front
5 and rear turn signal lamps, tail lamps, stop lamps, reflex reflectors on each side as far to the
6 rear of the vehicle as practicable and one red reflector on the rear, ~~four-wheel hydraulic assist~~
7 brakes, a parking brake, a windshield, a vehicle identification number, a safety belt installed at
8 each designated seating position, an exterior mirror mounted on the operator's side of the
9 vehicle, and either an exterior mirror mounted on the passenger's side of the vehicle or an
10 interior rear view mirror.