

HOUSE BILL NO. 1185

Introduced by

Transportation Committee

(At the request of the Department of Transportation)

1 A BILL for an Act to amend and reenact section 39-01-16, subdivision b of subsection 2 of
2 section 39-04-18, subdivision a of subsection 1 of section 39-05-05, and subsection 1 of section
3 39-05-09.2 of the North Dakota Century Code, relating to motor vehicle registration and titling.

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

5 **SECTION 1. AMENDMENT.** Section 39-01-16 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **39-01-16. Hearing on alleged violations.** Any person having information that a
8 licensed dealer has violated any provisions of this title may file with the director an affidavit
9 specifically setting forth such violation. Upon receipt of such affidavit, the director shall
10 investigate the violation alleged in the affidavit. If, after investigation, the director determines
11 that the dealer's license will be revoked or suspended, a notice of intent to revoke or suspend
12 the license must be mailed to the dealer by ~~registered~~ certified mail. The notice must provide
13 the dealer with an opportunity for a hearing prior to the effective date of the license revocation
14 or suspension. A record of such hearings must be made by stenographic notes or use of an
15 electronic recording device.

16 If after such hearing the director finds the violation charged in the affidavit has been
17 proved by the evidence, an order must be served on the licensee revoking or suspending the
18 dealer's license for a period of time to be determined by the director. Such action may be
19 appealed to the district court by following the appeal procedure set forth in chapter 28-32,
20 except that the order revoking or suspending the license is ineffective while the appeal is
21 pending.

22 The director has the power to appoint an administrative hearing officer to conduct the
23 hearing, administer oaths, and subpoena and examine witnesses. The administrative hearing
24 officer shall submit the findings to the director for consideration and final decision.

1 Any witness called by the prosecution, except a peace officer while on duty, shall
2 receive the same fees and mileage as a witness in a civil case in district court.

3 **SECTION 2. AMENDMENT.** Subdivision b of subsection 2 of section 39-04-18 of the
4 North Dakota Century Code is amended and reenacted as follows:

5 b. Motor vehicles owned by or in possession of Indian mission schools, by this
6 state or any of its agencies, departments, or political subdivisions, including
7 school districts possessing a motor vehicle or vehicles used for driver
8 education instruction, or by any entity located upon the international boundary
9 line between the United States of America and Canada used and maintained
10 as a memorial to commemorate the long-existing relationship of peace and
11 good will between the people and the governments of the United States of
12 America and Canada and to further international peace among the nations of
13 the world; provided, however, that the vehicles must display license plates
14 provided by the department at actual cost. Upon request, qualifying law
15 enforcement motor vehicles must be issued a license plate under
16 section 39-04-10.9.

17 Each motor vehicle loaned or furnished by a licensed North Dakota
18 motor vehicle dealer to a school district in North Dakota to be used exclusively
19 for instructing pupils in the driver education and training program conducted
20 by the school district will be assigned an official license plate ~~bearing a decal~~
21 ~~with the words "driver education" appearing on it.~~ The license plates must be
22 used only on the motor vehicles furnished by dealers and used in the driver
23 education program, and for no other purpose except for garaging and
24 safekeeping of the motor vehicle.

25 ~~No~~ A person may not use a driver education motor vehicle bearing
26 official license plates ~~bearing a decal with the words "driver education"~~
27 ~~appearing on it as provided for in this subdivision~~ for any purpose other than
28 driver education course instruction. ~~No~~ A person is not in violation of this
29 subdivision if the person is required by the dealer or a school administrator to
30 house or otherwise protect the vehicle at the person's home or other facility.

1 **SECTION 3. AMENDMENT.** Subdivision a of subsection 1 of section 39-05-05 of the
2 North Dakota Century Code is amended and reenacted as follows:

3 a. A full description of the vehicle, including the name of the manufacturer, either
4 the engine, serial, or identification number, and any other distinguishing
5 marks. The department may assign a vehicle identification number for
6 homemade vehicles. The assigned number must be permanently affixed to
7 the vehicle and the department may require the vehicle be inspected before
8 issuing a certificate of title for the vehicle.

9 **SECTION 4. AMENDMENT.** Subsection 1 of section 39-05-09.2 of the North Dakota
10 Century Code is amended and reenacted as follows:

11 1. The department shall suspend or revoke a certificate of title, upon notice and
12 reasonable opportunity to be heard in accordance with chapter 28-32, when
13 authorized by any other provision of law or if it finds:

14 a. The certificate of title was fraudulently procured or erroneously issued; ~~or~~

15 b. The vehicle has been scrapped, dismantled, or destroyed; or

16 c. A person has acquired a vehicle but has failed to transfer the ownership as
17 required by this chapter.