

Introduced by

Judiciary Committee

(At the request of the Highway Patrol)

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

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

5 **SECTION 1. AMENDMENT.** Subsections 1 and 2 of section 23.1-15-05 of the North Dakota  
6 Century Code are amended and reenacted as follows:

- 7 1. When an abandoned motor vehicle does not fall within the provisions of section  
8 23.1-15-04, the unit of government or commercial towing service taking it into custody  
9 shall give notice of the taking within ten days. The notice must set forth the date and  
10 place of the taking, the year, make, model, and serial number of the abandoned motor  
11 vehicle, and the place where the vehicle is being held, must inform the owner and any  
12 lienholders or secured parties of their right to reclaim the vehicle under section  
13 23.1-15-06, ~~and~~ must state that failure of the owner ~~or~~ lienholders, or secured parties  
14 to exercise their right to reclaim the vehicle within thirty days is deemed a waiver by  
15 ~~them~~the owner, lienholders, or secured parties of all right, title, and interest in the  
16 vehicle and a consent to the disposal of the vehicle pursuant to section 23.1-15-07,  
17 and must state the end date of the thirty-day period during which the owner may  
18 reclaim the abandoned vehicle.
- 19 2. The notice must be sent by certified mail, return receipt requested, to the registered  
20 owner, if any, of the abandoned motor vehicle and to all readily identifiable lienholders  
21 or secured parties of record. If it is impossible to determine with reasonable certainty  
22 the identity and address of the registered owner and all lienholders, the notice must be  
23 published once in a newspaper of general circulation in the area where the motor  
24 vehicle was abandoned or placed on the official website for the unit of government that

1           initiated the impound process from public property. When posted on a website, the  
2           notice must be placed in a designated area on the official website for a minimum of  
3           thirty days and must include the information in subsection 1. Published notices may be  
4           grouped together for convenience and economy. Failure of the owner, lienholders, or  
5           secured parties to exercise the right to reclaim the vehicle by the end of the public  
6           notice period is deemed a waiver by the owner, lienholders, or secured parties of all  
7           right, title, and interests in the vehicle and a consent to the disposal of the vehicle  
8           pursuant to section 23.1-15-07.

9           **SECTION 2. AMENDMENT.** Subsection 1 of section 23.1-15-07 of the North Dakota  
10 Century Code is amended and reenacted as follows:

11           1. An abandoned motor vehicle not more than seven model years of age taken into  
12           custody by a unit of government and not reclaimed under section 23.1-15-06 must be  
13           sold to the highest bidder at public auction or sale, following reasonable published  
14           notice. The purchaser must be given a receipt in a form prescribed by the department  
15           of transportation which is sufficient title to dispose of the vehicle. The receipt also  
16           entitles the purchaser to register the vehicle and receive a certificate of title, free and  
17           clear of all liens and claims of ownership. The license plates displayed on an  
18           abandoned vehicle must be removed and destroyed prior to the purchaser taking  
19           possession of the vehicle.

20           **SECTION 3. AMENDMENT.** Section 23.1-15-08 of the North Dakota Century Code is  
21 amended and reenacted as follows:

22           **23.1-15-08. Disposal of vehicles not sold.**

23           When no bid has been received for an abandoned motor vehicle, the unit of government or  
24 a commercial towing service that is a licensed scrap iron processor may dispose of it pursuant  
25 to contract under section 23.1-15-09.

26           **SECTION 4. AMENDMENT.** Section 23.1-15-09 of the North Dakota Century Code is  
27 amended and reenacted as follows:

1           **23.1-15-09. Contracts for disposal - Issuance of licenses by department of**  
2 **environmental quality - Reimbursement of units of government and commercial towing**  
3 **services for costs.**

- 4           1. A unit of government may contract with any qualified licensed scrap iron processor for  
5 collection, storage, incineration, volume reduction, transportation, or other services  
6 necessary to prepare abandoned motor vehicles and other scrap metal for recycling or  
7 other methods of disposal. The contract may authorize the contracting scrap iron  
8 processor to pay to the owner of any abandoned motor vehicle an incentive payment  
9 for vehicle if it is voluntarily surrendered and delivered to the scrap iron processor. For  
10 purposes of this section, an owner of an abandoned motor vehicle includes only a  
11 person that has owned and operated the vehicle for the person's personal or business  
12 use.
- 13           2. The department may issue a license to any qualified scrap iron processor desiring to  
14 participate in a contract under this section ~~that~~which meets the requirements for solid  
15 waste disposers established by the department.
- 16           3. ~~When~~Before a unit of government enters a contract with a scrap iron processor duly  
17 licensed by the department, the department may review the contract to determine  
18 whether it conforms to the department's plan for solid waste disposal. A contract that  
19 does conform may be approved by the department. When a contract has been  
20 approved, the department may reimburse the unit of government for the costs incurred  
21 under the contract, including incentive payments authorized and made under the  
22 contract, subject to the limitations of legislative appropriations.
- 23           4. Before a commercial towing service that is a scrap iron processor duly licensed by the  
24 department enters a contract with the department, the department may review the  
25 contract to determine whether it conforms to the department's plan for solid waste  
26 disposal. A contract that does conform may be approved by the department. When a  
27 contract has been approved, the department may reimburse the commercial towing  
28 service for the costs incurred under the contract for towing and up to thirty days of  
29 storage charges resulting from taking an abandoned motor vehicle into custody.  
30 subject to the limitations of legislative appropriations.

1        5.    The department may demand that a unit of government or a commercial towing  
2        service that is a licensed scrap iron processor contract for the disposal of abandoned  
3        motor vehicles and other scrap metal under the department's plan for solid waste  
4        disposal. When the unit of government or the commercial towing service fails to  
5        contract within one hundred eighty days of the demand, the department, on behalf of  
6        the unit of government, may contract with any scrap iron processor duly licensed by  
7        the department for such disposal.