

Sixty-seventh
Legislative Assembly
of North Dakota

SENATE BILL NO. 2098

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:

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

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