

**HOUSE BILL NO. 1407**

Introduced by

Representatives Grueneich, Blum, Bosch, Howe, Schobinger

Senator Meyer

1 A BILL for an Act to amend and reenact sections 39-05-20.1 and 39-05-20.2 of the North  
2 Dakota Century Code, relating to salvage certificates of title.

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

4 **SECTION 1. AMENDMENT.** Section 39-05-20.1 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **39-05-20.1. Salvage certificate of title.**

7 The department shall issue a salvage certificate of title for a salvaged or destroyed vehicle  
8 when the owner of the vehicle has returned the certificate of title for the vehicle to the  
9 department or when there has been compliance with subsection 2, 3, or 4 of section  
10 39-05-20.2. The department shall prescribe the form and content of the salvage certificate of  
11 title. The certificate must include a prominent notation that it has been issued for a salvaged  
12 motor vehicle.

13 **SECTION 2. AMENDMENT.** Section 39-05-20.2 of the North Dakota Century Code is  
14 amended and reenacted as follows:

15 **39-05-20.2. Issuance of salvage certificate of title.**

- 16 1. The ~~Except as provided in subsections 2, 3, and 4, the~~ owner of a vehicle that is  
17 damaged in excess of seventy-five percent of the vehicle's retail value as determined  
18 by the national automobile dealers association official used car guide shall forward the  
19 title for that vehicle to the department within ten days and the department shall issue a  
20 salvage certificate of title. Glass damage and hail damage must be excluded in the  
21 determination of whether a vehicle has been damaged in excess of seventy-five  
22 percent of the vehicle's retail value.
- 23 2. Notwithstanding any other provision of law, if an insurer, as a result of a total loss  
24 settlement, acquires a vehicle damaged as described in subsection 1 but is unable to

1           obtain the properly assigned certificate of title, the insurer may apply for, and must be  
2           issued, a salvage certificate of title, free and clear of all liens and claims of ownership,  
3           and in the insurer's name without surrendering the certificate of title.

4           a.   The application must be accompanied by evidence the insurer has paid a total  
5           loss claim on the vehicle and has made at least two written attempts, addressed  
6           to the owner of record and any known lienholder, to obtain the certificate of title.

7           b.   If the acquired vehicle has not sustained damage as described in subsection 1,  
8           the insurer may apply for, and must be issued, a certificate of title, free and clear  
9           of all liens and claims of ownership, and in the insurer's name without  
10          surrendering the certificate of title.

11          c.   If required by section 39-05-17.2, an application made under this subsection  
12          must be accompanied by a damage disclosure statement, which is not required  
13          to be signed by the transferor.

14          3.   Notwithstanding any other provision of law, if an insurer requests a licensed used  
15          motor vehicle dealer take possession of a vehicle that is the subject of an insurance  
16          claim and, subsequently, a total loss claim is not paid by the insurer with respect to the  
17          vehicle, the dealer may apply for and must be issued a salvage certificate of title, free  
18          and clear of all liens and claims of ownership, and in the dealer's name without  
19          surrendering the certificate of title, if the vehicle has been abandoned at the facility of  
20          the dealer for more than thirty days.

21          a.   The application must be accompanied by evidence the dealer made at least two  
22          written attempts, addressed to the owner of record and any known lienholder, to  
23          have the vehicle removed from the facility, upon payment of applicable charges.

24          b.   If the vehicle has not sustained damage as described in subsection 1, the dealer  
25          may apply for, and must be issued, a certificate of title for the vehicle, free and  
26          clear of all liens and claims of ownership, and in the dealer's name without  
27          surrendering the certificate of title.

28          c.   If required by section 39-05-17.2, an application made under this subsection  
29          must be accompanied by a damage disclosure statement, which is not required  
30          to be signed by the transferor.

- 1       4. Notwithstanding any other provision of law, if a vehicle has been donated to an  
2       organization recognized by the internal revenue service as tax exempt under  
3       26 U.S.C. 501(c)(3), but the organization is unable to obtain the properly assigned  
4       certificate of title, the organization may apply for, and must be issued, a salvage  
5       certificate of title in the organization's name without surrendering the certificate of title.
- 6       a. The application must be accompanied by evidence the organization made at  
7       least two written attempts, addressed to the owner of record, to obtain the  
8       certificate of title.
- 9       b. If the donated vehicle has not sustained damage as described in subsection 1,  
10       the organization may apply for, and must be issued, a certificate of title for the  
11       vehicle in the organization's name without surrendering the certificate of title.
- 12       c. If required by section 39-05-17.2, an application made under this subsection  
13       must be accompanied by a damage disclosure statement, which is not required  
14       to be signed by the transferor.
- 15       5. If a vehicle for which a salvage certificate of title has been issued is reconstructed, a  
16       regular certificate of title may be obtained by completing an application for the  
17       certificate. The applicant shall include with the application a certificate of inspection in  
18       the form required by the department, the salvage certificate of title, and a five dollar  
19       fee. The department shall place on the regular certificate of title and on all subsequent  
20       certificates of title issued for the vehicle the words "previously salvaged" and a  
21       notation that damage disclosure information is available from the department. The  
22       department may not issue a new certificate unless the vehicle identification number of  
23       the vehicle has been inspected and found to conform to the description given in the  
24       application or unless other proof of the identity of the vehicle has been provided to the  
25       satisfaction of the department.
- 26       ~~3-6.~~ The certificate of inspection required under this section must be completed by a  
27       business that is registered with the secretary of state, is in good standing, and offers  
28       motor vehicle repair to the public. The business completing the certificate of inspection  
29       may not be the business that reconstructed the vehicle and must state the vehicle is in  
30       compliance with the requirements of chapter 39-21.