

## **FULL NOTICE OF INTENT TO AMEND ADMINISTRATIVE RULES**

TAKE NOTICE that the North Dakota Department of Transportation will hold a virtual public hearing to address proposed amendments to N.D. Admin Code chapter 37-12 at 10:00 a.m. on Tuesday, September 15, 2020. This virtual public hearing will be held online as a live event on the NDDOT website [www.dot.nd.gov](http://www.dot.nd.gov), click “Public Meetings” under Quick Links. If you are unable to attend the virtual public hearing, space will be made available by appointment only on Tuesday, September 15, 2020 at 10:00 a.m. at the Transportation Building, 608 East Boulevard Avenue, Bismarck, North Dakota 58505. The purpose of the proposed amendments are to provide clarifications to current law and motor vehicle policies. The proposed amendment addresses current law, provide for ease of use of the general public, and clean up old, outdated rules.

The proposed amendment to chapter 37-12-02 is to amend section 37-12-02-01, Definitions, to amend the definition of “Special motor vehicles”; amend section 37-12-02-02, rearview mirror to remove the requirement for 2 mirrors.

The proposed amendment to chapter 37-12-04 is to amend section 37-12-04-01 to include the additional items required to complete this process.

The proposed amendment to chapter 37-12-05 is to amend section 37-12-05-01 to remove an incorrect reference to a repealed section of North Dakota Administrative Code and add clarification that a vehicle needs to be physically inspected.

The proposed amendment to chapter 37-12-06 is to amend section 37-12-06-01 to match fees being charged by the branch offices after implementation of system

modernization.

The proposed amendments are not expected to have an impact on the regulated community in excess of \$50,000.00.

The proposed rules may be reviewed at the Motor Vehicle Division, Transportation Building, 608 East Boulevard Avenue, Bismarck, North Dakota or viewed online at [www.dot.nd.gov](http://www.dot.nd.gov), under the Public Section. A copy of the proposed rules and/or regulatory analysis may be requested by writing the above address, calling (701) 328-2725, or by email at [mv@nd.gov](mailto:mv@nd.gov). Written or oral comments on the proposed rules sent to the above address or telephone number received by 5:00 p.m. Friday, September 25, 2020, will be considered. The Department will follow the public hearing format and will not respond to comments or address questions at the hearing.

In order to maintain social distancing guidelines due to COVID-19, those planning to attend the public hearing to address proposed rule changes to North Dakota Administrative Code Title 37 are asked to contact the North Dakota Department of Transportation at 701-328-2725 prior to 5 p.m., Monday, September 14 so that we may plan for the number of attendees. If you plan to attend the public hearing and will need special facilities or assistance relating to a disability, please contact the North Dakota Department of Transportation at the above telephone number, address, or email at least 15 days prior to the public hearing.

Dated this 5th day of August, 2020.



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William T. Panos, Director

**Proposed Changes to NDAC Chapter 37-12**  
Submitted by NDDOT Motor Vehicle Division

**ARTICLE 37-12**  
**MOTOR VEHICLE DIVISION**

Chapter  
37-12-02 Special Motor Vehicles  
37-12-04 Obtaining Certificate of Title for Untitled Vehicles  
37-12-05 Inspection of Salvage Vehicles  
37-12-06 Motor Vehicle Branch Offices

**CHAPTER 37-12-02**  
**SPECIAL MOTOR VEHICLES**

Section  
37-12-02-01 General Considerations  
37-12-02-02 Body Requirements

**37-12-02-01. General considerations.**

1. **Scope.** Vehicles constructed, reconstructed, or modified shall comply with all provisions of North Dakota Century Code chapter 39-21 and any other applicable provision of North Dakota Century Code title 39, unless specifically excepted. The requirements of this chapter shall not supersede the original and unaltered design, construction, or equipment standards of motor vehicles manufactured by a recognized manufacturer.
2. **Definitions.** The terms used throughout this chapter have the same meaning as in North Dakota Century Code title 39, except:
  - a. "Recognized manufacturer" means a manufacturer of motor vehicles intended for use on the public roadways and for distribution and sale in interstate commerce.
  - b. "Recognized manufacturer or assembler" means every fabricator of a special vehicle assembled in its entirety as a complete product for use on the public roadways.
  - c. "Special motor vehicles" means ~~those passenger~~ any vehicles and trucks with an ~~unladen weight of six thousand pounds [2721.55 kilograms] or less~~ equipped with two or more axles having at least two wheels per axle, and which are intended for use on public highways. The term "special motor vehicle" includes the following types:
    - (1) Type I - Those vehicles which are restored to or retain their original configuration but which may contain changed steering, brake, power train, or suspension systems.
    - (2) Type II - Those vehicles changed from the recognized vehicle manufacturer's original body configuration but which retain the general appearance, ~~including changes to the body chassis or engine~~ of the original vehicle. This type may

also include changes and modifications to engine, chassis, brake system, power train, steering, and suspension systems.

- (3) Type III - Other than type I and type II special vehicles, those vehicles custom built with fabricated parts, or parts taken from existing vehicles.

3. **Manufacturer's certification.** The manufacturer or assembler of a special vehicle (type I, II, or III) shall provide a certification of fact that the vehicle is designed and manufactured for use on the public roadway and complies with the performance and equipment requirements of this chapter. Nothing contained in this chapter shall preclude the motor vehicle division director from requiring a certificate of inspection to ensure compliance with the standard.

**History:** Effective July 1, 2008.

**General Authority:** NDCC 39-02-03

**Law Implemented:** NDCC 39-02-03

#### **37-12-02-02. Body requirements.**

1. **Door latches.** Every special motor vehicle that is equipped with doors leading directly into a compartment that contains one or more seating accommodations shall be equipped with mechanically actuated door latches which firmly and automatically secure the door when pushed closed and which allow each door to be opened from the inside by the actuation of a convenient lever, handle, or other suitable device.
2. **Floor pan.** Every special vehicle shall be equipped with a floor pan under the entire passenger-carrying compartment. The floor pan shall support the weight of the number of occupants that the vehicle is designed to carry. The floor pan shall be so constructed that it prevents the entry of exhaust fumes.
3. **Hood latches.** A front-opening hood shall be equipped with a primary and secondary latching system to hold the hood in a closed position.
4. **Instrumentation and controls.** Every special vehicle shall be equipped with a circular steering wheel with an outside diameter of not less than thirteen inches [33.02 centimeters].
5. **Rearview mirror.** Every special vehicle shall be equipped with ~~two~~ a rearview mirrors having substantially unit magnification. ~~One~~ It shall be mounted ~~on the inside of the vehicle~~ in such a position that it affords the driver a clear view of a straight level road surface at least two hundred feet [60.96 meters] to the rear. ~~The other shall be mounted on the outside of the vehicle on the driver's side in such a position that it affords the driver a clear view to the rear. When~~ If an inside mirror does not give a clear view to the rear, ~~the~~ a driver's side right-hand outside mirrors shall be required in lieu thereof. The mirror mounting shall provide for mirror adjustment by tilting in both horizontal and vertical directions. Each mirror shall have a minimum of ten square inches [64.52 square centimeters] of reflective surface.

**History:** Effective July 1, 2008.

**General Authority:** NDCC 39-02-03

**Law Implemented:** NDCC 39-02-03

## CHAPTER 37-12-04 OBTAINING CERTIFICATE OF TITLE FOR UNTITLED VEHICLES

Section

37-12-04-01 Procedure

### 37-12-04-01. Procedure.

If a North Dakota resident owns a vehicle for which the resident is unable to obtain a proper certificate of title, the motor vehicle division will use the following forms and procedures to determine ownership of a vehicle and issue a certificate of title:

1. A check of the records of the motor vehicle division, as well as the records of other appropriate states, will be conducted to determine if a certificate of title has previously been issued. The applicant must provide the results of a department approved vehicle title history check.
2. If no record of a previous certificate of title is found, the motor vehicle division will issue a North Dakota certificate of title to the applicant upon receipt of:
  - a. A notarized bill of sale.
  - b. A photograph of the VIN plate.
  - c. Current photographs of the front, side and rear of the vehicle.
  - d. Copy of North Dakota Driver's License or North Dakota State Issued ID.
  - e. SFN 60689 Statement of Fact is required if the vehicle will not be registered.
  - f. A vehicle statement of ownership from the applicant (form SFN 2903).
  - h. An inspection of the vehicle by a business that is registered with the secretary of state, is in good standing, and offers vehicle repair to the public. The business completing the certificate of inspection may not be the business that reconstructed the vehicle and must state the vehicle is in compliance with the requirements of North Dakota Century Code chapter 39-21 (form SFN 2486).
  - i. Appropriate title fee, license fees, and motor vehicle excise tax.
3. When there is no record of a previous title, the motor vehicle division will check the national crime information center computer to determine that the vehicle is not listed as a stolen vehicle.
4. If a record of a previous certificate of title is found, the motor vehicle division will advise the applicant of the name and address of the last owner of the vehicle but will take no further action to issue a certificate of title. The applicant must obtain the certificate of title from the last owner or obtain an order of the court awarding ownership to the applicant.

**History:** Effective July 1, 2008; amended effective April 1, 2014.

**General Authority:** NDCC 39-05-20(1)

**Law Implemented:** NDCC 39-05-20(1)

## **CHAPTER 37-12-05 INSPECTION OF SALVAGE VEHICLES**

Section  
37-12-05-01 Procedure

### **37-12-05-01. Procedure.**

A business that is registered with the secretary of state, is in good standing, and offers motor vehicle repair to the public, when inspecting a salvage vehicle under the provisions of North Dakota

Century Code section 39-05-20.2, must physically inspect the following equipment to determine it is in compliance with the provisions of North Dakota Century Code chapter 39-21 and North Dakota Administrative Code article ~~52-04-37-12~~: headlights, turn signals, windshield, mirrors, horn, brakes, exhaust system, taillights, stoplights, license plate lights, clearance lights and reflectors, bumper heights, tires, fenders, steering wheel, steering and suspension, hood latches, door latches, floor pan, and fuel system. In addition to physically inspecting the listed equipment, a business qualified to perform inspections may require an additional statement from the rebuilder of the salvage vehicle prior to the completion of the certificate of inspection. The additional signed statement, as a part of form SFN 2486, shall require the rebuilder to certify the following:

1. The frame of the salvage vehicle was not in need of repair or has been repaired in such a manner that the repairs will not detract from the overall performance of the vehicle and the frame is now in a condition that would be comparable to the frame of a similar vehicle which had not been damaged in an accident.
2. The wheel alignment is within the tolerances allowed for vehicles of the same make, year model, and style. A business qualified to perform inspections may require this additional certification when they determine the salvage vehicle may have suffered damage to frame, chassis, or wheel alignment as a result of an accident.

**History:** Effective July 1, 2008; amended effective April 1, 2014.

**General Authority:** NDCC 28-32-02, 39-02-03

**Law Implemented:** NDCC 39-05-20.2

**CHAPTER 37-12-06  
MOTOR VEHICLE BRANCH OFFICES**

Section  
37-12-06-01 Motor Vehicle Branch Office Fees

**37-12-06-01. Motor vehicle branch office fees.**

Maximum fees for motor vehicle branch office ~~transactions~~ services are shall not to exceed ten dollars per service listed below.

Motor Vehicle Transaction	Maximum Fee
Motor vehicle/New title*	10.00
Motor vehicle/Title transfer*	10.00
Motor vehicle/Duplicate title	8.00
Motor vehicle/Registration	10.00
Motor vehicle/Duplicate registration	8.00
Motor vehicle/New registration*	5.00
Motor vehicle/Registration change	10.00
Motor vehicle/Renewal	5.00
Motor vehicle/Title correction	10.00
Other/New mobility impaired	10.00
Other/Duplicate mobility impaired	10.00
Other/Renewal mobility impaired	10.00
Other/New personal inventory	10.00
Other/Duplicate personal inventory	8.00
Other/Renewal personal inventory	7.00
Other/Standard permit	10.00
Motor vehicle/New title branch admin	2.00
Motor vehicle/Title transfer branch admin	2.00
Motor vehicle/Duplicate title branch admin	2.00
Motor vehicle/Title correction branch admin	2.00

\*The maximum fee for combined services such as new title and registration and for combined title transfer and registration is \$12.00 per vehicle.

Each fee to be charged by the motor vehicle branch office must be set forth in an agreement between the branch office and the director. Some administrative fees charged by the branch office may include write for title, dealer plate mailing, postage, and letters written. The director must approve the fees for each branch office.

**History:** Effective April 1, 2014.  
**General Authority:** NDCC 39-02-03  
**Law Implemented:** NDCC 39-02-03