

Testimony
Senate Bill 2098
Senate Judiciary Committee
Senator Larson, Chairman
January 6, 2021

Chairman Larson and Members of the Senate Judiciary Committee, my name is Major Aaron Hummel, chief of staff for the North Dakota Highway Patrol. I am here to provide testimony in support of Senate Bill 2098.

The changes to NDCC 23.1-15-05 and 07 through 09 were submitted at the request of the North Dakota Highway Patrol through collaboration with the ND Department of Environmental Quality.

The changes will streamline the administrative workload for the North Dakota Highway Patrol and other law enforcement agencies. They will also provide a mechanism for tow companies to seek reimbursement to recover their costs for removing abandoned vehicles from the state's roadways. In addition to these two main points, there is some additional language cleanup provided in the request.

The first amendment requested in **SECTION 1** clarifies the language in subsection 1 of 23.1-15-05 regarding who has the right to reclaim the vehicle. It also clarifies the time frame of 30 days to reclaim the vehicle which is currently established in 23.1-15-06.

The second amendment requested in section 1 adds additional language to subsection 2 of 23.1-15-05. This change would allow another option for units of government to provided notice of an abandoned motor vehicle in the event it is impossible to determine the registered owner or lienholder of the vehicle. This bill requests that units of government be allowed to post notice of the vehicle on an official website in lieu of the requirement to post a notice once in a newspaper of general circulation where the vehicle was abandoned. Currently, when an owner is identified, it is still required that the unit of government or towing service send notice through certified mail. The change only affects the way notice must be given in the event an owner cannot be identified.

The annual financial savings for our agency, based on 2020 invoices, would be approximately \$2400.00. The actual savings, however, will be in the processing time spent compiling the notice, sending to publication, processing the billing, and mailing final payment. Currently, the NDHP has a records management system that is capable of automatically pulling the information directly from the initial data submitted by our trooper and putting it on our website, ultimately limiting the time needed for duplicate data entry. I believe publication on an agency website would ultimately provide for greater visibility to the public or the individual who may be seeking their vehicle because it would be posted for 30 days rather than once in a newspaper.

The amendment requested in **SECTION 2** clarifies the language in 23.1-15-07 subsection 1 by adding “of transportation” to “department.” The reference pertains to the titling and ownership of the vehicle.

The amendments requested in **SECTIONS 3 and 4** would allow commercial towing services, that are also licensed scrap iron processors, to be eligible for reimbursement of towing costs and up to thirty days of storage charges that resulted from taking an abandoned motor vehicle into custody. When licensed as a scrap iron processor, towing companies would be eligible to apply for funding from the abandoned motor vehicle fund (202) to seek reimbursement of costs associated with the removal of these vehicles from the roadway. I believe there is a representative here today from DEQ to discuss the details of the process and fund so I won't go into detail on those topics, but I do believe that this would be a welcome addition, which is supported by our agency. In the majority, if not all of the cases our agency deals with where an owner cannot be ascertained, the vehicle in question holds little to no value, and quite frankly, is left on the highway for someone else to have to clean up. We have a good working relationship with tow companies around the state and with the ND Towing Association. You will nearly always find one of them to come at our request, which isn't always at the most opportune time. I can speak from my time spent as a trooper, doing many of these impounds, that it was always an uncomfortable feeling asking a company to come out and remove what many would describe as scrap, junked, or garbage from the

state's roadways knowing it's questionable if they would be able to recoup their costs when performing the service. Providing the option to use this fund for reimbursement in these cases would be a good step moving forward.

I appreciate your support in considering the changes offered in this bill and I would be happy to answer any questions you may have.