

TESTIMONY OF

Maj. Aaron Hummel, Chief of Staff

Good morning, Chairman Patten, and members of the committee. My name is Aaron Hummel and I serve as the chief of staff of the North Dakota Highway Patrol. I am here to provide testimony in support of Senate Bill 2118.

The changes in this bill, submitted by The Department of Environmental Quality, are the result of a collaboration between our agencies with additional input from the Department of Transportation. I will speak specifically to the changes provided in Section 2 relating to NDCC 23.1-15-03, Section 4 relating to NDCC 23.1-15-05, Section 5 relating to NDCC 23.1-15-07 and Section 8 requesting an emergency measure.

NDCC 23.1-15-03

The amendment requested in Section 2 will allow units of government to authorize the transfer of custody of a vehicle after requesting a commercial towing service remove a vehicle from public property. The transfer of custody will then allow the commercial towing service to complete the steps required under 23.1-15 relating to notification, sale, and disposal. Currently, commercial towing services are required to follow the same steps relating to notification, sale, and disposal when a vehicle is towed from private property. This change will make the process consistent for both private and public property. There is actually a duplication of effort being done in some areas of the state for vehicles removed from public property. This amendment is not intended to grant authority to a commercial towing service to remove a vehicle from public property without first being requested to do so by a unit of government. Also, this amendment is meant to provide an additional option for units of government relating to the notification, sale, and disposal of a vehicle. It is not intended to remove the ability for units of government to continue to process abandoned vehicles in the manner they do today, for example selling them at a public auction.

NDCC 23.1-15-05

The amendment in Section 4 comes as a request from industry. This change will clarify when to start the 10-day notification timer in cases where there are initially conversations with owner and/or insurance companies, but the communications then cease. Towing services will then be able to have a clear understanding of when to begin the notification process for the potential sale or disposal of the vehicle in their custody.

NDCC 23.1-15-07

The amendment requested in Section 5, related to changes in NDCC 23.1-15-07 will clarify the process in which a title will be issued by the department of transportation. Currently, because a commercial towing service is not specifically authorized to "take into custody" vehicles from public property as outlined in the current language of 21.1-15-03 which I previously discussed, there is some conflict in the issuance of titles to the commercial towing service companies after all of the steps have been completed to allow for the transfer of ownership, sale, or disposal of the vehicle removed from public property.

Section 8 - Emergency

We would like to request an emergency measure be placed on this bill. Through discussions with stakeholders in the preparation of this bill, we have learned that because of the current conflict in language relating to the titling of vehicles removed from public property which do not go to a public sale, there is the potential for the inadvertent accrual of storage costs with commercial towing companies because they are unable to title the vehicle with the department of transportation after going through all of the necessary steps required by law.

Mr. Chairman and members of the committee, thank you for allowing me to visit with you today, this concludes my testimony. I am happy to answer any questions you may have and request your support of the amendments provided in Senate Bill 2118.