

Title 37

Department of Transportation

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ARTICLE 37-09

DISCLOSURE OF BODY DAMAGE TO MOTOR VEHICLE

Chapter	
37-09-01	Application and Requirements of Disclosure

CHAPTER 37-09-01

APPLICATION AND REQUIREMENTS OF DISCLOSURE

Section	
37-09-01-01	Definitions
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37-09-01-06	Damage Information Placed on Title
37-09-01-07	Effective Date of Chapter

37-09-01-01. Definitions. The definitions provided in North Dakota

Century Code title 39 apply to this article, except:

1. ~~"Damage" is the change in the body or structure of a motor vehicle, generally resulting from a vehicular crash or accident, including loss by fire, vandalism, weather, or submersion in water, resulting in damage of three thousand dollars or greater in one occurrence. The term does not include body or structural modifications, normal wear and tear, glass damages, hail damage, or items of normal maintenance and repair.~~

2. "Motor vehicle" is exclusive of ~~motorcycles, all-terrain~~ off-highway vehicles, snowmobiles, and ~~house cars~~ low speed vehicles.

History: Effective April 1, 1992; amended effective _____.
General Authority: NDCC 24-02-01.2, 39-02-03
Law Implemented: NDCC 39-05-17.2

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37-09-01-03. Damage disclosure statement - When required. A

damage disclosure statement must be completed prior to the transfer of the title on all current year models of motor vehicles and those models manufactured in the ~~four~~ seven years previous to the current model year.

History: Effective April 1, 1992; amended effective _____.
General Authority: NDCC 24-02-01.2, 39-02-03
Law Implemented: NDCC 39-05-17.2

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**ARTICLE 37-12
MOTOR VEHICLE DIVISION**

Chapter	
37-12-01	Motor Vehicle Dealer Licensing
37-12-02	Special Motor Vehicles
37-12-03	Compulsory Security Requirements of the North Dakota Auto Accident Reparations Act
37-12-04	Obtaining Certificate of Title for Untitled Vehicles
37-12-05	Inspection of Salvage Vehicles

**CHAPTER 37-12-01
MOTOR VEHICLE DEALER LICENSING**

Section	
37-12-01-01	General Considerations and Dealer Qualifications

1. **Definitions.** The terms used throughout this chapter have the same meaning as in North Dakota Century Code title 39, except "new motor vehicle" means a motor vehicle which has never been taxed and titled.
2. **Dealer's license certificate.** Every dealer license shall be evidenced by a certificate furnished by the motor vehicle division director. For a new or used motor vehicle dealer's license the certificate shall be form MVD-28. Each dealer shall be required to prominently display the certificate in the office area of the place of business.

History: _____.

General Authority: NDCC 39-22-10(2)

Law Implemented: NDCC 39-05-01, 39-22-02, 39-22-04, 39-22-05

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

Section

37-12-02-01 General Considerations

37-12-02-02 Body Requirements

37-12-02-03 Chassis Requirements

37-12-02-04 Electrical Systems Requirements - Horn

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 vehicles and trucks with an unladen weight of six thousand pounds [2,721.55 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:
 - i. 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.

 - ii. 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.

iii. 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, 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: _____.

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 rearview mirrors having substantially unit magnification. One 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 an inside mirror does not give a clear view to the rear, the 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 squares inches [64.52 square centimeters] of reflective surface.

History: _____.

General Authority: NDCC 39-02-03

Law Implemented: NDCC 39-02-03

37-12-02-03. Chassis Requirements.

- 1. Brakes.** Every special motor vehicle shall be equipped with parking brakes operating on at least two wheels on the same axle which when applied shall be capable of producing a tire to road braking force of not less than twenty-five percent of the gross vehicle weight on a level, dry, concrete or asphalt surface free from loose material. The parking brakes shall be so designed that when once applied they shall remain applied with the required effectiveness despite exhaustion of any source of energy or leakage of any kind.

- 2. Bumpers.** Every special motor vehicle shall be equipped with a bumper both on the front and rear of the vehicle with the exception of type I and type II special vehicles where the original or predominant body configuration, provided by a recognized manufacturer, did not include such bumper or bumpers in the design of the vehicle. Type I and type II special vehicles, not excepted as noted above, and all type III special vehicles shall be equipped with horizontal load-bearing

bumpers or customized bumpers or grill bars of a sturdy construction which have at least an evenly distributed portion of their horizontal load-bearing width within fourteen inches and twenty-two inches [35.56 centimeters and 55.88 centimeters] above a level road surface and which extend no less than the width of their respective wheel tract distances, when these distances are measured to the width of standard size tires. The horizontal bumper or customized bumper or grill bar structure shall be at least four and one-half inches [11.43 centimeters] in vertical height and centered on the vehicle's centerline, and attached to the vehicle frame to effectively transfer impact when engaged.

3. Exhaust system.

- a. Every special motor vehicle shall be equipped with an exhaust system that is free of leaks including the exhaust manifolds (including headers), the piping leading from the flange of the exhaust manifolds, the mufflers, and the tail piping.
- b. Exhaust systems on property-carrying vehicles shall discharge the exhaust fumes to the rear of that part of the vehicle designed for, and normally used for, carrying the driver and passengers.

- c. Exhaust systems on passenger vehicles shall discharge the exhaust fumes at a location to the rear of the vehicle body or direct the exhaust fumes outward from the side of the vehicle body at a location rearward of any operable side windows.
 - d. No part of the exhaust system shall pass through any area of the vehicle that is used as a passenger-carrying compartment.
4. **Fenders.** All wheels of every special motor vehicle shall be equipped with fenders designed to cover the entire tire tread width that comes in contact with the road surface. Coverage of the tire tread circumference shall be from at least fifteen degrees in front to at least seventy-five degrees to the rear of the vertical centerline at each wheel measured from the center of wheel rotation. At no time shall the tire come in contact with the body, fender, or chassis of the vehicle.
5. **Fuel system.**
- a. Every special motor vehicle shall have all fuel system components (tank, tubing, hoses, clamps, etc.) securely fastened to the vehicle with fasteners designed for that purpose, and fastened to assure that the fuel system shall be leakproof and fastened so as not to interfere with the vehicle operation.

- b. Fuel lines shall be positioned so as not to be in contact with high temperature surfaces or moving components.

6. Steering and suspension.

- a. A special motor vehicle shall have no parts extending below the wheel rims in their lowest position, excepting tires and electric grounding devices designed for the purpose.
- b. The steering system shall remain unobstructed when turned from lock to lock.
- c. The steering wheel shall have not less than two turns nor more than six turns when turning the road wheels from lock to lock.
- d. While the vehicle is in a sharp turn at a speed between five and fifteen miles [8.05 and 24.14 kilometers] per hour, release of the steering wheel shall result in a distinct tendency for the vehicle to increase its turning radius.

- e. No special motor vehicle shall be constructed or loaded so that the weight on the wheels of any axle is less than thirty percent of the gross weight of the vehicle.

- f. Special vehicles shall be equipped with a damping device at each wheel location providing a minimum relative motion between the unsprung axle and wheel and the chassis body of plus and minus two inches [5.08 centimeters]. When each corner of the vehicle is depressed and released the damping device shall stop vertical body motion within two inches [5.08 centimeters].

7. Tires. The front tires on special motor vehicles must measure a minimum of sixty percent of the tread width of the rear tires.

History: _____.
General Authority: NDCC 39-02-03
Law Implemented: NDCC 39-02-03

37-12-02-04. Electrical Systems Requirements - Horn. Every special vehicle shall be equipped with a horn that is electrically operated and that will emit a minimum sound level of eight-five decibels measured at a distance of two hundred feet [60.96 meters] directly in front of the vehicle under clear weather conditions. The switch used to actuate the horn shall be easily accessible to the driver when operating the vehicle.

History: _____.

General Authority: NDCC 39-02-03
Law Implemented: NDCC 39-02-03

CHAPTER 37-12-03
COMPULSORY SECURITY REQUIREMENTS OF THE NORTH DAKOTA
AUTO ACCIDENT REPARATIONS ACT

Section

37-12-03-01 Definitions

37-12-03-02 Information Requirements

37-12-03-03 Suspension and Surrender of Registration Certificate and License
Plates

37-12-03-01. Definitions. The terms used throughout this chapter have the same meaning as in North Dakota Century Code title 39, except:

1. "Insurance policy" means security as required by North Dakota Century Code chapter 26.1-41, either by a policy issued by a basic no-fault insurer or a plan of self-insurance.

2. "Insurer" means a basic no-fault insurer or qualified self-insurer.

History:_____.

General Authority: NDCC 26.1-41-02

Law Implemented: NDCC 26.1-41-01

37-12-03-02. Information Requirements.

1. **Basic Information.** Every owner when applying for registration, reregistration, or transfer of ownership shall supply any information the motor vehicle division director reasonably requires to determine that

the vehicle is covered by security. Such information shall be furnished by the owner by completing either form SFN 2475, SFN 2870, SFN 2872, or SFN 2875.

2. **Additional information.** The owner shall provide such additional information as the motor vehicle division director shall request when the records of the department indicate that an insurance policy is not in effect or as circumstances indicate such information is necessary.
3. **Insurance policy - Effective date.** All insurers shall comply with all written requests from the department to furnish information concerning the effective date of an insurance policy.

History: _____.
General Authority: NDCC 26.1-41-02
Law Implemented: NDCC 26.1-41-02

37-12-03-03. Suspension and Surrender of Registration Certificate and License Plates.

1. **Reason for suspension.** If the department records indicate that any owner has ceased to maintain an insurance policy, the motor vehicle division director shall suspend the registration certificate and license plates for the vehicle and shall demand their immediate surrender by the owner. The motor vehicle division director may direct any peace

officer to serve an order of suspension and secure any registration certificate and license plates not surrendered.

2. **Replacement certificate and plates.** Upon certification that the vehicle is covered by an insurance policy and application and payment of the applicable fees, the motor vehicle division director shall issue a replacement registration certificate and license plates to the owner of a vehicle for which the registration certificate and license plates have been suspended.

History:_____.

General Authority: NDCC 26.1-41-02

Law Implemented: NDCC 39-04-05(7), 39-04-06(4), 39-04-06

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.

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 vehicle statement of ownership from the applicant (Form SFN 2903).
 - c. An inspection of the vehicle by the North Dakota highway patrol (Form SFN 2486).
 - d. Appropriate title fee, license fees, and motor vehicle excise tax.
3. In all cases where there is no record of a previous title, the motor vehicle division will check the national crime information center (NCIC) 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: _____.
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 highway patrol officer, when inspecting a salvage vehicle under the provisions of North Dakota Century Code section 39-05-20.2, must inspect the following equipment to determine it is in compliance with the provisions of North Dakota Century Code chapter 39-21 and article 52-04: 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 inspecting the listed equipment, a highway patrol officer 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. Highway patrol officers 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: _____.

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

Law Implemented: NDCC 39-05-20.2