

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1324

2001 HOUSE AGRICULTURE

HB 1324

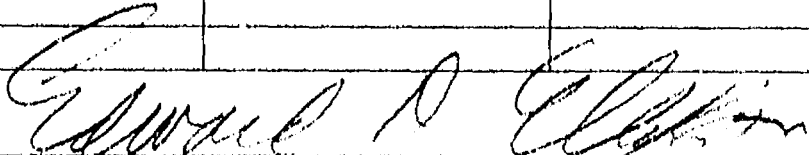
2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1324

House Agriculture Committee

Conference Committee

Hearing Date Feb. 8, 2001

Tape Number	Side A	Side B	Meter #
2	X		0-8.42
Committee Clerk Signature 			

Minutes:

Rep Kathy Hawken: Sponsor of bill regarding semi-trailers.

Dick Johnsen: Written testimony in support.

Chairman Nicholas: We'll close the hearing on HB 1324

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1324

House Agriculture Committee

Conference Committee

Hearing Date February 15, 2001

Tape Number	Side A	Side B	Meter #
1	x		1760 to 1966
Committee Clerk Signature <i>Edward D. Johnson</i>			

Minutes:

Chairman Nicholas: I would like you to open your books to HB 1324. I visited with Rep. Hawken and originally she thought she was going to have to have an amendment for this bill, but she thought the bill was fine the way it is. So I think we are ready to move this bill.

Rep. Renner: I move a Do Pass.

Rep. Mueller: I second.

Chairman Nicholas: Is there any discussion. The clerk will take the roll on HB 1324.

MOTION FOR A DO PASS

YES, 14 NO, 0

1 ABSENT AND NOT VOTING

CARRIED BY REP. JOHNSON

9-15-0

Date:
Roll Call Vote #:

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO.

HB/324

House AGRICULTURE Committee

Subcommittee on _____

or

Conference Committee

Legislative Council Amendment Number _____

Action Taken DO PASS

Motion Made By RENNER Seconded By MULLER

Representatives	Yes	No	Representatives	Yes	No
Eugene Nicholas, Chairman	✓		Rod Froelich	✓	
Dennis E. Johnson - Vice Chairman	✓		Doug Lemieux	✓	
Rick Berg	✓		Philip Mueller	✓	
Michael Brandenburg	✓		Kenton Onstad	✓	
Joyce Kingsbury	✓		Sally M. Slandvig	✓	
Myron Koppang	✓		Dennis J. Renner	✓	
Edward H. Lloyd			Dwight Wrangham	✓	
Bill Pietsch	✓				

Total (Yes) 14 No _____

Absent _____

Floor Assignment JOHNSON

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE (410)
February 15, 2001 2:10 p.m.

Module No: HR-27-3551
Carrier: D. Johnson
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1324: Agriculture Committee (Rep. Nicholas, Chairman) recommends DO PASS
(14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1324 was placed on the
Eleventh order on the calendar.

2001 SENATE AGRICULTURE

HB 1324

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1324

Senate Agriculture Committee

Conference Committee

Hearing Date March 8, 2001

Tape Number	Side A	Side B	Meter #
March 8 1		X	21.6 - 36.0
Committee Clerk Signature <i>Lacy J. Haterman</i>			

Minutes:

REP. HAWKEN; Sponsor, introduced the bill to the committee. This bill adds semitrailers to the part of the code that currently has car and machinery for buying or returning cars.

TERRY OLSON; American Wheel and Brake, testified in support of this bill. See attached information.

SENATOR KLEIN; Do manufacturers require you to carry a certain amount of parts?

TERRY OLSON; Most manufacturers do set a requirement what they call a minimum stockage of repair parts for any given line.

SENATOR KLEIN; Do you have to have a certain amount of trailers on your lot to met a particular dollar figure?

TERRY OLSON; Most manufactures do require stocking, display type.

SENATOR NICHOLS; Adding semitrailers to this bill would not go into effect until this bill is signed into law?

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Senate Agriculture Committee
Bill/Resolution Number HB 1324
Hearing Date March 8, 2001

TERRY OLSON; This will go into effect when the law goes into effect.

TERRY OLSON passed out information for DICK JOHNSON, Johnson Trailer Sales.

SENATOR KLEIN moved for a DO PASS.

SENATOR NICHOLS seconded the motion.

Roll call vote: 6 Yeas, 0 No, 0 Absent and Not voting.

SENATOR KLEIN will carry the bill.

REPORT OF STANDING COMMITTEE (410)
March 8, 2001 2:16 p.m.

Module No: SR-40-5140
Carrier: Nichols
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1324: Agriculture Committee (Sen. Wanzek, Chairman) recommends DO PASS
(8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1324 was placed on the
Fourteenth order on the calendar.

2001 TESTIMONY

HB 1324



JOHNSEN TRAILER SALES, INC.

Wilson — Muvall — Fruehauf

Serving the Trucking Industry Since 1959

HB 1324

February 8, 2001

Chairman Nicholas and members of the House Agriculture Committee, for the record my name is Dick Johnsen, President of Johnson Trailer Sales, Inc. Our trailer dealer license is TD9. I have sales, parts and service facilities in Bismarck and Fargo. Our company has been a semi trailer dealer in North Dakota since 1959. Because of a prior meeting commitment I am unable to attend the hearing on HB 1324. I would ask for your favorable consideration on HB 1324 and that this written testimony be entered into the record.

This legislation would add semitrailer dealers to the following list of dealers that are offered some repurchase protection from contract cancellations under section 57-07-01 of the ND Century Code.

Farm Implement Dealers
Automobile Dealers
Truck Dealers

As dealers we are normally required by the terms of the manufacturer's contract to stock both trailers and repair parts as well as offer service and repairs. Our investment is considerable.

I ask for your favorable consideration on HB 1324. Should you have any questions I will be available next week and can be reached at the number listed below.

Dick Johnsen
Johnsen Trailer Sales, Inc.

March 3, 1997

Mr. John Dorso
Speaker of House of Representatives
of State of North Dakota
Bismarck, ND 58505

VIA FACSIMILE
701-328-1271

Re:

Dear Mr. Dorso:

We have been asked to do a general statutory comparison between the laws in effect in the State of North Dakota and those in Minnesota relative to dealerships/distributorships and supply you with the comparison.

We have examined North Dakota Stat. § 51-07-01, *et seq.* and 51-20.1-01, *et seq.*, as well as Minnesota Stat. § 325E.068, *et seq.*, all of which relate to the terms and conditions under which a manufacturer or wholesale distributor may terminate a dealership/distributorship.

North Dakota dealership statutes, in comparison to Minnesota dealership statutes, differ in three critical areas. They are as follows:

1. North Dakota statutes require that a dealer have a written contract that the distributor (a person involved in manufacturing, wholesaling or distributing) before the statutory protections can be invoked under Minnesota law. Minnesota Stat. §325E.068, Subd. 5, protects dealership agreements whether they are oral or written.
2. North Dakota allows termination of dealerships as long as there is good cause shown for such termination. While this is similar to the good cause requirement set forth in Minnesota Statute § 325E.0681, good cause in North Dakota may constitute failure of a dealer to comply with requirements imposed by the written contract. Presumably, any breach, however technical, may be sufficient to establish good cause for the termination of the dealership.

Mr. John Dorso
March 3, 1997
Page 2

In contrast, Minnesota Stat. § 325E.0681, Subd. 1 limits the good cause basis for termination due to contractual problems to a failure by the dealer to . . . "substantially comply with essential and reasonable requirements imposed upon the dealer by the dealership agreement, if the requirements are not different from those requirements imposed on other similarly situated dealers by their terms. . . "

3. North Dakota Stat. § 51-0701, *et seq.* or § 51-20.1-01, *et seq.* clearly define truck trailer as part of the statutory scheme for protection of dealerships. While the statutes provide explicit protection for dealerships of automobiles, trucks, and heavy construction equipment, there is no specific definition or inclusion of semi trailer. While it may have been contemplated to be included in the statutes, (particularly under heavy construction equipment), there is not a clear recitation of the same. Further, one of the statutes refers to "repair parts" as products covered, but there is no indication that a part not truly designed for "repair" but a dealer would be covered under the statutes of North Dakota.
Minnesota Stat.
§ 325E.068, Subd. 7, has a specific definition for truck parts to include all parts of the truck, including body parts. This would include accessories or parts that are added to improve the performance of a vehicle, but not necessarily for repair purposes.

We are enclosing for your convenience, a copy of the applicable sections of Minnesota Stat. § 325E.068 for your consideration and indicate that we would be available to respond to any inquiry on the Minnesota statute.

Thank you for considering the enclosed.

Yours very truly,

PETERSEN, TEWS & SQUIRES
PROFESSIONAL ASSOCIATION

John Paul Martin

Enclosure

cc: Client

