

# MICROFILM DIVIDER

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



ROLL NUMBER

DESCRIPTION

4011

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10/23/03  
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2003 SENATE TRANSPORTATION

SCR 4011

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2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SCR 4011

Senate Transportation Committee

Conference Committee

Hearing Date 2-13-03

Tape Number	Side A	Side B	Meter #
2	X		3860-4165

Committee Clerk Signature

*Mary K. Mouson*

Minutes:

The hearing on SCR 4011 to study alternative methods for recording and discharging a lien on a motor vehicle was opened by **Chairman Senator Thomas Trenbeath**.

**Keith Magnusson:** (ND DOT) Testified in support of SCR 4011. The department drafted the resolution and feels it is time for taking a look at all the aspects of recording and discharging liens on motor vehicles.

**Senator Espegard:** There have been problems in the past year getting titles out and wondered if that would be involved in this study also.

**Keith Magnusson:** This really deals with recording and discharging liens. The titles are coming out very quickly now.

**Senator Nething** moved a **Do Pass** on SCR 4011. Seconded by **Senator Espegard**. Roll call vote 6-0-0. **Passed**. Floor carrier is **Senator Trenbeath**.

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*Deanna Tallent*  
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**REPORT OF STANDING COMMITTEE (410)**  
February 13, 2003 12:28 p.m.

Module No: SR-28-2571  
Carrier: Trenbeath  
Insert LC: . Title: .

**REPORT OF STANDING COMMITTEE**  
SCR 4011: Transportation Committee (Sen. Trenbeath, Chairman) recommends **DO**  
**PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4011 was placed on  
the Eleventh order on the calendar.

(2) DESK, (3) COMM

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SR-28-2571

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2003 HOUSE TRANSPORTATION

SCR 4011

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10/23/03  
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SCR 4011

House Transportation Committee

Conference Committee

Hearing Date March 6, 2003

Tape Number	Side A	Side B	Meter #
2	x		20.0 to 29.9
Committee Clerk Signature <i>Laura M. Fisher</i>			

Minutes:

Rep. Weisz opened the hearing on SCR 4011, a concurrent resolution directing the Legislative Council to study alternative methods of recording and discharging liens on a motor Vehicle.

Kieth Kiser: Motor Vehicle Division of the Department of Transportation presented the background and logic for this proposed study. Senator Trenbeath approached the Motor Vehicle Division to help him in writing this bill. We support this study. the purpose is to look at how liens are recorded on vehicles and how we get that information to lenders. Today what happens is we record with our office the purchase of a vehicle -- we then mail a paper title to the lender -- when you pay off the loan the lender is suppose to send the title to you -- you are supposed to bring that title to us to clear the lien off the files . that rarely happens, what usually happens is that you pay off the loan, your lender sends you your title, you put it in the drawer somewhere and two year later when you come to sell your car-- you've lost your title -- you apply for a

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House Transportation Committee  
Bill/Resolution Number SCR 4011  
Hearing Date March 6, 2003

duplicate from us and then we find we still have that lien recorded in our files. the we have to go back to the lender. There are some alternatives out there for do that -- there are paperless titles ways of doing that with electronic notices to the lender -- and there are ways for them to send back to us notice when the loan has been paid -- then we could issue a title free and clear. That is only one idea but we have used this process since 1911 to record titles -- and the discharge of them -- we think that at least the appropriate thing to do is to take a look at alternative might be out there that be cost saving measures and that might be able to save some time and trouble for lenders as well as for us and the customer.

Rep. Bernstein Just a comment -- you want to bring the 1911 -- model out of the model T era to the model A era.

Keith Kiser Yes sir we are slowly modernizing.

Rep. Schmidt Do you think it is the lenders responsibility to notify you?

Keith Kiser: the current law requires that the lender -- once you have been paid within 10 days must sign a release on that title and send it to the vehicle owner. Many times what happens is things like -- for example 5 years ago when I got my car I lived at an address different that where I live today. That old address is the only address on the title and if the forwarding is no longer in effect and the lender eventually gets it back as unclaimed mail. The biggest problem as I said earlier -- it that the people don't follow through to get those cleared out of our files. Al of a sudden we have lien records that go back 20 or 30 years -- because they weren't cleared from our files. In many cases that creates no problem but if you have lost your title and need a duplicate you need to re-record that and it slows that process down.

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Bill/Resolution Number SCR 4011  
Hearing Date March 6, 2003

Rep. Schmidt In the case of machinery -- we have had a lot of problems -- John Deere loans a guy some money -- the liens is filed -- that paid that lien -- sometimes 10 years ago -- we go to sell the tractor -- it still show that he owes money out there -- I think personally that lenders especially on a tractor --- he spends a lot of interest and a lot of money , I believe those lenders have the responsibility to alert you or any body that that liens is paid. I think it is time we need to tighten that process up.

Keith Kiser Farm equipment doesn't get recorded through the DOT -- it is recorded with the Register of Deeds in the county.

Rep. Ruby ( 24.8 ) Normally when I receive the title after the liens is paid, the release on the back of he title is signed. Now I realize that doesn't clear your records -- do you need for your records -- the title to be sent to you to prove that has been signed? Or could they call? You mentioned they could do it electronically -- if it is done -- It seems that if I am going to sell a truck and the lien release is signed on the title I shouldn't have any trouble selling it.

Keith Kiser you are exactly correct there is no problem in that case -- the problem comes up when you lose that title. Then you don't have that written liens release --in order to clear that lien we need to go back to that lender -- but we get thousands of title with the lien release signed -- we need nothing further in that case -- it seems that lender seem to lose titles --for what ever reasons and they do deal with a lot of paper -- we sell a lot of duplicate title to lenders -- and the other side of the problem is when the owner has lost the title.

Rep. Ruby so if I have a lost a title or if I have a lot of titles -- you need the original title if possible --

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Hearing Date March 6, 2003

Keith Kiser We would ask for the original with the lien release on it -- we would issue a new title free and clear of liens on it and we do that for a \$5 fee.

There may be other ways of doing it cheaper so that we can issue them more cheaply.

What other states are already doing is that they collect the \$5 fee up front, electronically notify the lender and when the liens is paid off receive an electronic notice back and then issue the title for the same fee.

There being no further questions and no other persons wishing to testify either for or against SCR 4011, Chairman Weisz closed the hearing.

End of hearing record ( 27.7 )

#### Action on SCR 4011

Rep. Thorpe moved a 'Do Pass and place on the consent calendar ' motion for SCR 4011.

Rep. Price seconded the motion. OPn a roll call vote the motion carried 11 Ayes 0 Nays 2

**Absent and not voting.** Rep. Ruby was designated to carry SCR 4011 on the floor.

End of record for SCR 4011 ( 29.0 )

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Date: 3/6/03  
Roll Call Vote #: 1

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. SR 4011

House TRANSPORTATION Committee

Check here for Conference Committee

Legislative Council Amendment Number 38387.0100

Action Taken Do Pass non consent

Motion Made By Rep Thorpe Seconded By Rep Price

Representatives	Yes	No	Representatives	Yes	No
Robin Weisz - Chairman	✓		Lois Delmore	✓	
Kathy Hawken - Vice Chairman	✓		Arlo E. Schmidt	✓	
LeRoy G. Bernstein	✓		Elwood Thorpe	✓	
Mark A. Dosch	✓		Steven L. Zaiser	A	
Pat Galvin	✓				
Craig Headland	✓				
Clara Sue Price	✓				
Dan J. Ruby	✓				
Dave Weiler	A				

Total Yes 11 No 0

Absent 2

Floor Assignment Rep Ruby

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

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**REPORT OF STANDING COMMITTEE (410)**  
March 6, 2003 3:58 p.m.

Module No: HR-40-4167  
Carrier: Ruby  
Insert LC: . Title: .

**REPORT OF STANDING COMMITTEE**  
SCR 4011: Transportation Committee (Rep. Weisz, Chairman) recommends **DO PASS**  
and **BE PLACED ON THE CONSENT CALENDAR** (11 YEAS, 0 NAYS, 2 ABSENT  
AND NOT VOTING). SCR 4011 was placed on the Tenth order on the calendar.

(2) DESK, (3) COMM

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HR-40-4167

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