Sixtieth Legislative Assembly of North Dakota

Introduced by

A BILL for an Act to create and enact a new section to chapter 26.1-40, a new subsection to
section 39-06.1-06, and paragraphs 37, 38, and 39 to subdivision a of subsection 3 of section
39-06.1-10 of the North Dakota Century Code, relating to proof of insurance and fees and point
demerits for driving without liability insurance; and to amend and reenact sections 26.1-41-20
and 39-06.1-05, subdivision b of subsection 3 of section 39-06.1-10, and sections 39-06.1-13,
39-07-09, and 39-08-20 of the North Dakota Century Code, relating to the points and fees for
driving without liability insurance.

8 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

9 SECTION 1. A new section to chapter 26.1-40 of the North Dakota Century Code is
10 created and enacted as follows:

Proof of insurance. An insurer who issues a policy shall provide proof of insurance to
 the insured in the form of written evidence of the policy's terms as to type, duration, and the
 vehicle covered by the policy.

SECTION 2. AMENDMENT. Section 26.1-41-20 of the North Dakota Century Code is
 amended and reenacted as follows:

16 26.1-41-20. Secured person exemption for no liability insurance. In any action 17 against a secured person to recover damages because of accidental bodily injury arising out of the ownership or operation of a secured motor vehicle in this state, the secured person may not 18 19 be assessed damages for noneconomic loss for a serious injury in favor of a party who has at 20 least one prior unrelated conviction under violation of section 39-08-20 and who was operating 21 a motor vehicle owned by that party at the time of injury without a valid policy of liability 22 insurance in order to respond to damages for liability arising out of the ownership, maintenance, 23 or use of that motor vehicle.

1	SEC	CTION 3. AMENDMENT. Section 39-06.1-05 of the North Dakota Century Code is	3					
2	amended and reenacted as follows:							
3	39-06.1-05. Offenses excepted. The procedures authorized under sections							
4	39-06.1-02 and 39-06.1-03 may not be utilized by a person charged with one of the following							
5	offenses:							
6	1.	Driving or being in actual physical control of a vehicle in violation of section						
7		39-08-01, or an equivalent ordinance.						
8	2.	Reckless driving or aggravated reckless driving in violation of section 39-08-03, o	r					
9		an equivalent ordinance.						
10	3.	A violation of chapter 12.1-16 resulting from the operation of a motor vehicle.						
11	4.	Leaving the scene of an accident in violation of section 39-08-04, 39-08-05,						
12		39-08-07, or 39-08-08, or equivalent ordinances.						
13	5.	Driving while license or driving privilege is suspended or revoked in violation of						
14		section 39-06-42, or an equivalent ordinance.						
15	6.	Violating subdivision b or c of subsection 5 of section 39-24-09.						
16	7.	Operating a modified motor vehicle in violation of section 39-21-45.1.						
17	8.	Driving without liability insurance in violation of section 39-08-20.						
18	9.	Operating an unsafe vehicle in violation of subsection 2 of section 39-21-46.						
19	10. <u>9.</u>	Causing an accident with an authorized emergency vehicle in violation of						
20		subsection 4 of section 39-10-26.						
21	SEC	CTION 4. A new subsection to section 39-06.1-06 of the North Dakota Century Co	de					
22	is created a	nd enacted as follows:						
23		For a violation of driving without liability insurance under section 39-08-20, or an						
24		equivalent ordinance, a fee of up to one hundred fifty dollars and for a second or						
25		subsequent violation within an eighteen-month period a fee of up to three hundre	d					
26		dollars.						
27		CTION 5. Paragraphs 37, 38, and 39 to subdivision a of subsection 3 of section						
28	39-06.1-10	of the North Dakota Century Code are created and enacted as follows:						
29		(37) Except as provided in paragraphs 38 and 39, 6 points						
30		operating a motor vehicle without liability						
31		insurance in violation of section 39-08-20						

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1		<u>(38)</u>	Except as provided in paragraph 39, operating	12 points
2			a motor vehicle without liability insurance	
3			in violation of section 38-08-20 if	
4			the driving record shows that the	
5			licensee has within the eighteen months	
6			preceding the violation previously	
7			violated section 39-08-20	
8		<u>(39)</u>	Operating a motor vehicle	14 points
9			without liability insurance	
10			in violation of section 39-08-20	
11			if the violation was discovered	
12			as the result of investigation	
13			of an accident in which	
14			the driver is the owner	
15	SECTIO	N 6. A	MENDMENT. Subdivision b of subsection 3 of se	ection 39-06.1-10 of the
16	North Dakota C	entury	Code is amended and reenacted as follows:	
17	b.	Crim	inal Violations	
18		Conv	riction of:	Points Assigned:
19		(1)	Reckless driving in	8 points
20			violation of section	
21			39-08-03, or equivalent	
22			ordinance	
23		(2)	Aggravated reckless	12 points
		()	riggravatou roomooo	12 points
24		()	driving in violation of	
24 25				
			driving in violation of	
25		(3)	driving in violation of section 39-08-03, or	14 points
25 26			driving in violation of section 39-08-03, or equivalent ordinance	
25 26 27			driving in violation of section 39-08-03, or equivalent ordinance Leaving the scene of an	
25 26 27 28			driving in violation of section 39-08-03, or equivalent ordinance Leaving the scene of an accident involving	
25 26 27 28 29			driving in violation of section 39-08-03, or equivalent ordinance Leaving the scene of an accident involving property damage in	

	0	,		
1			39-08-08, or equivalent	
2			ordinances	
3		(4)	Leaving the scene of an	18 points
4			accident involving personal	
5			injury or death in	
6			violation of section	
7			39-08-04, or equivalent	
8			ordinance	
9		(5)	Violating restrictions in	3 points
10			a restricted license	
11			issued under section	
12			39-06-17 and relating	
13			to the use of eyeglasses	
14			or contact lenses while	
15			driving	
16		(6)	Violating any restrictions	4 points
17			other than those listed in	
18			paragraph 5, contained in	
19			a restricted license issued	
20			under section 39-06-17 or	
21			39-06.1-11	
22		(7)	Except as provided in	6-points-
23			paragraph 9, operating	
24			a motor vehicle without	
25			liability insurance,	
26			in violation of section	
27			39-08-20	
28		(8)	Knowingly driving a	2 points
29			modified motor vehicle in	
30			violation of section	
31			39-21-45.1, or equivalent	

1			ordinance	
2		(9)	Operating a motor vehicle	14 points
3			without liability	
4			insurance, in violation of	
5			section 39-08-20, if the	
6			violation was discovered as	
7			the result of investigation	
8			of an accident in which the	
9			driver is the owner	
10	(10)	<u>(8)</u>	Except as provided in	2 points
11			paragraph 9 of subdivision a,	
12			knowingly operating an	
13			unsafe vehicle in	
14			violation of subdivision b of	
15			subsection 2 of	
16			section 39-21-46, or equivalent	
17			ordinance	
18	(11)	<u>(9)</u>	Fleeing in a motor	24 points
19			vehicle from a peace	
20			officer in violation	
21			of section 39-10-71,	
22			or equivalent ordinance	
23		(12)	Except as provided in	12 points
24			paragraph 9, operating a	
25			motor vehicle without	
26			liability insurance, in	
27			violation of section 39-08-20,	
28			if the driving record shows	
29			that the licensee has within	
30			the eighteen months preceding	
31			the violation previously	

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		violated sect	on 39-08- 2	20		
	(13) <u>(10)</u>	Causing an a	accident wi	th		2 points
		an authorized	d emergen	су		
		vehicle in vio	lation of			
		subsection 4	of section			
		39-10-26, or	equivalent			
		ordinance				
SEC	CTION 7. A	MENDMENT.	Section 3	9-06.1-13 of the	North Dakota	Century Code is
amended a	nd reenacte	ed as follows:				
39-0)6.1-13. Re	eduction of po	oint total -	Other methods	5.	
1.	The licens	sing authority s	hall reduce	e the point total	shown on any l	icensee's driving
	record by	one point for e	ach three-	month period du	iring which no-	points are there is
	<u>not a poin</u>	t recorded aga	inst the lic	ensee's driving ı	record for a mo	ving violation or a
	violation li	sted in paragra	aphs 12 thi	rough 16 <u>and 37</u>	<u>through 39</u> of	subdivision a of
	subsection	n 3 of section 3	39-06.1-10	. The three-mor	nth period mus	t be calculated
	from the d	late of entry of	the last po	pints against that	t licensee's driv	ving record.
2.	The point	total shown or	a licensee	e's driving record	d must, during	any twelve-month
	period, be	reduced by th	ree points	when the licens	ee mails or del	ivers a certificate
	to the lice	nsing authority	indicating	successful com	pletion of instru	uction in a driver
	training co	ourse approved	d by the lic	ensing authority	. Successful c	ompletion of
	instruction	n must be certi	fied to by tl	he sponsoring a	gency or organ	ization of the
	driver trair	ning course. T	he reduction	on in points auth	orized by this	subsection must
	only be fro	om a point tota	l accumula	ated prior to <u>befo</u>	ore completion	of the necessary
	hours of d	river training ir	nstruction ,	and may not exc	ceed nine point	s during any
	three-year	r period comm	encing on	the date of entry	of the last point	nts against the
	person's <u>li</u>	i <u>censee's</u> drivi	ng record.	If on the date th	ne licensing aut	hority receives
	the certific	ate of complet	tion of the	driver training co	ourse from the	licensee, that
	licensee's	driving record	contains t	welve or more p	oints or, as a n	ninor, the
	licensee's	driving record	contains s	six points or mor	e, the point rec	luction authorized
	by this sul	osection must	be applied	only after the pe	eriod of susper	ision or
	SEC amended a 39-0 1.	amended and reenacter 39-06.1-13. Re 1. The license record by not a poin violation li subsection from the d 2. The point period, be to the licent training co instruction driver train only be from hours of d three-year person's li the certific licensee's licensee's	 (13) (10) Causing an a an authorized vehicle in vio subsection 4 39-10-26, or ordinance SECTION 7. AMENDMENT. amended and reenacted as follows: 39-06.1-13. Reduction of point a point recorded aga violation listed in paragra subsection 3 of section 3 from the date of entry of The point total shown or period, be reduced by the to the licensing authority training course approved instruction must be certification driver training in three-year period communications of driver training in three-yea	 (13) (10) Causing an accident wi an authorized emergen vehicle in violation of subsection 4 of section 39-10-26, or equivalent ordinance SECTION 7. AMENDMENT. Section 3 amended and reenacted as follows: 39-06.1-13. Reduction of point total - 1. The licensing authority shall reduce record by one point for each three- not a point recorded against the lice violation listed in paragraphs 12 the subsection 3 of section 39-06.1-10 from the date of entry of the last point from the date of entry of the last point to the licensing authority indicating training course approved by the lice instruction must be certified to by the driver training course. The reduction hours of driver training instruction, three-year period commencing on person's licensee's driving record. the certificate of completion of the licensee's driving record contains to a section a point precord contains to a section a point precord contains to a section of the section of the section of the section of the section of the section of the section of the section	an authorized emergency vehicle in violation of subsection 4 of section 39-10-26, or equivalent ordinance SECTION 7. AMENDMENT. Section 39-06.1-13 of the amended and reenacted as follows: 39-06.1-13. Reduction of point total - Other methods 1. The licensing authority shall reduce the point total s record by one point for each three-month period du not a point recorded against the licensee's driving in violation listed in paragraphs 12 through 16 and 37 subsection 3 of section 39-06.1-10. The three-mont from the date of entry of the last points against that 2. The point total shown on a licensee's driving record period, be reduced by three points when the licens to the licensing authority indicating successful com training course approved by the licensing authority instruction must be certified to by the sponsoring a driver training course. The reduction in points auth only be from a point total accumulated prior to befor hours of driver training instruction; and may not exit three-year period commencing on the date of entry person's licensee's driving record. If on the date th the certificate of completion of the driver training co licensee's driving record contains twelve or more p licensee's driving record contains six points or more	 (13) (10) Causing an accident with an authorized emergency vehicle in violation of subsection 4 of section 39-10-26, or equivalent ordinance SECTION 7. AMENDMENT. Section 39-06.1-13 of the North Dakota amended and reenacted as follows: 39-06.1-13. Reduction of point total - Other methods. 1. The licensing authority shall reduce the point total shown on any l record by one point for each three-month period during which non- not a point recorded against the licensee's driving record for a mo- violation listed in paragraphs 12 through 16 and 37 through 39 of subsection 3 of section 39-06.1-10. The three-month period must from the date of entry of the last points against that licensee's driving

1	cancellation required by the number of points then on the driver's record has been						
2	served.						
3	SEC		N 8. /	AMENDMENT. Section 39-07-09 of the North Dakota Century Code is			
4	amended and reenacted as follows:						
5	39-07-09. Offenses under which person halted may not be entitled to release						
6	upon prom	ise t	o app	ear.			
7	<u>1.</u>	Sec	ction 39-07-07 does not apply to a person if:				
8	1.	<u>a.</u>	The halting officer has good reason to believe the person guilty of any felony				
9		or if the person is halted and charged with an offense listed in section					
10			39-0	6.1-05 but and not listed in subsection 2 subdivision b; or			
11	2.	<u>b.</u>	The	halting officer, acting within the officer's discretion, determines that it is			
12			inad	visable to release the person upon a promise to appear and if the person			
13			has	been halted and charged with any of the following offenses:			
14		a.	<u>(1)</u>	Reckless driving.			
15		b.	<u>(2)</u>	Driving in excess of speed limitations established by the state or by			
16				local authorities in their respective jurisdictions.			
17		c.	<u>(3)</u>	Driving while license or driving privilege is suspended or revoked for			
18				violation of section 39-06-42, or an equivalent ordinance.			
19		d.	<u>(4)</u>	Operating a modified vehicle.			
20		e.	Driv i	ng without liability insurance in violation of section 39-08-20.			
21		f.	<u>(5)</u>	Failing to display a placard or flag, in violation of any rule implementing			
22				section 39-21-44, while transporting explosive or hazardous materials.			
23		g.	<u>(6)</u>	Operating an unsafe vehicle in violation of subsection 2 of section			
24				39-21-46.			
25	<u>2.</u>	The	haltir	ng officer forthwith without delay shall take any person not released upon			
26		a pr	omise	to appear before the nearest or most accessible magistrate.			
27	SEC		N 9. /	AMENDMENT. Section 39-08-20 of the North Dakota Century Code is			
28	amended a	nd re	enact	ed as follows:			
29	39-0)8-20	. Dri	ving without liability insurance prohibited - Penalty.			
30	1. A person may not drive, or the owner may not cause or knowingly permit to be						
31	driven, a motor vehicle in this state without a valid policy of liability insurance in						

- effect in order to respond in damages for liability arising out of the ownership,
 maintenance, or use of that motor vehicle in the amount required by chapter
 39-16.1.
- 4 2. Upon being stopped by a law enforcement officer for the purpose of enforcing or 5 investigating the possible violation of an ordinance or state law or during the 6 investigation of an accident, the person driving the motor vehicle shall may provide 7 to the officer upon request satisfactory evidence of the policy required under this 8 section. If unable to comply with the request, that person may be charged with a 9 violation of this section if that person fails to submit satisfactory evidence of the policy to the officer or the officer's agency within twenty days of the date of the 10 11 request. If that person produces satisfactory evidence of a valid policy of liability 12 insurance in effect at the time of the alleged violation of this section to the officer, 13 the officer's agency, or a court, that person may not be convicted or assessed any 14 administration fee for violation of this section subsection 1.
- 15 3. A person cited for violation of subsection 1 may not be found to have committed 16 the violation if the person produces satisfactory evidence of a valid policy of liability 17 insurance in effect at the time of the violation to the hearing official of the 18 appropriate jurisdiction before or at the scheduled hearing. Notwithstanding 19 section 26.1-30-18, a person may be convicted for failure to have in violation of not 20 having a valid policy of liability insurance in effect under this section if the time of 21 acquisition of the policy was after the time of the alleged incidence of driving 22 without liability insurance. If the time of acquisition of the policy comes into 23 question, the driver or owner has the burden of establishing the time of acquisition. 24 If the driver is not an owner of the motor vehicle, the driver does not violate this 25 section if the driver provides the court with evidence identifying the owner of the 26 motor vehicle and describing circumstances under which the owner caused or 27 permitted the driver to drive the motor vehicle. Violation of this section is a class B 28 misdemeanor and the sentence imposed must include a fine of at least one 29 hundred fifty dollars which may not be suspended. A person convicted for a 30 second or subsequent violation of driving without liability insurance within an

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- cighteen month period must be fined at least three hundred dollars which may not
 be suspended.
- 3 2. <u>4.</u> Upon conviction for For a violation of this section or equivalent ordinance, the 4 person who has been convicted violator shall provide proof of motor vehicle liability 5 insurance to the department in the form of a written or electronically transmitted 6 certificate from an insurance carrier authorized to do business in this state. This 7 proof must be provided for a period of three years and kept on file with the 8 department. If the person fails to provide this information, the department shall 9 suspend that person's driving privileges and may not issue or renew that person's 10 operator's license unless that person provides proof of insurance.
- 113. 5.A person who has been convicted for violation of violated this section or equivalent12ordinance shall surrender that person's operator's license and purchase a duplicate13operator's license with a notation requiring that person to keep proof of liability14insurance on file with the department. The fee for this license is fifty dollars and15the fee to remove this notation is fifty dollars.
- 4. <u>6.</u> When an insurance carrier has certified a motor vehicle liability policy, the
 insurance carrier shall notify the director no later than ten days after cancellation or
 termination of the certified insurance policy by filing a notice of cancellation or
 termination of the certified insurance policy; except that a policy subsequently
 procured and certified shall, on the effective date of its certification, terminate the
 insurance previously certified with respect to any motor vehicle designated in both
 certificates.