

Introduced by

1 A BILL for an Act to create and enact a new section to chapter 26.1-40, a new subsection to
2 section 39-06.1-06, and paragraphs 37, 38, and 39 to subdivision a of subsection 3 of section
3 39-06.1-10 of the North Dakota Century Code, relating to proof of insurance and fees and point
4 demerits for driving without liability insurance; and to amend and reenact sections 26.1-41-20
5 and 39-06.1-05, subdivision b of subsection 3 of section 39-06.1-10, and sections 39-06.1-13,
6 39-07-09, and 39-08-20 of the North Dakota Century Code, relating to the points and fees for
7 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:

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

14 **SECTION 2. AMENDMENT.** Section 26.1-41-20 of the North Dakota Century Code is
15 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
18 the ownership or operation of a secured motor vehicle in this state, the secured person may not
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.

SECTION 3. AMENDMENT. Section 39-06.1-05 of the North Dakota Century Code is amended and reenacted as follows:

39-06.1-05. Offenses excepted. The procedures authorized under sections 39-06.1-02 and 39-06.1-03 may not be utilized by a person charged with one of the following offenses:

1. Driving or being in actual physical control of a vehicle in violation of section 39-08-01, or an equivalent ordinance.
2. Reckless driving or aggravated reckless driving in violation of section 39-08-03, or an equivalent ordinance.
3. A violation of chapter 12.1-16 resulting from the operation of a motor vehicle.
4. Leaving the scene of an accident in violation of section 39-08-04, 39-08-05, 39-08-07, or 39-08-08, or equivalent ordinances.
5. Driving while license or driving privilege is suspended or revoked in violation of section 39-06-42, or an equivalent ordinance.
6. Violating subdivision b or c of subsection 5 of section 39-24-09.
7. Operating a modified motor vehicle in violation of section 39-21-45.1.
8. ~~Driving without liability insurance in violation of section 39-08-20.~~
9. Operating an unsafe vehicle in violation of subsection 2 of section 39-21-46.
- 40- 9. Causing an accident with an authorized emergency vehicle in violation of subsection 4 of section 39-10-26.

SECTION 4. A new subsection to section 39-06.1-06 of the North Dakota Century Code is created and enacted as follows:

For a violation of driving without liability insurance under section 39-08-20, or an equivalent ordinance, a fee of one hundred fifty dollars and for a second or subsequent violation within an eighteen-month period a fee of three hundred dollars.

SECTION 5. Paragraphs 37, 38, and 39 to subdivision a of subsection 3 of section 39-06.1-10 of the North Dakota Century Code are created and enacted as follows:

- (37) Except as provided in paragraphs 38 and 39, 6 points
operating a motor vehicle without liability
insurance in violation of section 39-08-20

1	(38)	<u>Except as provided in paragraph 39, operating</u>	<u>12 points</u>
2		<u>a motor vehicle without liability insurance</u>	
3		<u>in violation of section 38-08-20 if</u>	
4		<u>the driving record shows that the</u>	
5		<u>licensee has within the eighteen months</u>	
6		<u>preceding the violation previously</u>	
7		<u>violated section 39-08-20</u>	
8	(39)	<u>Operating a motor vehicle</u>	<u>14 points</u>
9		<u>without liability insurance</u>	
10		<u>in violation of section 39-08-20</u>	
11		<u>if the violation was discovered</u>	
12		<u>as the result of investigation</u>	
13		<u>of an accident in which</u>	
14		<u>the driver is the owner</u>	

15 **SECTION 6. AMENDMENT.** Subdivision b of subsection 3 of section 39-06.1-10 of the
16 North Dakota Century Code is amended and reenacted as follows:

17	b.	Criminal Violations	
18		Conviction 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
24		driving in violation of	
25		section 39-08-03, or	
26		equivalent ordinance	
27	(3)	Leaving the scene of an	14 points
28		accident involving	
29		property damage in	
30		violation of section	
31		39-08-05, 39-08-07, or	

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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) (8)	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) (9)	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	

~~violated section 39-08-20~~

(13) (10) Causing an accident with 2 points
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 Century Code is 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 licensee's driving record by one point for each three-month period during which ~~no points are there is~~ not a point recorded against the licensee's driving record ~~for a moving violation or a violation listed in paragraphs 12 through 16 of subdivision a of subsection 3 of section 39-06.1-10.~~ The three-month period must be calculated from the date of entry of the last points against that licensee's driving record.
2. The point total shown on ~~a licensee's~~ an individual's driving record must, during any twelve-month period, be reduced by three points when the licensee mails or delivers a certificate to the licensing authority indicating successful completion of instruction in a driver training course approved by the licensing authority. Successful completion of instruction must be certified to by the sponsoring agency or organization of the driver training course. The reduction in points authorized by this subsection must only be from a point total accumulated ~~prior to~~ before completion of the necessary hours of driver training instruction; and may not exceed nine points during any three-year period commencing on the date of entry of the last points against the ~~person's~~ individual's driving record. If on the date the licensing authority receives the certificate of completion of the driver training course from the licensee, that licensee's driving record contains twelve or more points or, as a minor, the licensee's driving record contains six points or more, the point reduction authorized by this subsection must be applied only after the period

of suspension or cancellation required by the number of points then on the driver's record has been served.

SECTION 8. AMENDMENT. Section 39-07-09 of the North Dakota Century Code is amended and reenacted as follows:

39-07-09. Offenses under which person halted may not be entitled to release upon promise to appear.

1. Section 39-07-07 does not apply to a person if:

- ~~4-~~ a. The halting officer has good reason to believe the person guilty of any felony or if the person is halted and charged with an offense listed in section 39-06.1-05 ~~but and~~ not listed in ~~subsection 2~~ subdivision b; or
- ~~2-~~ b. The halting officer, acting within the officer's discretion, determines that it is inadvisable to release the person upon a promise to appear and if the person has been halted and charged with any of the following offenses:
 - ~~a-~~ (1) Reckless driving.
 - ~~b-~~ (2) Driving in excess of speed limitations established by the state or by local authorities in their respective jurisdictions.
 - ~~e-~~ (3) Driving while license or driving privilege is suspended or revoked for violation of section 39-06-42, or an equivalent ordinance.
 - ~~d-~~ (4) Operating a modified vehicle.
 - ~~e-~~ Driving without liability insurance in violation of section 39-08-20.
 - ~~f-~~ (5) Failing to display a placard or flag, in violation of any rule implementing section 39-21-44, while transporting explosive or hazardous materials.
 - ~~g-~~ (6) Operating an unsafe vehicle in violation of subsection 2 of section 39-21-46.

2. The halting officer ~~forthwith~~ without delay shall take any person not released upon a promise to appear before the nearest or most accessible magistrate.

SECTION 9. AMENDMENT. Section 39-08-20 of the North Dakota Century Code is amended and reenacted as follows:

39-08-20. Driving without liability insurance prohibited - Penalty.

- 1. A person may not drive, or the owner may not cause or knowingly permit to be 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.

2. Upon being stopped by a law enforcement officer for the purpose of enforcing or investigating the possible violation of an ordinance or state law or during the investigation of an accident, the person driving the motor vehicle ~~shall~~ may provide to the officer upon request satisfactory evidence of the policy required under this section. If unable to comply with the request, that person may be charged with a 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 request. If that person produces satisfactory evidence of a valid policy of liability insurance in effect at the time of the alleged violation of this section to the officer, the officer's agency, or a court, that person may not be convicted or assessed any administration fee for violation of this section~~ subsection 1.

3. A person cited for violation of subsection 1 may not be found to have committed the violation if the person produces satisfactory evidence of a valid policy of liability insurance in effect at the time of the violation to the hearing official of the appropriate jurisdiction before or at the scheduled hearing. Notwithstanding section 26.1-30-18, a person may be ~~convicted for failure to have~~ in violation of not having a valid policy of liability insurance in effect under this section if the time of acquisition of the policy was after the time of the alleged incidence of driving without liability insurance. If the time of acquisition of the policy comes into question, the driver or owner has the burden of establishing the time of acquisition. If the driver is not an owner of the motor vehicle, the driver does not violate this section if the driver provides the court with evidence identifying the owner of the motor vehicle and describing circumstances under which the owner caused or permitted the driver to drive the motor vehicle. ~~Violation of this section is a class B misdemeanor and the sentence imposed must include a fine of at least one hundred fifty dollars which may not be suspended. A person convicted for a second or subsequent violation of driving without liability insurance within an~~

~~eighteen-month period must be fined at least three hundred dollars which may not
be suspended.~~

~~2. 4. Upon conviction for~~ For a violation of this section or equivalent ordinance, the
~~person who has been convicted~~ violation shall provide proof of motor vehicle liability
insurance to the department in the form of a written or electronically transmitted
certificate from an insurance carrier authorized to do business in this state. This
proof must be provided for a period of three years and kept on file with the
department. If the person fails to provide this information, the department shall
suspend that person's driving privileges and may not issue or renew that person's
operator's license unless that person provides proof of insurance.

~~3. 5. A person who has been convicted for violation of~~ violated this section or equivalent
ordinance shall surrender that person's operator's license and purchase a duplicate
operator's license with a notation requiring that person to keep proof of liability
insurance on file with the department. The fee for this license is fifty dollars and
the fee to remove this notation is fifty dollars.

~~4. 6.~~ 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.