

Fifty-eighth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1263

Introduced by

Representative Wald

1 A BILL for an Act to amend and reenact section 32-03.2-02.1 of the North Dakota Century
2 Code, relating to automobile accident damage liability.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 32-03.2-02.1 of the North Dakota Century Code
5 is amended and reenacted as follows:

6 **32-03.2-02.1. Automobile accident damage liability.** Notwithstanding section
7 32-03.2-02, in an action by any person to recover direct and indirect damages for injury to
8 property, the damages may not be diminished in proportion to the amount of contributing fault
9 attributable to the person recovering, or otherwise, if:

- 10 1. The ~~party~~ person seeking damages is seeking property damages resulting from a
11 ~~two-party~~ motor vehicle accident in which two persons are at fault;
- 12 2. The ~~party~~ person seeking damages is seeking to recover direct physical property
13 damages of not more than five thousand dollars and indirect physical property
14 damages not to exceed one thousand dollars; and
- 15 3. The percentage of fault of the person against whom recovery is sought is over fifty
16 percent.

17 This section applies regardless as to whether the person seeking direct and indirect
18 damages for injury to property also seeks damages for personal injury, however, damages for
19 personal injury are not available under this section.

20 A person seeking to recover for indirect and direct damages for injury to property as a
21 result of a motor vehicle accident, who is not at fault in contributing to the accident may recover
22 one hundred percent of the direct and indirect damages from the person whose percentage of
23 fault is over fifty percent.