

**FIRST ENGROSSMENT
with House Amendments**

Sixtieth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2146

Introduced by

Senators Heitkamp, G. Lee, Robinson

Representatives Amerman, Gulleson, R. Kelsch

1 A BILL for an Act to amend and reenact subsection 1 of section 39-08-20 of the North Dakota
2 Century Code, relating to proof of insurance.

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

4 **SECTION 1. AMENDMENT.** Subsection 1 of section 39-08-20 of the North Dakota
5 Century Code is amended and reenacted as follows:

6 1. A person may not drive, or the owner may not cause or knowingly permit to be
7 driven, a motor vehicle in this state without a valid policy of liability insurance in
8 effect in order to respond in damages for liability arising out of the ownership,
9 maintenance, or use of that motor vehicle in the amount required by chapter
10 39-16.1. Upon being stopped by a law enforcement officer for the purpose of
11 enforcing or investigating the possible violation of an ordinance or state law or
12 during the investigation of an accident, the person driving the motor vehicle shall
13 provide to the officer upon request satisfactory evidence of the policy required
14 under this section. If unable to comply with the request, that person may be
15 charged with a violation of this section if that person fails to submit satisfactory
16 evidence of the policy to the officer or the officer's agency within twenty days ~~of~~
17 from the date of the request; however, during the investigation of an accident, the
18 person may be charged with a violation of this section if that person fails to provide
19 the satisfactory evidence within three days from the date of the request. If that
20 person produces satisfactory evidence of a valid policy of liability insurance in
21 effect at the time of the alleged violation of this section to the officer, the officer's
22 agency, or a court, that person may not be convicted or assessed any
23 administration fee for violation of this section. Notwithstanding section 26.1-30-18,
24 a person may be convicted for failure to have a valid policy of liability insurance in

1 effect under this section if the time of acquisition of the policy was after the time of
2 the alleged incidence of driving without liability insurance. If the time of acquisition
3 of the policy comes into question, the driver or owner has the burden of
4 establishing the time of acquisition. If the driver is not an owner of the motor
5 vehicle, the driver does not violate this section if the driver provides the court with
6 evidence identifying the owner of the motor vehicle and describing circumstances
7 under which the owner caused or permitted the driver to drive the motor vehicle.
8 Violation of this section is a class B misdemeanor and the sentence imposed must
9 include a fine of at least one hundred fifty dollars which may not be suspended. A
10 person convicted for a second or subsequent violation of driving without liability
11 insurance within an eighteen-month period must be fined at least three hundred
12 dollars which may not be suspended.