

HOUSE BILL NO. 1118

Introduced by

Government and Veterans Affairs Committee

(At the request of the Office of Management and Budget)

1 A BILL for an Act to amend and reenact section 32-12.2-14 of the North Dakota Century Code,
2 relating to accidents involving state motor vehicles which are reviewed by the risk management
3 accident review board or the department of transportation.

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

5 **SECTION 1. AMENDMENT.** Section 32-12.2-14 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **32-12.2-14. Risk management motor vehicle accident review board - Powers -**
8 **Records - Meetings.**

9 The director of the office of management and budget shall establish a risk management
10 motor vehicle accident review board to review any accident involving a motor vehicle owned or
11 leased by the state and operated by a state employee that results in bodily injury or significant
12 property damage. The board is composed of the director of the department of transportation, or
13 the director's designee, who shall serve as chairman of the board; the director of the office of
14 management and budget, or the director's designee; the superintendent of the highway patrol or
15 the superintendent's designee; and two state employees selected by the other board members
16 to serve two-year terms.

17 The risk management motor vehicle accident review board shall review accidents involving
18 state-owned or state-leased vehicles operated by state employees that result in bodily injury or
19 significant property damage in order to improve traffic safety and driver training and to reduce
20 the number of traffic accidents. The board shall adopt rules concerning receiving accident
21 reports, holding meetings, receiving verbal or written information, making recommendations,
22 communicating with state agencies and employees, and informing state agencies of its
23 recommendations. Three members of the board constitute a quorum and an affirmative vote of

1 at least three board members is required for the board to take action and make a
2 recommendation.

3 The duties of the chairman include scheduling meetings; notifying participants; receiving
4 and maintaining board records, reports, and other material; and communicating with agencies
5 concerning the board's recommendations.

6 The department of transportation shall report state motor vehicle-related accidents to the
7 board for review ~~if it appears further training could have rendered the accident~~
8 ~~preventable involving bodily injury or significant property damage~~ or if there was a citation issued
9 to the state employee operating the state-owned or state-leased motor vehicle. After review, the
10 board may recommend driver training; defensive driver training; emergency vehicle operational
11 training; physical, written, or operational examinations; or restrictions on the use of state-owned
12 or state-leased motor vehicles. The state agency employing the employee operating the
13 state-owned or state-leased motor vehicle involved in the traffic accident shall decide whether to
14 implement the board's recommendation.

15 State employees must be paid and may not be required to take any leave for time needed
16 to assist the board, and all state employers shall reimburse their employees for travel expenses
17 incurred in assisting the board.

18 The board must be deemed to be a state agency loss-control committee under section
19 32-12.2-12 and all of the board's current or former members and all participants providing any
20 verbal or written information to the board are entitled to the rights against production of records
21 or testimony as contained in this section.

22 The department of transportation shall internally review all accidents involving a motor
23 vehicle owned or leased by the state that is not submitted to the board for review to determine
24 whether the accident was preventable and make recommendations to the agency employing
25 the employee involved in the accident which may include recommendations on the same issues
26 as made by the board. The department may defer to the determinations and recommendations
27 of an agency loss control committee approved by the board. An employee may request further
28 review by the board of any determination or recommendation of the department.