

Sixty-ninth  
Legislative Assembly  
of North Dakota

## PROPOSED AMENDMENTS TO

### HOUSE BILL NO. 1229

Introduced by

Representatives Schauer, Beltz, Bosch, Dockter, Grueneich, Heinert, Swiontek, McLeod  
Senators Cleary, Clemens, Sickler

1 A BILL for an Act to create and enact a new subdivision to subsection 2 of section 39-06.1-06  
2 and section 39-10-71.1 of the North Dakota Century Code, relating to statutory fees for traffic  
3 offenses and a motor vehicle owner's responsibility regarding a driver who flees a peace officer;  
4 to amend and reenact subsection 1 of section 39-06.1-10 of the North Dakota Century Code,  
5 relating to entries against a driving record; and to provide a penalty.

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

7 **SECTION 1.** A new subdivision to subsection 2 of section 39-06.1-06 of the North Dakota  
8 Century Code is created and enacted as follows:

9 A violation of section 39-10-71.1, a fee of ~~fifty~~one hundred dollars for a first  
10 violation, and ~~one thousand~~five hundred dollars for a second or subsequent  
11 violation except as provided under section 39-10-71.1.

12 **SECTION 2. AMENDMENT.** Subsection 1 of section 39-06.1-10 of the North Dakota  
13 Century Code is amended and reenacted as follows:

14 1. If a report of a conviction of a traffic offense, or admission or adjudication of a traffic  
15 violation is received by the director, the director shall proceed to enter the proper  
16 points on the licensee's driving record, unless the points assigned to the violation are  
17 two or less. If the points assigned to the violation are two or less, the violation and  
18 points may not be entered on the driving record but must be recorded separately, and  
19 the separate record is not available to the public. Points from a violation in which the  
20 points are two or less are considered a part of the driving record for the sole purpose

of point reduction under section 39-06.1-13 and for purposes of license suspension. If the driving record shows that the licensee has accumulated a total of twelve or more points, assigned on the basis of the schedule contained in subsection 3, the director shall notify the licensee of the director's intention to suspend the operator's license under section 39-06-33. For the purposes of this chapter, the director also may receive and act on reports of traffic offense convictions forwarded by federal, military, and tribal courts in this state.

**SECTION 3.** Section 39-10-71.1 of the North Dakota Century Code is created and enacted as follows:

**39-10-71.1. Motor vehicle owner's responsibility regarding a driver who flees a peace officer - Exceptions.**

1. The owner of a motor vehicle involved in a violation of section 39-10-71 is presumed to have violated this section.
2. A peace officer may proceed in accordance with this section instead of pursuing the driver of a motor vehicle who flees or attempts to elude the peace officer after being given a visual or audible signal to bring the vehicle to a stop in violation of section 39-10-71.
  - a. A peace officer ~~shall~~may investigate the violation and prepare a traffic citation under this section.
  - b. A peace officer ~~shall~~may issue a traffic citation under this section in accordance with the North Dakota Rules of Civil Procedure to the motor vehicle owner within ninety-six hours after observing the violation.
3. A motor vehicle owner may not be found to have violated this section if:
  - a. The driver operating the motor vehicle at the time of the violation of section 39-10-71 has been charged with a violation of section 39-10-71.
  - b. The motor vehicle was reported stolen before the violation occurred or within a reasonable time after the violation occurred.
- ~~4. A motor vehicle owner is not subject to a fee of one thousand dollars for a second or subsequent violation of this section if the~~
  - c. The motor vehicle owner assists or cooperates with a peace officer ~~in the~~ investigation of the individual to demonstrate the owner was not the one who

1                   operated the motor vehicle at the time and place of the violation of section  
2                   39-10-71.

3                   d.   The motor vehicle owner provides information that demonstrates the owner was  
4                   not the driver of the motor vehicle at the time of the offense.

5                   5.4.   A motor vehicle owner may not be found to have violated this section, and the lessee  
6                   is presumed to have violated this section, if the motor vehicle owner is a lessor of  
7                   vehicles and at the time of the violation of section 39-10-71 the motor vehicle was in  
8                   the possession of a lessee, and the lessor provides a peace officer with the motor  
9                   vehicle's registration number and the name, address, and operator's license number of  
10                  the individual renting or leasing the motor vehicle.

11                  ~~6.   A motor vehicle dealer may not be found to have violated this section if the motor~~  
12                  ~~vehicle was being operated by an individual on a test drive at the time of the violation~~  
13                  ~~of section 39-10-71, and the dealer provides a peace officer with the name, address,~~  
14                  ~~and operator's license number of the individual operating the motor vehicle.~~

15                  7.5.   An individual may not be charged both with violating this section and section 39-10-71  
16                  for acts arising out of the same incident or occurrence.

17                  6.   This section may not apply to a motor vehicle rental company that rents motor vehicles  
18                  to customers for a period of ninety days or less.