

Sixty-ninth
Legislative Assembly
of North Dakota

**FIRST ENGROSSMENT
with Senate Amendments**

ENGROSSED 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 and to provide a penalty.

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

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

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

11 **SECTION 2.** Section 39-10-71.1 of the North Dakota Century Code is created and enacted
12 as follows:

13 **39-10-71.1. Motor vehicle owner's responsibility regarding a driver who flees a peace**
14 **officer - Exceptions.**

15 1. The owner of a motor vehicle involved in a violation of section 39-10-71 is presumed
16 to have violated this section.

17 2. A peace officer may proceed in accordance with this section instead of pursuing the
18 driver of a motor vehicle who flees or attempts to elude the peace officer after being
19 given a visual or audible signal to bring the vehicle to a stop in violation of section
20 39-10-71.

21 a. A peace officer may investigate the violation and prepare a traffic citation under
22 this section.

b. A peace officer 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.

c. The motor vehicle owner assists or cooperates with a peace officer to demonstrate the owner was not the one who operated the motor vehicle at the time and place of the violation of section 39-10-71.

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

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

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

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