

Fifty-sixth  
Legislative Assembly  
of North Dakota

## ENGROSSED SENATE BILL NO. 2110

Introduced by

Transportation Committee

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

1 A BILL for an Act to create and enact a new section to chapter 32-12.2 of the North Dakota  
2 Century Code, relating to establishment of a risk management motor vehicle accident review  
3 board; and to amend and reenact subdivision a of subsection 2 of section 28-32-01 of the North  
4 Dakota Century Code, relating to an exemption from the Administrative Agencies Practices Act.

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

6 **SECTION 1. AMENDMENT.** Subdivision a of subsection 2 of section 28-32-01 of the  
7 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

8 a. The office of management and budget except with respect to rules made  
9 under section 2 of this Act, rules relating to conduct on the capitol grounds  
10 and in buildings located on the capitol grounds under section 54-21-18, rules  
11 relating to the state building code as authorized or required under section  
12 54-21.3-03, rules relating to the Model Energy Code as required under  
13 section 54-21.2-03, rules relating to the central personnel system as  
14 authorized under section 54-44.3-07, rules relating to state purchasing  
15 practices as required under section 54-44.4-04, rules relating to records  
16 management as authorized or required under chapter 54-46, and rules  
17 relating to the central microfilm unit as authorized under chapter 54-46.1.

18 **SECTION 2.** A new section to chapter 32-12.2 of the North Dakota Century Code is  
19 created and enacted as follows:

20 **Risk management motor vehicle accident review board - Powers - Records -**

21 **Meetings.** The director of the office of management and budget shall establish a risk  
22 management motor vehicle accident review board to review any accident involving a motor  
23 vehicle owned or leased by the state and operated by a state employee. The board is  
24 composed of the director of the department of transportation, or the director's designee, who

1 shall serve as chairman of the board; the director of the office of management and budget, or  
2 the director's designee; the superintendent of the highway patrol or the superintendent's  
3 designee; and two state employees selected by the other board members to serve two-year  
4 terms.

5 The risk management motor vehicle accident review board shall review accidents  
6 involving state-owned or state-leased vehicles operated by state employees in order to improve  
7 traffic safety and driver training and to reduce the number of traffic accidents. The board shall  
8 adopt rules concerning receiving accident reports, holding meetings, receiving verbal or written  
9 information, making recommendations, communicating with state agencies and employees,  
10 and informing state agencies of its recommendations. Three members of the board constitute  
11 a quorum and an affirmative vote of at least three board members is required for the board to  
12 take action and make a recommendation.

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

16 The department of transportation shall report state motor vehicle-related accidents to  
17 the board for review if it appears further training could have rendered the accident preventable  
18 or if there was a citation issued to the state employee operating the state-owned or  
19 state-leased motor vehicle. After review, the board may recommend driver training; defensive  
20 driver training; emergency vehicle operational training; physical, written, or operational  
21 examinations; or restrictions on the use of state-owned or state-leased motor vehicles. The  
22 state agency employing the employee operating the state-owned or state-leased motor vehicle  
23 involved in the traffic accident shall decide whether to implement the board's recommendation.

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

27 The board must be deemed to be a state agency loss-control committee under section  
28 32-12.2-12 and all of the board's current or former members and all participants providing any  
29 verbal or written information to the board are entitled to the rights against production of records  
30 or testimony as contained in this section.