

**HOUSE BILL NO. 1238**

Introduced by

Representatives Mueller, Metcalf, Severson

Senators Erbele, Taylor

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 driving without liability 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 the  
17 date of the request. If that person produces satisfactory evidence of a valid policy  
18 of liability insurance in effect at the time of the alleged violation of this section to  
19 the officer, the officer's agency, or a court, that person may not be convicted or  
20 assessed any court costs for violation of this section. Notwithstanding section  
21 26.1-30-18, a person may be convicted for failure to have a valid policy of liability  
22 insurance in effect under this section if the time of acquisition of the policy was  
23 after the time of the alleged incidence of driving without liability insurance. If the  
24 time of acquisition of the policy comes into question, the driver or owner has the

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