

HOUSE BILL NO. 1263

Introduced by

Representatives Gruchalla, Keiser, Kempenich, Larson, Silbernagel, Mock

Senators G. Lee, J. Lee, Sinner

1 A BILL for an Act to create and enact a new subsection to section 39-06.1-06 and
2 paragraphs 37, 38, and 39 to subdivision a of subsection 3 of section 39-06.1-10 of the North
3 Dakota Century Code, relating to procedures and demerit points for driving without liability
4 insurance; and to amend and reenact section 39-06.1-05, subdivision b subsection 3 of section
5 39-06.1-10, and section 39-08-20 of the North Dakota Century Code, relating to procedures and
6 demerit points for driving without liability insurance.

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

8 **SECTION 1. AMENDMENT.** Section 39-06.1-05 of the North Dakota Century Code is
9 amended and reenacted as follows:

10 **39-06.1-05. Offenses excepted.**

11 The procedures authorized under sections 39-06.1-02 and 39-06.1-03 may not be utilized
12 by a person charged with one of the following offenses:

- 13 1. Driving or being in actual physical control of a vehicle in violation of section 39-08-01,
14 or an equivalent ordinance.
- 15 2. Reckless driving or aggravated reckless driving in violation of section 39-08-03, or an
16 equivalent ordinance.
- 17 3. A violation of chapter 12.1-16 resulting from the operation of a motor vehicle.
- 18 4. Leaving the scene of an accident in violation of section 39-08-04, 39-08-05, 39-08-07,
19 or 39-08-08, or equivalent ordinances.
- 20 5. Driving while license or driving privilege is suspended or revoked in violation of section
21 39-06-42, or an equivalent ordinance.
- 22 6. Violating subdivision b or c of subsection 5 of section 39-24-09.
- 23 7. Operating a modified motor vehicle in violation of section 39-21-45.1.
- 24 8. ~~Driving without liability insurance in violation of section 39-08-20.~~

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1	(1) Reckless driving in violation of section 39-08-03, or	8 points
2	equivalent ordinance	
3	(2) Aggravated reckless driving in violation of section	12 points
4	39-08-03, or equivalent ordinance	
5	(3) Leaving the scene of an accident involving property	14 points
6	damage in violation of section 39-08-05, 39-08-07,	
7	or 39-08-08, or equivalent ordinances	
8	(4) Leaving the scene of an accident involving personal	18 points
9	injury or death in violation of section 39-08-04, or	
10	equivalent ordinance	
11	(5) Violating restrictions in a restricted license issued	3 points
12	under section 39-06-17 and relating to the use of	
13	eyeglasses or contact lenses while driving	
14	(6) Violating any restrictions other than those listed in	4 points
15	paragraph 5, contained in a restricted license issued	
16	under section 39-06-17 or 39-06.1-11	
17	(7) Except as provided in paragraph 9, operating	6 points
18	a motor vehicle without liability insurance,	
19	in violation of section 39-08-20	
20	(8) Knowingly driving a modified motor vehicle in violation	2 points
21	of section 39-21-45.1, or equivalent ordinance	
22	(9) Operating a motor vehicle without liability insurance,	14 points
23	in violation of section 39-08-20, if the violation was	
24	discovered as the result of investigation of an accident	
25	in which the driver is the owner	
26	(10)(8) Except as provided in paragraph 9 of subdivision a,	2 points
27	knowingly operating an unsafe vehicle in violation of	
28	section 39-21-46, or equivalent ordinance	
29	(11)(9) Fleeing in a motor vehicle from a peace officer in	24 points
30	violation of section 39-10-71, or equivalent ordinance	

- 1 (12) Except as provided in paragraph 9, operating a motor 12 points-
2 vehicle without liability insurance, in violation of section
3 39-08-20, if the driving record shows that the licensee has
4 within the eighteen months preceding the violation previously
5 violated section 39-08-20
- 6 (13)(10) Causing an accident with an authorized emergency 2 points
7 vehicle or a vehicle operated by or under the control
8 of the director used for maintaining the state highway
9 system in violation of subsection 5 of section 39-10-26,
10 or equivalent ordinance
- 11 (14)(11) Driving in violation of the conditions of an instruction 2 points
12 permit

13 **SECTION 7. AMENDMENT.** Section 39-08-20 of the North Dakota Century Code is
14 amended and reenacted as follows:

15 **39-08-20. Driving without liability insurance prohibited - Penalty.**

- 16 1. A person may not drive, or the owner may not cause or knowingly permit to be driven,
17 a motor vehicle in this state without a valid policy of liability insurance in effect in order
18 to respond in damages for liability arising out of the ownership, maintenance, or use of
19 that motor vehicle in the amount required by chapter 39-16.1.
- 20 2. Upon being stopped by a law enforcement officer for the purpose of enforcing or
21 investigating the possible violation of an ordinance or state law, the person driving the
22 motor vehicle shall provide to the officer upon request satisfactory evidence of the
23 policy required under this section. If unable to comply with the request, that person
24 may be charged with a violation of this section if that person fails to submit satisfactory
25 evidence of the policy to the officer or the officer's agency within twenty days from the
26 date of the request; however, during the investigation of an accident, the person may
27 be charged with a violation of this section if that person fails to provide the satisfactory
28 evidence within three business days from the date of the request. If that person
29 produces satisfactory evidence of a valid policy of liability insurance in effect at the
30 time of the alleged violation of this section to the officer, the officer's agency, or aoffice

1 of the court under which the matter will be heard, that person may not be convicted or
2 assessed any administration fee for violation of subsection 1.

3 3. Notwithstanding section 26.1-30-18, a person may be convicted for failure to have a
4 valid policy of liability insurance in effect under this section if the time of acquisition of
5 the policy was after the time of the alleged incidence of driving without liability
6 insurance. If the time of acquisition of the policy comes into question, the driver or
7 owner has the burden of establishing the time of acquisition. If the driver is not an
8 owner of the motor vehicle, the driver does not violate this section if the driver provides
9 the court with evidence identifying the owner of the motor vehicle and describing
10 circumstances under which the owner caused or permitted the driver to drive the
11 motor vehicle.

12 4. Violation of subsection 1 is ~~a class B misdemeanor~~an infraction and the sentence
13 imposed must include a fine of at least ~~one~~three hundred ~~thirty~~fifty dollars which may not be
14 suspended. A person convicted for a second or subsequent violation of driving without
15 liability insurance within a three-year period must be fined at least three hundred
16 dollars which may not be suspended. For a second or subsequent conviction for a
17 violation of subsection 1 or equivalent ordinance, the court shall ~~impound~~order the
18 motor vehicle number plates of the motor vehicle owned and operated by the person
19 at the time of the violation to be impounded until that person provides proof of
20 insurance and a twenty dollar fee to the ~~department~~court. The person shall deliver the
21 number plates to the court without delay at a time certain as ordered by the court
22 following the conviction. The court shall deliver the number plates to the
23 ~~department~~office of the police officer that made the arrest and notify the department of
24 the order. A person who does not provide the number plates to the court at the
25 appropriate time is guilty of a class B misdemeanor.

26 5. Upon conviction for a violation of subsection 1 or equivalent ordinance, the person
27 who has been convicted shall provide proof of motor vehicle liability insurance to the
28 department in the form of a written or electronically transmitted certificate from an
29 insurance carrier authorized to do business in this state. This proof must be provided
30 for a period of three years and kept on file with the department. If the person fails to
31 provide this information, the department shall suspend that person's driving privileges

1 and may not issue or renew that person's operator's license unless that person
2 provides proof of insurance.

3 6. A person who has been convicted for violation of subsection 1 or equivalent ordinance
4 shall surrender that person's operator's license and purchase a duplicate operator's
5 license with a notation requiring that person to keep proof of liability insurance on file
6 with the department. The fee for this license is fifty dollars and the fee to remove this
7 notation is fifty dollars.

8 7. When an insurance carrier has certified a motor vehicle liability policy, the insurance
9 carrier shall notify the director no later than ten days after cancellation or termination
10 of the certified insurance policy by filing a notice of cancellation or termination of the
11 certified insurance policy; except that a policy subsequently procured and certified
12 shall, on the effective date of its certification, terminate the insurance previously
13 certified with respect to any motor vehicle designated in both certificates.