

Capt. Luke Hendrickson, NDHP
3/28/23

Hello,

Here is the information I spoke with you about on SB2053. I am happy to say that all parties involved in the original hearing were able to work on this amendment and come up with language that could be agreed upon by all.

The amendment addresses the following:

- It cleans up some additional areas where the “patrolman” to “trooper” language needed some slight revision to flow properly. This also addresses a request from Sen Roers to make a correction she noticed.
- It retains the term “accident” in NDCC 26.1 (Insurance code) at the request of industry and the Insurance Commissioner’s Office
- IT retains the term “accident” in NDCC 57-39.2-03.7, which deals with surcharge on rental vehicles and accident insurance is mentioned.
- In the areas of the 39 code where insurance is also mentioned, it amends to read “accident or crash” in several areas. This seems like a reasonable tie between the term “accident” in insurance related code and “crash” in motor vehicle related code.
- It adds the following statement of legislative intent, originally requested by industry, but also revised by the NDHP and NDDOT to help better define what a crash is from an investigation and reporting perspective:

“The legislative assembly in adopting title 39 recognizes that not all crashes are accidental. Crash encompasses all types of motor vehicle impacts, collisions, or incidents outlined in the US Department of Transportation’s Model Minimum Uniform Crash Criteria. Nothing in this title is intended to alter the legal rights and obligations under title 26.1 of the North Dakota Century Code.”

- Lastly, if you recall in SB2054 relating to the powers of the highway patrol, there was language in that bill which also had the language revision of “accident” to “crash”. As you likely recall, the committee amended out that change pending the outcome of the work on SB2053. Since SB2054 has passed the house as amended, we respectfully ask that the correction back to “crash” be made in SB2053 through this amendment. Here’s a snip from page 2, line 7 of the marked-up version of SB2054 which passed the house.

7 | 7. To investigate traffic ~~accidents~~crashes and secure testimony of witnesses or of
8 | persons involved.

Thanks for your time today and I hope the roads for your drive home are good,
Capt. Luke Hendrickson, NDHP

PROPOSED AMENDMENTS TO SENATE BILL NO. 2053

Page 1, line 3, remove "subdivision b of subsection 1 of"

Page 1, line 4, remove "section 26.1-25-02, sections"

Page 1, line 4, remove "26.1-25-04.2, 26.1-25-04.3, subsections 2, 14,"

Page 1, remove line 5

Page 1, line 6, remove "subsection 2 of section 26.1-41-06, sections 26.1-41-14, 26.1-41-15, 26.1-41-19,"

Page 1, line 10, after "39-03-07," insert "subsection 7 of section 39-03-09, sections"

Page 2, line 6, after "54-52.1-03.3," insert "and"

Page 2, line 6, remove ", and section 57-39.2-03.7"

Page 2, line 14, overstrike "state" and immediately thereafter insert "highway patrol"

Page 5, line 3, after "~~patrolmen~~" insert "highway patrol"

Page 5, remove lines 7 through 9

Page 6, remove lines 1 through 31

Page 7, remove lines 1 through 31

Page 8, remove lines 1 through 31

Page 9, remove lines 1 through 31

Page 10, remove lines 1 through 13

Page 12, line 23, after "and their use." insert:

"The legislative assembly in adopting title 39 recognizes that not all crashes are accidental. Crash encompasses all types of motor vehicle impacts, collisions, or incidents outlined in the US Department of Transportation's Model Minimum Uniform Crash Criteria. Nothing in this title is intended to alter the legal rights and obligations under title 26.1 of the North Dakota Century Code."

Page 16, after line 12 insert:

SECTION 36. AMENDMENT. Subsection 7 of section 39-03-09 of the North Dakota Century Code is amended and reenacted as follows:

7. To investigate traffic ~~accidents~~crashes and secure testimony of witnesses or of persons involved.

Page 18, after "highway" insert "patrol"

Page 33, line 4, remove the overstrike over "accident" and insert immediately thereafter "or"

Page 33, line 15, remove the overstrike over "accident" and insert immediately thereafter "or"

Page 34, line 3, remove the overstrike over "accident" and insert immediately thereafter "or"

Page 34, line 7, remove the overstrike over "accident" and insert immediately thereafter "or"

Page 34, line 10, remove the overstrike over "accident" and insert immediately thereafter "or"

Page 34, line 12, remove the overstrike over "accident" and insert immediately thereafter "or"

Page 34, line 18, remove the overstrike over "accident" and insert immediately thereafter "or"

Page 34, line 28, remove the overstrike over "accident" and insert immediately thereafter "or"

Page 34, line 30, remove the overstrike over "accident" and insert immediately thereafter "or"

Page 34, line 31, remove the overstrike over "accident" and insert immediately thereafter "or"

Page 35, line 6, remove the overstrike over "accident" and insert immediately thereafter "or"

Page 45, remove lines 15 through 31

Page 46, remove lines 1 through 8

Renumber accordingly