

Senate Bill 2056
Senate Judiciary Committee
Testimony Presented by Sara Behrens
January 6, 2021

Good morning Chair Larson, members of the committee. My name is Sara Behrens and I am a staff attorney with the State Court Administrator's Office. I am here today in support of Senate Bill No. 2056. This bill amends section 39-08-20 to require that the defendant provide proof of liability insurance to the prosecutor rather than to the clerk of court. When an individual is cited for driving without liability insurance, that person can provide proof that they did have a valid policy in effect at the time of the stop. If that proof is provided they cannot be found guilty of driving without liability insurance. Currently, the statute requires the defendant to provide the proof to the clerk of court. While the clerk can file the proof of insurance, the clerk is not in a position to determine whether the proof provided is satisfactory to prevent the conviction and it is not appropriate for the clerk to make that determination. Rather, the prosecutor is the appropriate person to make that determination. If the proof is satisfactory, the prosecutor should dismiss the charge. The clerk does not have the ability to unilaterally dismiss the charge. Use of "prosecutor" rather than "state's attorney" will cover both district court and municipal court charges. Thank you for your consideration and we urge a do pass.