

SENATE BILL NO. 2348

Introduced by

Senators Piepkorn, Clemens, Magrum

Representatives Heinert, Schauer, Schneider

1 A BILL for an Act to create and enact section 39-10-71.1 of the North Dakota Century Code,
2 relating to a motor vehicle owner's ~~liability for fleeing~~ responsibility regarding a driver who flees a
3 peace officer; to amend and reenact subdivision h of subsection 2 of section 39-06.1-06 of the
4 North Dakota Century Code, relating to statutory fees for traffic offenses; and to provide a
5 penalty.

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

7 **SECTION 1. AMENDMENT.** Subdivision h of subsection 2 of section 39-06.1-06 of the
8 North Dakota Century Code is amended and reenacted as follows:

9 h. A violation of section 39-10-59 or 39-10-71.1, a fee of five hundred dollars.

10 **SECTION 2.** Section 39-10-71.1 of the North Dakota Century Code is created and enacted
11 as follows:

12 **39-10-71.1. Motor vehicle owner's ~~liability for fleeing~~ responsibility regarding a driver**
13 **who flees a peace officer - Exceptions.**

14 1. The owner of a motor vehicle involved in a violation of section 39-10-71 is presumed
15 ~~liable for a violation of an offense under~~ to have violated this section.

16 2. ~~The owner of a motor vehicle involved in a violation of section 39-10-71 may not be~~
17 ~~found liable under this section if the driver operating the motor vehicle at the time of~~
18 ~~the violation of section 39-10-71 has been convicted for a violation of section~~
19 ~~39-10-71.~~

20 ~~3.~~ A peace officer may proceed in accordance with this section instead of pursuing the
21 driver of a motor vehicle who flees or attempts to elude the peace officer after being
22 given a visual or audible signal to bring the vehicle to a stop in violation of section
23 39-10-71.

1 a. A peace officer shall investigate the violation and prepare a traffic citation under
2 this section ~~within seventy-two hours after observing the violation.~~

3 b. A peace officer shall issue a traffic citation under this section ~~on~~ in accordance
4 with the North Dakota Rules of Civil Procedure to the motor vehicle owner within
5 ninety-six hours after observing the violation.

6 ~~c. If with reasonable diligence the motor vehicle owner cannot be served under~~
7 ~~subdivision b, service may be made by leaving a copy of the traffic citation at the~~
8 ~~motor vehicle owner's residence within the state with a competent family member~~
9 ~~at least fourteen years of age, who must be informed of the contents of the traffic~~
10 ~~citation.~~

11 ~~d. If with reasonable diligence the motor vehicle owner cannot be served under~~
12 ~~subdivisions b and c, or if the motor vehicle owner resides outside the jurisdiction~~
13 ~~in which the violation occurred, service may be made by certified mail addressed~~
14 ~~to the motor vehicle owner's last-known address. Service under this subdivision~~
15 ~~must be performed by posting the certified mail within ninety-six hours after the~~
16 ~~violation was observed.~~

17 3. A motor vehicle owner may not be found to have violated this section if:

18 a. The driver operating the motor vehicle at the time of the violation of section
19 39-10-71 has been charged with a violation of section 39-10-71.

20 b. The motor vehicle was reported stolen before the violation occurred or within a
21 reasonable time after the violation occurred.

22 ~~4. A motor vehicle owner is exempt from imposition of liability under this section if the~~
23 ~~motor vehicle was reported stolen before the violation occurred or within a reasonable~~
24 ~~time after the violation occurred.~~

25 ~~5. A motor vehicle owner is exempt from imposition of liability under this section or~~
26 ~~section 39-10-71 may not be found to have violated this section if the motor vehicle~~
27 ~~owner provides to a peace officer the name and address of the individual operating the~~
28 ~~motor vehicle at the time of the violation to a peace officer and sufficient information~~
29 ~~for the peace officer to determine probable cause does not exist to believe the motor~~
30 ~~vehicle owner was operating the motor vehicle at the time of the violation of section~~
30 39-10-71.

1 39-10-71, and further provides to the peace officer information sufficient to establish
2 probable cause to establish the driver violated section 39-10-71.

3 6.5. A motor vehicle owner ~~is exempt from imposition of liability under~~may not be found to
4 have violated this section, and the lessee is liable under~~presumed to have violated this~~
5 section or section 39-10-71, if the motor vehicle owner is a lessor of vehicles and at
6 the time of the violation of section 39-10-71 the motor vehicle was in the possession of
7 a lessee, and the lessor provides a peace officer with the motor vehicle's registration
8 number and the name, address, and operator's license number of the individual
9 renting or leasing the motor vehicle.

10 7.6. A motor vehicle ~~owner is exempt from imposition of liability under~~dealer may not be
11 found to have violated this section, and the individual, not the dealer, is liable under
12 this section or section 39-10-71, if the motor vehicle owner is a dealer, if the motor
13 vehicle was being operated by an individual on a test drive at the time of the violation
14 of section 39-10-71, and the dealer provides a peace officer with the name, address,
15 and operator's license number of the individual operating the motor vehicle.

16 8.7. An individual may not be charged both with violating this section and section 39-10-71
17 for acts arising out of the same incident or occurrence.