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Sixty-eighth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2053

Introduced by

Transportation Committee

(At the request of the Highway Patrol)

A BILL for an Act to amend and reenact sections 2-05-14, 11-19.1-08, 11-19.1-10, paragraph 2 of subdivision a of subsection 1 of section 15-39.1-10.3, subdivision a of subsection 2 of section 15-39.1-10.3, sections 20.1-13-14, 24-09-01.1, 24-15-01, subdivision b of subsection 1 of section 26.1-25-02, sections 26.1-25-04.1, 26.1-25-04.2, 26.1-25-04.3, subsections 2, 14, and 19 of section 26.1-41-01, subsection 5 of section 26.1-41-02, section 26.1-41-04, subsection 2 of section 26.1-41-06, sections 26.1-41-14, 26.1-41-15, 26.1-41-19, subdivision e of subsection 5 of section 28-32-08.1, section 29-06-15.1, subsection 1 of section 32-03.2-02.1, subsection 9 of section 32-03.2-11, subdivision i of subsection 1 of section 32-08.1-03, subsection 66 of section 39-01-01, sections 39-01-01.1, 39-01-11, 39-03-01, 39-03-03, 39-03-04, 39-03-05, 39-03-06, 39-03-07, 39-03-11, 39-03-16, 39-03-17, subsection 4 of section 39-03.1-01, sections 39-03.1-02, 39-03.1-10.4, 39-03.1-27, 39-06-22, subsection 2 of section 39-06-27, subsection 5 of section 39-06-32, section 39-06.1-05, paragraph 39 of subdivision a of subsection 3 of section 39-06.1-10, subdivision b of subsection 3 of section 39-06.1-10, subdivision a of subsection 2 of section 39-06.1-15, section 39-06.2-01, subsection 18 of section 39-06.2-02, subdivision c of subsection 30 of section 39-06.2-02, subdivision b of subsection 1 of section 39-06.2-10, subsections 10 and 11 of section 39-06.2-10, section 39-06.2-10.5, subsection 3 of section 39-06.2-10.6, sections 39-07-12, 39-07-13, subsection 1 of section 39-08-04, sections 39-08-04.1, 39-08-06, 39-08-09, subsection 5 of section 39-08-13, subsection 3 of section 39-08-23, subdivision b of subsection 1 of section 39-08-25, subsection 2 of section 39-10-01, subsection 5 of section 39-10-26, subsection 2 of section 39-10-69, subsection 2 of section 39-16-03, sections 39-16-04, 39-16-05, 39-16-06, subsection 2 of section 39-16-07, sections 39-16-08, 39-16-09, 39-16-10, subsection 3 of section 39-16.1-04, section 39-16.1-05, subdivision a of subsection 1 of section 39-16.1-10, subdivision b of subsection 2 of section 39-16.1-11, subdivision c of subsection 6 of section 39-16.1-11, subsection 2 of section 39-16.1-17, subsection 2 of section 39-16.1-19, section

39-16.2-05, subsection 1 of section 39-20-04, subsection 3 of section 39-20-05, section 39-20-13, subsection 1 of section 39-20-14, subsection 11 of section 39-24-09, section 39-24.1-02, subsection 8 of section 43-30-02, sections 49-11-32, 51-07-28, paragraph 2 of subdivision a of subsection 1 of section 54-52-17.2, subsection 2 of section 54-52.1-03, subdivision b of subsection 1 of section 54-52.1-03.2, subdivision a of subsection 1 of section 54-52.1-03.3, subsection 2 of section 54-52.1-03.3, and section 57-39.2-03.7 of the North Dakota Century Code, relating to terminology pertaining to state troopers and motor vehicle crashes.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 2-05-14 of the North Dakota Century Code is amended and reenacted as follows:

2-05-14. Enforcement of aeronautics laws.

The commission, its members, the director, officers, and the employees of the commission, and every state ~~patrolman~~trooper and all peace officers shall enforce and assist in the enforcement of this chapter.

SECTION 2. AMENDMENT. Section 11-19.1-08 of the North Dakota Century Code is amended and reenacted as follows:

11-19.1-08. Records of coroner's office.

The coroner shall keep full and complete records. All records must be kept in the office of the coroner if the coroner maintains an office as coroner. If the coroner maintains no separate office, the records must be kept in the office of the recorder of the county, unless the board of county commissioners designates a different official. The records must be properly indexed, stating the name, if known, of every deceased individual, the place where the body was found, date of death, cause of death, and all other available information required by this chapter. The report of the coroner and the detailed findings of the autopsy, if one was performed, must be attached to the report of every case. The coroner promptly shall deliver or cause to be delivered to the state's attorney of the county in which a death occurred copies of all necessary records relating to every death in which the coroner or state's attorney determines further investigation advisable. The sheriff of the county, the police of the city, or the state highway ~~patrolmen~~patrol troopers on duty in that county in which the death occurred may be requested to furnish more

information or make further investigation by the coroner or the coroner's deputy. The state's attorney may obtain from the office of the coroner copies of records and other information necessary for further investigation. Except for a report of death and autopsy reports, which may be used and disclosed only as authorized by subsection 4 of section 11-19.1-11, all records of the coroner are the property of the county and are public records.

SECTION 3. AMENDMENT. Section 11-19.1-10 of the North Dakota Century Code is amended and reenacted as follows:

11-19.1-10. Deceased human bodies to be held pending investigation.

All deceased human bodies in the custody of the coroner must be held until such time as the coroner after consultation with the state's attorney, the police department of the city, the state highway ~~patrolmen~~patrol troopers on duty in that county, or the sheriff has reached a decision that it is not necessary to hold the body longer to enable the coroner to decide on a diagnosis, giving a reasonable and true cause of death, or that the body is no longer necessary to assist any one of those officials in their duties.

SECTION 4. AMENDMENT. Paragraph 2 of subdivision a of subsection 1 of section 15-39.1-10.3 of the North Dakota Century Code is amended and reenacted as follows:

(2) The highway ~~patrolmen's~~patrol troopers' retirement system.

SECTION 5. AMENDMENT. Subdivision a of subsection 2 of section 15-39.1-10.3 of the North Dakota Century Code is amended and reenacted as follows:

a. If a teacher, who is eligible to participate in this fund, is also eligible to participate in an alternate retirement system, the employee is a member of the teachers' fund for retirement for duties covered under this fund, and the employee is also a member of the public employees retirement system or highway ~~patrolmen's~~patrol troopers' retirement system for duties covered by those alternate retirement systems. The employers shall pay the member and employer contributions at the rates currently existing for the applicable system.

SECTION 6. AMENDMENT. Section 20.1-13-14 of the North Dakota Century Code is amended and reenacted as follows:

20.1-13-14. Rules - Enforcement.

Rules may be adopted pursuant to this chapter under chapter 28-32. Every game warden, sheriff's officer, or highway ~~patrolman~~patrol trooper of this state has the authority to enforce the

provisions of this chapter and in the exercise thereof has the authority to stop and board any vessel subject to this chapter.

SECTION 7. AMENDMENT. Section 24-09-01.1 of the North Dakota Century Code is amended and reenacted as follows:

24-09-01.1. Standard railroad crossing warning systems - Survey for additional warning systems.

The standard warning system at each public highway-railroad grade crossing must be railroad crossbucks and advance warning signs designed and located pursuant to section 39-13-07. These signing requirements and standards must be deemed adequate and appropriate for warning of the existence and nature of each railroad crossing for all purposes whatsoever. However, because of the availability of substantial federal funds, and for the purpose of promoting the additional safety and general welfare of the motoring public, and railroad employees, and to secure the practical and orderly development of additional warning systems beyond the standards herein, and to enable the various jurisdictional authorities to implement existing statutes authorizing the determination of need and selection of additional warning systems, and within the practical limitations of time and available public funds, the department shall conduct and systematically maintain a survey of all streets and highways as required by the Federal Highway Safety Act of 1973, to identify those railroad crossings which may need additional warning systems beyond the standard crossbucks and advance warning signs. To implement such survey and to make the determination of need and selection of additional warning systems, the department may screen, rate, and prioritize said crossings for additional warning systems and establish an installation program. In order to foster additional warning systems beyond the standards herein or improvements thereto, where such additional warnings or improvements thereto are deemed necessary by any jurisdictional authority either under this statute or any other statutes, neither the actions, proceedings, findings, or orders of any jurisdictional authority, nor the actions of the railroad regarding such additional warning or improvements thereto, prior to installation and operation thereof, are admissible in evidence in any civil action for personal injury, death, or damage to property arising out of a public highway-railroad crossing ~~accident~~crash.

SECTION 8. AMENDMENT. Section 24-15-01 of the North Dakota Century Code is amended and reenacted as follows:

24-15-01. Definition.

For the purpose of this chapter, a temporary roadblock means any structure, device, or means used by police, sheriffs, deputy sheriffs, game wardens, highway ~~patrolmen~~troopers, agents of the federal bureau of investigation, or officers of the United States border patrol, for the purpose of controlling traffic through a point on a highway, road, or street, whereby all vehicles may be slowed or stopped.

SECTION 9. AMENDMENT. Subdivision b of subsection 1 of section 26.1-25-02 of the North Dakota Century Code is amended and reenacted as follows:

b. ~~Accident~~Crash and health insurance.

SECTION 10. AMENDMENT. Section 26.1-25-04.1 of the North Dakota Century Code is amended and reenacted as follows:

26.1-25-04.1. Motor vehicle insurance rate filings - Premium reduction for ~~accident~~crash prevention course completion.

All rate filings with the commissioner for motor vehicle liability and physical damage insurance must provide for an appropriate reduction in premium charges for the principal operators of motor vehicles for at least a two-year period following their successful completion of a motor vehicle ~~accident~~crash prevention course. The reduction in premium charges must be separately disclosed. The premium billing must disclose the reduction in premium charges with respect to the person eligible for the reduction. The reduction in premium charges does not apply to an operator who is subject to an experience rating or a driver education premium reduction. If a policy insures two or more motor vehicles, the premium reduction applies only to the motor vehicle principally operated by the person who has satisfactorily completed the motor vehicle ~~accident~~crash prevention course. The course must be approved by the superintendent of the state highway patrol. The course sponsor shall provide each successful participant a certificate that is the basis for the insurance discount. A driver fifty-five years of age or older who successfully completes an approved motor vehicle ~~accident~~crash prevention course is entitled to a three-year insurance premium reduction. The reduction may be applied only to a private passenger motor vehicle or a pickup truck or van that has a gross vehicle weight of less than ten thousand pounds [4535.92 kilograms] and which is not used for delivering or transporting goods or materials unless the delivery and transport is incidental to an operator's business.

SECTION 11. AMENDMENT. Section 26.1-25-04.2 of the North Dakota Century Code is amended and reenacted as follows:

26.1-25-04.2. Motor vehicle ~~accident~~crash surcharge.

Concerning motor vehicle ~~accidents~~crashes occurring after August 1, 1993:

1. An insurer may not assess ~~an accident~~a crash surcharge on the policy of any insured as a result of a comprehensive coverage claim or when the insured's unattended vehicle was legally parked when the damage occurred.
2. An insurer may not assess ~~an accident~~a crash surcharge on the policy of any insured when a claim has been paid pursuant to section 26.1-40-17.1 unless the insurer is not entitled to recover damages from the party at fault.

SECTION 12. AMENDMENT. Section 26.1-25-04.3 of the North Dakota Century Code is amended and reenacted as follows:

26.1-25-04.3. Disclosure of ~~accident~~crash surcharge and loss of discount.

Before, or at the time of issuance of a policy, an insurer insuring a motor vehicle must notify the insured in writing of the insurer's underwriting and rating procedures applicable to ~~accident~~crash surcharges and loss of discounts.

SECTION 13. AMENDMENT. Subsection 2 of section 26.1-41-01 of the North Dakota Century Code is amended and reenacted as follows:

2. "Basic no-fault benefits" means benefits for economic loss resulting from accidental bodily injury. The maximum amount of basic no-fault benefits payable for all economic loss incurred and resulting from accidental bodily injury to any one person as the result of any one ~~accident~~crash may not exceed thirty thousand dollars, regardless of the number of persons entitled to the benefits or the number of basic no-fault insurers obligated to pay the benefits. Basic no-fault benefits payable may not exceed one hundred fifty dollars per week per person prorated for any lesser period for work loss or survivors' income loss, or three thousand five hundred dollars for funeral, cremation, and burial expenses.

SECTION 14. AMENDMENT. Subsection 14 of section 26.1-41-01 of the North Dakota Century Code is amended and reenacted as follows:

14. "Owner" means the person in whose name the motor vehicle has been registered. If ownership has been transferred, but the registration record has not been changed,

"owner" means the person, other than a lienholder, to whom ownership has been transferred. If no registration is in effect at the time of ~~an accident~~a crash involving the motor vehicle, "owner" means the person, other than a lienholder, who holds the legal title to the motor vehicle. If the motor vehicle is the subject of a security agreement with the debtor having the right to possession, a lease with an option to purchase with the lessee having the right to possession, or a lease with a term of six months or more with the lessee having the right to possession, "owner" means the debtor or lessee.

SECTION 15. AMENDMENT. Subsection 19 of section 26.1-41-01 of the North Dakota Century Code is amended and reenacted as follows:

19. "Secured motor vehicle" means a motor vehicle with respect to which the security required by this chapter was in effect at the time of its involvement in ~~the accident~~a crash resulting in accidental bodily injury.

SECTION 16. AMENDMENT. Subsection 5 of section 26.1-41-02 of the North Dakota Century Code is amended and reenacted as follows:

5. An owner of a motor vehicle with respect to which security is required who fails to have the security in effect at the time of ~~an accident~~a crash is absolutely liable at law for payment of basic no-fault benefits and has all the rights and obligations of a basic no-fault insurer under this chapter. This remedy is in addition to any other remedy that an injured person may have against the owner.

SECTION 17. AMENDMENT. Section 26.1-41-04 of the North Dakota Century Code is amended and reenacted as follows:

26.1-41-04. Optional excess no-fault benefits.

Each basic no-fault insurer of the owner of a secured motor vehicle shall also make available optional excess no-fault benefits for excess economic loss commencing upon the exhaustion of basic no-fault benefits, up to a total of eighty thousand dollars in no-fault benefits for accidental bodily injury to any one person in any one ~~accident~~crash, including ~~an accident~~a crash when the person who purchased the optional excess no-fault benefits or that person's relative is injured in a motor vehicle not owned by the insured or as a pedestrian. A basic no-fault insurer may also offer benefits and limits other than those prescribed in this section, and a basic no-fault insurer may incorporate in optional excess no-fault coverage the terms, conditions, and exclusions as may be consistent with the premiums charged. The amounts

payable under optional excess no-fault benefits may be duplicative of benefits received from any collateral sources or may be written in excess of such collateral source benefits, or may provide for reasonable waiting period, deductibles, or coinsurance provisions. The optional excess no-fault benefits of a basic no-fault insurer may provide for subrogation to the injured person's right of recovery against any responsible third party.

SECTION 18. AMENDMENT. Subsection 2 of section 26.1-41-06 of the North Dakota Century Code is amended and reenacted as follows:

2. Accidental bodily injury sustained by any other person while occupying the secured motor vehicle if the ~~accident~~crash occurs in the United States or its possessions or in Canada.

SECTION 19. AMENDMENT. Section 26.1-41-14 of the North Dakota Century Code is amended and reenacted as follows:

26.1-41-14. Stacking of basic no-fault benefits prohibited.

When an injured person is provided basic no-fault benefits by an insurance policy issued in compliance with this chapter, the injured person is covered only to the extent of the basic no-fault benefits provided on the secured motor vehicle involved in ~~the accident~~a crash and the optional excess no-fault benefits purchased by the injured person, or a relative of the injured person, on a secured motor vehicle, if any, in excess of the basic no-fault benefits provided on the secured motor vehicle involved in ~~the accident~~a crash. If any person is injured while occupying an unsecured motor vehicle, basic no-fault benefits are only available to the extent of the applicable basic no-fault benefits provided to the injured person as the owner of a secured motor vehicle or as a relative of the owner of a secured motor vehicle. In either instance, basic no-fault benefits on any secured motor vehicle may not be added or stacked upon basic no-fault benefits available from any other source.

SECTION 20. AMENDMENT. Section 26.1-41-15 of the North Dakota Century Code is amended and reenacted as follows:

26.1-41-15. Motor vehicle liability insurance - Extraterritorial provision.

1. Motor vehicle liability insurance applies to the amounts which the owner is legally obligated to pay as damages because of accidental bodily injury and accidental property damage arising out of the ownership or operation of a motor vehicle, if the ~~accident~~crash occurs in the United States or its possessions or in Canada. Motor

vehicle liability insurance must afford limits of liability not less than those required under the financial responsibility laws of this state. Customary terms and conditions applicable to motor vehicle liability insurance apply.

2. If the ~~accident~~crash occurs outside this state but in the United States or its possessions or in Canada:
   a. If the limits of liability of the financial responsibility or compulsory insurance laws of the applicable jurisdiction exceed the limits of liability of the financial responsibility laws of North Dakota, the motor vehicle liability insurance is deemed to comply with the limits of liability of the laws of the applicable jurisdiction.
   b. If the limits of no-fault benefits of the applicable jurisdiction exceed the limits provided under this chapter for no-fault benefits, the no-fault benefits are deemed to comply with the limits of the benefits of the laws of the applicable jurisdiction.

SECTION 21. AMENDMENT. Section 26.1-41-19 of the North Dakota Century Code is amended and reenacted as follows:

26.1-41-19. Limitation of actions.

1. If no basic or optional excess no-fault benefits have been paid for loss, an action for the benefits may be commenced not later than two years after the injured person suffers the loss and either knows, or in the exercise of reasonable diligence should know, that the loss was caused by the ~~accident~~crash, or not later than four years after the ~~accident~~crash, whichever is earlier. If basic or optional excess no-fault benefits have been paid for loss, an action for recovery of further benefits for the loss by either the same or another claimant may be commenced not later than four years after the last payment of benefits.
2. If no basic or optional excess no-fault benefits have been paid to the decedent or dependent survivors, an action for benefits for survivors' income loss and replacement services loss and funeral and burial expenses may be commenced not later than two years after the death or six years after the ~~accident~~crash from which death results, whichever is earlier. If survivors' income loss and replacement services loss benefits have been paid to any dependent survivor, an action for recovery of further survivors' income loss or replacement services loss benefits by either the same or another

claimant may be commenced not later than six years after the last payment of benefits. If basic or optional excess no-fault benefits have been paid for loss suffered by an injured person before the injured person's death resulting from the injury, an action for recovery of survivors' income loss or replacement services loss benefits may be commenced not later than two years after the death or six years after the last payment of benefits, whichever is earlier.

3. Except as subsection 1 or 2 prescribes a longer period, an action by a claimant on an assigned claim which has been timely presented may be commenced not later than sixty days after the claimant received written notice of rejection of the claim by the basic no-fault insurer to which it was assigned.

4. The time period limitations prescribed in this section govern all actions for basic and optional excess no-fault benefits under this chapter notwithstanding any limitation prescribed elsewhere in the laws of this state.

SECTION 22. AMENDMENT. Subdivision e of subsection 5 of section 28-32-08.1 of the North Dakota Century Code is amended and reenacted as follows:

e. Highway ~~patrolmen's~~patrol troopers' retirement board.

SECTION 23. AMENDMENT. Section 29-06-15.1 of the North Dakota Century Code is amended and reenacted as follows:

29-06-15.1. Arrest of nonresident traffic violator.

A police officer at the scene of a traffic ~~accident~~crash may arrest without a warrant any driver of a vehicle who is a nonresident of this state and who is involved in the ~~accident~~crash when based upon personal investigation, the officer has reasonable and probable grounds to believe that the person has committed any offense under the provisions of title 39 in connection with the ~~accident~~crash, and if the officer has reasonable and probable grounds to believe the person will disregard a written promise to appear in court.

Whenever any person is arrested under the provisions of this section, the person must be taken without unnecessary delay before the proper magistrate.

SECTION 24. AMENDMENT. Subsection 1 of section 32-03.2-02.1 of the North Dakota Century Code is amended and reenacted as follows:

1. The person seeking damages is seeking property damages resulting from a motor vehicle ~~accident~~crash in which two persons are at fault;

SECTION 25. AMENDMENT. Subsection 9 of section 32-03.2-11 of the North Dakota Century Code is amended and reenacted as follows:

9. In a civil action involving a motor vehicle ~~accident~~crash resulting in bodily injury, it is sufficient for the trier of fact to consider an award of exemplary damages against the driver under the motion procedures provided in subsection 1 if clear and convincing evidence indicates that the ~~accident~~crash was caused by a driver who, within the five years immediately preceding the ~~accident~~crash has been convicted for violation of section 39-08-01 and who was operating or in physical control of a motor vehicle:
   a. With an alcohol concentration of at least eight one-hundredths of one percent by weight;
   b. Under the influence of a controlled substance unless a drug that predominantly caused impairment was used only as directed or cautioned by a practitioner who legally prescribed or dispensed the drug to the driver;
   c. Under the influence of alcohol and refused to take a test required under chapter 39-20; or
   d. Under the influence of a volatile chemical as listed in section 19-03.1-22.1.

   At the trial in an action in which the trier of fact will consider an award of exemplary damages, evidence that the driver has been convicted of violating section 39-08-01 or an equivalent statute or ordinance is admissible into evidence.

SECTION 26. AMENDMENT. Subdivision i of subsection 1 of section 32-08.1-03 of the North Dakota Century Code is amended and reenacted as follows:

i. The action is against the owner of any motor vehicle for damages alleged to have been caused by the negligence of such owner or the owner's duly authorized agent, the motor vehicle alleged to have been driven, occupied, or owned by a negligent driver or owner thereof, at the time of ~~such accident~~the crash, may be attached, if one of the conditions under subdivision a or e and one of the conditions under subdivision b or c is also alleged.

SECTION 27. AMENDMENT. Subsection 66 of section 39-01-01 of the North Dakota Century Code is amended and reenacted as follows:

66. "Proof of financial responsibility" means proof of ability to respond in damages for liability, on account of ~~accidents~~crashes occurring after the effective date of the proof,

arising out of the ownership, maintenance, or use of a motor vehicle, in the amount of twenty-five thousand dollars because of bodily injury to or death of one person in any one ~~accident~~crash, and, subject to the limit for one person, in the amount of fifty thousand dollars because of bodily injury to or death of two or more persons in any one ~~accident~~crash, and in the amount of twenty-five thousand dollars because of injury to or destruction of property of others in any one ~~accident~~crash.

SECTION 28. AMENDMENT. Section 39-01-01.1 of the North Dakota Century Code is amended and reenacted as follows:

39-01-01.1. Declaration of legislative intent.

The legislative assembly in adopting title 39 recognized that the development of a modern and integrated highway system which is so essential to safe and efficient highway transportation represents a large investment of public funds. To ensure maximum public benefits from such investment, authority has been vested in appropriate agencies of government for the establishment, construction, maintenance, and operation of needed road facilities, within the limits of funds made available.

Additionally, the legislative assembly recognizes that other functions of government, established pursuant to title 39 to govern the ownership and use of motor vehicles, also are supported by public funds and render important public services which contribute to the safe and efficient use of roads and streets. The responsibilities of state government include such functions as vehicle registration and titling, driver licensing, financial responsibility, police traffic supervision, ~~accident~~crash investigation and reporting, and use of ~~accident~~crash records, traffic operations, and similar functions conducted under motor vehicle laws affecting motor vehicles and their use.

In fulfilling these responsibilities, the legislative assembly recognizes the necessity that individual prerogatives be considered secondary to the general welfare and so it is expected that the officials will adopt such reasonable policies, procedures, rules, and regulations as may be necessary, within the authority granted by law, and in so doing shall make appropriate use of recommended standards developed by recognized official groups to ensure a desirable level of uniformity throughout the state and with other states. Such uniformity is especially important in the use and application of uniform signs, signals, and markings.

It is expected, further, that the officials will cooperate with each other where such cooperation is essential, and not otherwise prescribed by law. Moreover, there is also need for more effective coordination of activities among all branches and levels of government in carrying out their respective traffic safety responsibilities, including the governor's office, the state legislative assembly and city councils, the administrative, enforcement, and judicial officials of the state and its political subdivisions. In all matters of mutual concern, and where appropriate, cooperation is also encouraged among state officials, officials of other states and the federal government, and other responsible groups, both public and private.

Highway transportation is a dynamic force in our society and is influenced by new developments and changing public needs. To keep abreast of foreseeable adjustments, it is expected that the officials will engage in such research and planning as may be necessary and as may be provided for in this title. Such efforts should be conducted in cooperation with all interested public and private groups, and directed towards the development of realistic traffic ~~accident~~crash prevention programs to guide legislative decisions and enlist public support in meeting immediate and potential needs.

In keeping with the policies ~~herein~~ enunciated, it is the intent of the legislative assembly to equip each function with the necessary authority to maintain an adequate level of performance in all functions concerned with the ownership and use of motor vehicles, as they are established in title 39, consistent with the expanding needs of highway transportation, in order to protect the public safety, promote the general welfare, and advance the economy of the state.

SECTION 29. AMENDMENT. Section 39-01-11 of the North Dakota Century Code is amended and reenacted as follows:

39-01-11. Nonresident motor vehicle user - Service upon.

The use and operation by a resident of this state or that person's agent, or by a nonresident or that person's agent, of a motor vehicle upon or over the highways of this state must be deemed an appointment by such resident when that person has been absent from this state continuously for six months or more following ~~an accident~~a crash or by such nonresident at any time, of the director of the department of transportation of this state to be the person's true and lawful attorney upon whom may be served all legal process in any action or proceeding against the person growing out of the use or operation of the motor vehicle resulting in damages or loss to person or property, whether the damage or loss occurs upon a public highway or upon public

or private property, and such use or operation constitutes an agreement that any such process in any action against the person which is so served has the same legal force and effect as if served upon the person personally, or, in case of the person's death, that such process has the same legal force and effect as if served upon the administrator of the person's estate. Service of the summons in such case may be made by delivering a copy thereof to the director with a fee of ten dollars.

SECTION 30. AMENDMENT. Section 39-03-01 of the North Dakota Century Code is amended and reenacted as follows:

39-03-01. Definitions.

In this chapter, unless the context or subject matter otherwise requires:

1. "Assistant superintendent" means the assistant highway patrol superintendent.
2. ~~"Patrolmen" means the members of the highway patrol including the superintendent and the assistant superintendent.~~
3. ~~3.~~ "Superintendent" means the state highway patrol superintendent.
3. "Troopers" means the members of the highway patrol including the superintendent and the assistant superintendent.

SECTION 31. AMENDMENT. Section 39-03-03 of the North Dakota Century Code is amended and reenacted as follows:

39-03-03. ~~Patrolmen~~Troopers - Appointment - Removal - Duties.

The superintendent, the assistant superintendent, and the ~~patrolmen~~troopers constitute the highway patrol. The highway patrol shall enforce the provisions of the laws of this state relating to the protection and use of highways and shall patrol the highways and cooperate with sheriffs and police in enforcing the laws regulating the operation of vehicles and the use of highways. All ~~patrolmen~~troopers and the assistant superintendent must be appointed by the superintendent. Each ~~patrolman~~trooper appointed is deemed a probationary employee for an initial period of six months, during which the ~~patrolman~~trooper must be placed under probationary training and service and is subject to an extension of an additional period of six months or dismissal at the will of the superintendent or the superintendent's designee. At the end of the probationary period, a probationary employee must either be taken off probationary status or dismissed. A nonprobationary employee employed in a regular, classified position is subject to removal for cause by the superintendent or the superintendent's designee, but the employee may appeal a

dismissal under chapter 54-44.3 provided the removal of the assistant superintendent from the assistant superintendent position does not entitle that person to appeal the removal unless that person also is dismissed from the patrol.

SECTION 32. AMENDMENT. Section 39-03-04 of the North Dakota Century Code is amended and reenacted as follows:

39-03-04. Qualifications of ~~patrolmen~~troopers - Veterans have preference.

No person may be appointed as a ~~patrolman~~trooper unless the person has all of the following qualifications:

1. Has passed such physical examination and such other qualification test as may be required by the superintendent.
2. Is of good moral character and temperate habits.
3. Has been a citizen of the United States for not less than two years prior to the appointment.

Preference for appointment must be given at all times to honorably discharged veterans and citizens of the state of North Dakota, and all appointments must be made without regard to any political party affiliation of the applicant.

SECTION 33. AMENDMENT. Section 39-03-05 of the North Dakota Century Code is amended and reenacted as follows:

39-03-05. Badge issued to ~~patrolmen~~troopers - Contents of badge.

The superintendent shall issue to each ~~patrolman~~trooper a badge of authority with the seal of this state in the center thereof. The term "North Dakota patrol" must encircle such seal and above the same must appear the designation of the position held by the person to whom such badge is issued. Each such badge must contain a unit number or symbol of rank. No badge may be issued to any person who is not a duly appointed and acting member of the highway patrol.

SECTION 34. AMENDMENT. Section 39-03-06 of the North Dakota Century Code is amended and reenacted as follows:

39-03-06. Oath required of superintendent, assistant superintendent, and ~~patrolmen~~troopers.

The superintendent, assistant superintendent, and each ~~patrolman~~trooper, before entering upon the performance of the person's duties, shall take and file the oath prescribed by law for state officers.

SECTION 35. AMENDMENT. Section 39-03-07 of the North Dakota Century Code is amended and reenacted as follows:

39-03-07. Salary of superintendent - Limitations.

The salary of the superintendent must be within the amount appropriated for salaries by the legislative assembly. The salary of the assistant superintendent and each ~~patrolman~~trooper must be fixed by the superintendent, and must be paid in the same manner as other state employees are paid.

SECTION 36. AMENDMENT. Section 39-03-11 of the North Dakota Century Code is amended and reenacted as follows:

39-03-11. Penalty for impersonating ~~patrolman~~trooper.

Any person is guilty of a class A misdemeanor if:

1. Without authority, the person wears the badge of a member of the highway patrol, or a badge of similar design which would tend to deceive anyone;
2. The person impersonates a member of the highway patrol or other officer or employee of the highway patrol with intent to deceive anyone; or
3. Without authority, the person wears a uniform likely to be confused with the official uniform of the highway patrol.

SECTION 37. AMENDMENT. Section 39-03-16 of the North Dakota Century Code is amended and reenacted as follows:

39-03-16. Safety division created - Director.

There is hereby created a safety division within the state highway patrol for the purpose of reducing the danger of travel on the highways, roads, and streets of this state, the number of motor vehicle ~~accidents~~crashes with resultant loss of lives, personal injuries, and property damage, and encouraging better law enforcement, more uniform penalties, safe driving practices, and public adherence to traffic safety laws, through public education, information, and support.

The director of the safety division must be appointed by the superintendent in accordance with sections 39-03-03 and 39-03-04, and possessing such qualifications by education or experience in the field of highway safety as the superintendent shall determine. The director shall receive such compensation as may be determined by the superintendent.

SECTION 38. AMENDMENT. Section 39-03-17 of the North Dakota Century Code is amended and reenacted as follows:

39-03-17. Powers and duties of director of the safety division.

The director of the safety division, under the supervision of the highway patrol superintendent, shall direct and carry on a public education and information program and assist and cooperate with all governmental or private agencies, organizations, or groups in order to encourage better and safer driving practices, better law enforcement, and more uniform penalties, for the purpose of reducing the number of motor vehicle ~~accidents~~crashes.

The director shall coordinate and strengthen the highway and traffic safety activities of the state of North Dakota and its political subdivisions. The director shall specifically promote the coordination of the functions of driver licensing and control, financial responsibility, traffic law enforcement, and other highway and traffic safety activities of the state highway patrol and the department of transportation, and shall generally work and cooperate with the officials in charge of these departments and all public officials in all matters relating to motor vehicle safety.

All supplies and equipment of the public safety division of the department of transportation are hereby transferred to the public safety division of the highway patrol created by section 39-03-16.

SECTION 39. AMENDMENT. Subsection 4 of section 39-03.1-01 of the North Dakota Century Code is amended and reenacted as follows:

4. "Fund" means the North Dakota highway ~~patrolmen's~~patrol troopers' retirement fund.

SECTION 40. AMENDMENT. Section 39-03.1-02 of the North Dakota Century Code is amended and reenacted as follows:

39-03.1-02. North Dakota highway ~~patrolmen's~~patrol troopers' retirement system.

A retirement system is hereby established for the members of the North Dakota highway patrol.

SECTION 41. AMENDMENT. Section 39-03.1-10.4 of the North Dakota Century Code is amended and reenacted as follows:

39-03.1-10.4. Reduction in member and employer contributions.

The required increase in the amount of member and employer contributions under sections 39-03.1-09 and 39-03.1-10 must be reduced to the rate in effect on July 1, 2013, effective on the July first that follows the first valuation of the highway ~~patrolmen's~~patrol troopers' retirement plan showing a ratio of the actuarial value of assets to the actuarial accrued liability of the highway ~~patrolmen's~~patrol troopers' retirement plan that is equal to or greater than one hundred percent.

SECTION 42. AMENDMENT. Section 39-03.1-27 of the North Dakota Century Code is amended and reenacted as follows:

39-03.1-27. Legislative intent.

The legislative assembly in recognition of the value of good employer-employee relationships and the need to recruit and retain qualified highway ~~patrolmen~~troopers in this state, hereby declares its intent that the state should provide the comparable contribution for retirement of highway ~~patrolmen's~~patrol troopers' retirement system members as it provides for other state employees. It is the further intent of the legislative assembly that because of the increase in state contributions to the North Dakota highway ~~patrolmen's~~patrol troopers' retirement system, the members of such system shall not obligate the state to additional payments for federal social security benefits for such members.

SECTION 43. AMENDMENT. Section 39-06-22 of the North Dakota Century Code is amended and reenacted as follows:

39-06-22. Driving records of licensees.

The director shall file all ~~accident~~crash reports and abstracts of court records of convictions received by the director under the laws of this state and maintain convenient records or make suitable notations in order that each record of each licensee showing the convictions of the licensee and the traffic ~~accidents~~crashes in which the licensee has been involved is readily ascertainable and available for the consideration of the director.

SECTION 44. AMENDMENT. Subsection 2 of section 39-06-27 of the North Dakota Century Code is amended and reenacted as follows:

2. Upon receipt of a certification that the operating privileges of a resident of this state have been suspended or revoked on an Indian reservation or in any other state under a law providing for the suspension or revocation for failure to deposit security for the

payment of judgments arising out of a motor vehicle ~~accident~~crash if under circumstances that would require the director to suspend a nonresident's operating privileges had the ~~accident~~crash occurred in this state, the director shall suspend the license of the resident if the resident was the driver of a motor vehicle involved in the ~~accident~~crash. The suspension continues until the resident furnishes evidence satisfactory to the director of the resident's compliance with the laws of the Indian reservation or the other state relating to the deposit of security or payment of a judgment arising out of a motor vehicle ~~accident~~crash, to the extent that compliance would be required if the ~~accident~~crash had occurred in this state.

SECTION 45. AMENDMENT. Subsection 5 of section 39-06-32 of the North Dakota Century Code is amended and reenacted as follows:

5. Conviction of an offense under this title and it appears from the director's records that the offense contributed to causing ~~an accident~~a crash which resulted in death or serious personal injury or serious property damage. A suspension may not be imposed if the individual has been sanctioned for the same offense under section 39-06-31.

SECTION 46. AMENDMENT. Section 39-06.1-05 of the North Dakota Century Code is amended and reenacted as follows:

39-06.1-05. Offenses excepted.

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

1. Driving or being in actual physical control of a vehicle in violation of section 39-08-01, or an equivalent ordinance.
2. Reckless driving or aggravated reckless driving in violation of section 39-08-03, or an equivalent ordinance.
3. A violation of chapter 12.1-16 resulting from the operation of a motor vehicle.
4. Leaving the scene of ~~an accident~~a crash in violation of section 39-08-04, 39-08-05, 39-08-07, or 39-08-08, or equivalent ordinances.
5. Driving while license or driving privilege is suspended or revoked in violation of section 39-06-42, or an equivalent ordinance.
6. Violating subdivision b or c of subsection 5 of section 39-24-09.
7. Operating an unsafe vehicle in violation of subsection 2 of section 39-21-46.

8. Causing ~~an accident~~a crash with an authorized emergency vehicle or a vehicle operated by or under the control of the director used for maintaining the state highway system in violation of subsection 5 of section 39-10-26.

SECTION 47. AMENDMENT. Paragraph 39 of subdivision a of subsection 3 of section 39-06.1-10 of the North Dakota Century Code is amended and reenacted as follows:

(39)	Operating a motor vehicle without liability insurance, in violation of section 39-08-20, if the violation was discovered as the result of the investigation of ~~an accident~~a crash in which the driver is the owner	14 points

SECTION 48. AMENDMENT. Subdivision b of subsection 3 of section 39-06.1-10 of the North Dakota Century Code is amended and reenacted as follows:

b. Criminal Violations

Conviction of:		Points Assigned:
(1)	Reckless driving in violation of section 39-08-03, or equivalent ordinance	8 points
(2)	Aggravated reckless driving in violation of section 39-08-03, or equivalent ordinance	12 points
(3)	Leaving the scene of ~~an accident~~a crash involving property damage in violation of section 39-08-05, 39-08-07, or 39-08-08, or equivalent ordinances	14 points
(4)	Leaving the scene of ~~an accident~~a crash involving personal injury or death in violation of section 39-08-04, or equivalent ordinance	18 points
(5)	Violating restrictions in a restricted license issued under section 39-06-17 and relating to the use of eyeglasses or contact lenses while driving	3 points
(6)	Violating any restrictions other than those listed in paragraph 5, contained in a restricted license issued under section 39-06-17 or 39-06.1-11	4 points

(7)	Except as provided in paragraph 9 of subdivision a, knowingly operating an unsafe vehicle in violation of section 39-21-46, or equivalent ordinance	2 points
(8)	Fleeing in a motor vehicle from a peace officer in violation of section 39-10-71, or equivalent ordinance	24 points
(9)	Causing ~~an accident~~a crash with an authorized emergency vehicle or a vehicle operated by or under the control of the director used for maintaining the state highway system in violation of subsection 5 of section 39-10-26, or equivalent ordinance	2 points

SECTION 49. AMENDMENT. Subdivision a of subsection 2 of section 39-06.1-15 of the North Dakota Century Code is amended and reenacted as follows:

a. A vehicle ~~accident~~crash report, if the driver was involved in a vehicle ~~accident~~crash;

SECTION 50. AMENDMENT. Section 39-06.2-01 of the North Dakota Century Code is amended and reenacted as follows:

39-06.2-01. Uniform Commercial Driver's License Act.

The purpose of this chapter is to implement the federal Commercial Motor Vehicle Safety Act of 1986 [title XII of Pub. L. 99-570, 49 U.S.C. 2701, repealed] and Motor Carrier Safety Improvement Act of 1999 [Pub. L. 106-159; 113 Stat. 1748; 49 U.S.C. 113 et seq.] and reduce or prevent commercial motor vehicle ~~accidents~~crashes, fatalities, and injuries by:

1. Permitting commercial drivers to hold only one license;
2. Disqualifying commercial drivers who have committed certain serious traffic violations or other specified offenses; and
3. Strengthening commercial driver's licensing and testing standards.

This chapter is a remedial law which should be liberally construed to promote the public health, safety, and welfare. To the extent that this chapter conflicts with general driver's licensing provisions, this chapter prevails. Where this chapter is silent, the general driver's licensing provisions apply.

SECTION 51. AMENDMENT. Subsection 18 of section 39-06.2-02 of the North Dakota Century Code is amended and reenacted as follows:

18. "Fatality" means the death of an individual as a result of a motor vehicle ~~accident~~crash.

SECTION 52. AMENDMENT. Subdivision c of subsection 30 of section 39-06.2-02 of the North Dakota Century Code is amended and reenacted as follows:

c. A violation of any state or local law related to motor vehicle traffic control, other than a parking violation, arising in connection with a fatal ~~accident~~crash;

SECTION 53. AMENDMENT. Subdivision b of subsection 1 of section 39-06.2-10 of the North Dakota Century Code is amended and reenacted as follows:

b. Leaving the scene of ~~an accident~~a crash involving a commercial motor vehicle driven by the individual in violation of section 39-08-04, 39-08-05, 39-08-07, or 39-08-09;

SECTION 54. AMENDMENT. Subsection 10 of section 39-06.2-10 of the North Dakota Century Code is amended and reenacted as follows:

10. For a first conviction for leaving the scene of ~~an accident~~a crash while operating a noncommercial motor vehicle, a holder of a commercial driver's license or learner's permit must be disqualified from operating a commercial motor vehicle for one year.

SECTION 55. AMENDMENT. Subsection 11 of section 39-06.2-10 of the North Dakota Century Code is amended and reenacted as follows:

11. For a second or subsequent conviction for leaving the scene of ~~an accident~~a crash while operating a noncommercial motor vehicle, a holder of a commercial driver's license or learner's permit must be disqualified from operating a commercial motor vehicle for life.

SECTION 56. AMENDMENT. Section 39-06.2-10.5 of the North Dakota Century Code is amended and reenacted as follows:

39-06.2-10.5. Revocation of privilege to drive commercial motor vehicle upon refusal to submit to testing.

If a person refuses to submit to testing under section 39-06.2-10.2, the law enforcement officer shall immediately take possession of the person's driver's license and issue to that person a temporary driver's permit. The director, upon the receipt of that person's driver's license and a certified written report of the law enforcement officer in the form required by the director, forwarded by the officer within five days after issuing the temporary driver's permit,

showing that the officer had reasonable grounds to believe the person had been driving or was in actual physical control of a commercial motor vehicle while in violation of section 39-06.2-10.1 or, had reason to believe that the person committed a moving traffic violation or was involved in a traffic ~~accident~~crash as a driver, and in conjunction with the violation or ~~accident~~crash the officer has, through the officer's observations, formulated an opinion that the person's body contains alcohol, that the person was lawfully detained, and that the person had refused to submit to the screening test under section 39-06.2-10.2, shall revoke that person's commercial driver's license or permit to drive and any nondomiciled commercial driver's privilege for the appropriate period under section 39-06.2-10, or if the person is a resident without a commercial driver's license or permit, the director shall deny to the person the issuance of a commercial driver's license or permit for the appropriate period under section 39-06.2-10 after the date of the alleged violation, subject to the opportunity for a prerevocation hearing and postrevocation review as provided in this chapter. In the revocation of the person's driver's license the director shall give credit for time in which the person was without a driver's license after the day of the person's refusal to submit to the test except that the director may not give credit for time in which the person retained driving privileges through a temporary driver's permit.

SECTION 57. AMENDMENT. Subsection 3 of section 39-06.2-10.6 of the North Dakota Century Code is amended and reenacted as follows:

3. If the issue to be determined by the hearing concerns license revocation for refusing to submit to a test under section 39-06.2-10.2, the hearing must be before a hearing officer assigned by the director at a time and place designated by the director. The hearing must be recorded. The scope of a hearing for refusing to submit to a test under section 39-06.2-10.2 may cover only the issues of whether a law enforcement officer had reasonable grounds to believe the person had been driving or was in actual physical control of a commercial motor vehicle in violation of section 39-06.2-10.1, whether the person was lawfully detained, and whether that person refused to submit to the test or tests. The scope of a hearing for refusing to submit to a test under subsection 3 of section 39-06.2-10.4 may cover only the issues of whether the law enforcement officer had reason to believe the person committed a moving traffic violation or was involved in a traffic ~~accident~~crash as a driver, whether in conjunction

with the violation or the ~~accident~~crash the officer has, through the officer's observations, formulated an opinion that the person's body contains alcohol and, whether the person refused to submit to the onsite screening test. Whether the person was warned that the privilege to drive would be revoked or denied for refusal to submit to the test or tests is not an issue.

SECTION 58. AMENDMENT. Section 39-07-12 of the North Dakota Century Code is amended and reenacted as follows:

39-07-12. Garages to report.

The person in charge of any garage or repair shop to which is brought any motor vehicle which shows evidence of having been involved in a reportable ~~accident~~crash as provided in section 39-08-09 or of being struck by any bullet shall report or cause a report to be made to a police officer within twenty-four hours after such motor vehicle is received, and before any repairs are made to such vehicle, giving the registration number, and the name and address of the owner, operator, or person in control of such vehicle with a description of the location and type of damage to the vehicle, or any missing parts, if the vehicle does not have a sticker on a window thereof issued by a police officer, sheriff, or highway ~~patrolman~~patrol trooper, bearing information to show that the ~~accident~~crash in which the vehicle was involved has been investigated. The police officer investigating any reportable ~~accident~~crash shall attach a sticker to the window of any damaged vehicle showing that the ~~accident~~crash in which such vehicle was involved has been investigated. If the vehicle does bear such a sticker, the garage or repair shop need not make the report this section requires and may begin repairs immediately. After repairs have been made and before the vehicle is released, the sticker provided herein must be removed.

SECTION 59. AMENDMENT. Section 39-07-13 of the North Dakota Century Code is amended and reenacted as follows:

39-07-13. Wrecker and towing services to report.

The person in charge or the operator of any commercial towing or wrecker service which causes any motor vehicle to be transported to a private residence or business other than a garage or repair shop which shows evidence of having been involved in a reportable ~~accident~~crash as provided in section 39-08-09 or of being struck by any bullet shall report or cause a report to be made to a police officer within twenty-four hours after such motor vehicle is

transported. The report must give the registration number, and the name and address of the owner, operator, or person in control of such vehicle with a description of the location and type of damage to the vehicle, or any missing parts, along with the location such vehicle was transported to, if the vehicle does not have a sticker on a window thereof issued by a police officer, sheriff, or highway ~~patrolman~~patrol trooper, bearing information to show that the ~~accident~~crash in which the vehicle was involved has been investigated. If the vehicle does bear such a sticker, the towing or wrecker service need not make the report this section requires.

SECTION 60. AMENDMENT. Subsection 1 of section 39-08-04 of the North Dakota Century Code is amended and reenacted as follows:

1. The driver of any vehicle involved in ~~an accident~~a crash resulting in injury to or death of any person shall immediately stop or return with the vehicle as close as possible to the scene of the ~~accident~~crash and in every event shall remain at the scene of the ~~accident~~crash until that driver has fulfilled the requirements of section 39-08-06. Every stop required by this section must be made without obstructing traffic more than is necessary.

SECTION 61. AMENDMENT. Section 39-08-04.1 of the North Dakota Century Code is amended and reenacted as follows:

39-08-04.1. Emergency care or services rendered - Liability.

Any person who is an unpaid volunteer, who in good faith, renders emergency care or services at or near the scene of ~~an accident~~a crash, disaster, or other emergency, or en route to a treatment facility, is not liable to the recipient of the emergency care or services for any damages resulting from the rendering of that care or services.

SECTION 62. AMENDMENT. Section 39-08-06 of the North Dakota Century Code is amended and reenacted as follows:

39-08-06. Duty to give information and render aid.

The driver of any vehicle involved in ~~an accident~~a crash resulting in injury to or the death of any person or damage to any vehicle which is driven or attended by any person shall give the driver's name and address, and the name of the motor vehicle insurance policy carrier of the driver and owner, as well as the registration number, of the vehicle. Upon request, and if available, the driver of any vehicle involved in the ~~accident~~crash shall exhibit the driver's operator's or chauffeur's license to the person struck or the driver or occupant of or person

attending any other vehicle involved in the ~~accident~~crash and shall render to any person injured in the ~~accident~~crash reasonable assistance, including the carrying, or the making of arrangements for the carrying, of the person to a physician, surgeon, or hospital for medical or surgical treatment if it is apparent that treatment is necessary or if the carrying is requested by the injured person.

SECTION 63. AMENDMENT. Section 39-08-09 of the North Dakota Century Code is amended and reenacted as follows:

39-08-09. Immediate notice of ~~accident~~crash - Penalty.

1. The driver of a vehicle involved in ~~an accident~~a crash resulting in injury to or death of any individual, or property damage to an apparent extent of at least four thousand dollars, shall immediately give notice of the ~~accident~~crash to the local police department if the ~~accident~~crash occurs within a municipality, otherwise to the office of the county sheriff or the state highway patrol. A driver who violates this section must be assessed a fine of fifty dollars. The name of the motor vehicle insurance policy carrier and the policy number of the driver, or if the driver is not the owner of the vehicle, then the motor vehicle insurance policy carrier and the policy number of the owner of the vehicle, must be furnished to the law enforcement officer investigating the ~~accident~~crash. If the driver does not have the required information concerning insurance to furnish to the investigating law enforcement officer, then within five days of the ~~accident~~crash the driver shall supply that information to the driver's license division in the form the division requires.
2. The director may suspend the license or permit to drive and any nonresident operating privileges of any person failing to comply with the duties as provided in sections 39-08-06 through 39-08-09 until those duties have been fulfilled, and the director may extend the suspension not to exceed thirty days.
3. The driver of a vehicle involved in ~~an accident~~a crash with an undomesticated animal resulting in property damage only to the driver's vehicle is exempt from the notice requirements of this section, regardless of the amount of damage to the driver's vehicle.

SECTION 64. AMENDMENT. Subsection 5 of section 39-08-13 of the North Dakota Century Code is amended and reenacted as follows:

5. Unless the requester is a party to the ~~accident~~crash, a party's legal representative, the insurer of any party to the ~~accident~~crash, the agent of that insurer, or the legal representative or insurer of an individual involved in defending or investigating a prior or subsequent claim or ~~accident~~crash involving a party to the ~~accident~~crash, the following information contained in the report is exempt:
   a. The name of a minor party in the report;
   b. Driver identification number of a minor party in the report; and
   c. Telephone number uniquely owned by a minor party in the report.

SECTION 65. AMENDMENT. Subsection 3 of section 39-08-23 of the North Dakota Century Code is amended and reenacted as follows:

3. This section does not apply if a wireless communications device is used for obtaining emergency assistance to report a traffic ~~accident~~crash, medical emergency, or serious traffic hazard or to prevent a crime about to be committed, in the reasonable belief that an individual's life or safety is in immediate danger, or in an authorized emergency vehicle while in the performance of official duties.

SECTION 66. AMENDMENT. Subdivision b of subsection 1 of section 39-08-25 of the North Dakota Century Code is amended and reenacted as follows:

b. Is determined to have been the operator of a motor vehicle that was involved in a reportable ~~accident~~crash as defined in section 39-08-09 which resulted in property damage and, at the time the reportable ~~accident~~crash occurred, the individual was engaged in the operation of a motor vehicle while distracted.

SECTION 67. AMENDMENT. Subsection 2 of section 39-10-01 of the North Dakota Century Code is amended and reenacted as follows:

2. The provisions of this title, or equivalent ordinances, relating to reporting of ~~accidents~~crashes, careless driving, exhibition driving, drag racing, reckless or aggravated reckless driving, driving while under the influence of intoxicating liquor or controlled substances, or fleeing or attempting to elude a peace officer apply upon highways and elsewhere.

SECTION 68. AMENDMENT. Subsection 5 of section 39-10-26 of the North Dakota Century Code is amended and reenacted as follows:

5. a. Any individual who violates subsection 2 and causes ~~an accident~~a crash with an authorized emergency vehicle while the authorized emergency vehicle is displaying a visible flashing, revolving, or rotating amber, blue, white, or red light is guilty of an infraction.

b. An individual who violates subsection 3 and causes ~~an accident~~a crash with a vehicle operated by or under the control of the director used for maintaining the state highway system while the vehicle is displaying a visible flashing, revolving, or rotating amber or white light is guilty of an infraction.

SECTION 69. AMENDMENT. Subsection 2 of section 39-10-69 of the North Dakota Century Code is amended and reenacted as follows:

2. The provision in this title declaring maximum speed limitations may not be construed to relieve the plaintiff in any action from the burden of proving negligence on the part of the defendant as the proximate cause of the ~~accident~~crash.

SECTION 70. AMENDMENT. Subsection 2 of section 39-16-03 of the North Dakota Century Code is amended and reenacted as follows:

2. Copies of abstracts are not admissible as evidence in any civil or criminal trial arising out of a motor vehicle ~~accident~~crash. Upon request and subject to the provisions of this title, the director shall furnish an operating record or complete operating record to the subject of the record or to law enforcement or judicial officers.

SECTION 71. AMENDMENT. Section 39-16-04 of the North Dakota Century Code is amended and reenacted as follows:

39-16-04. Suspension of license for neglect to report ~~accident~~a crash.

The director may suspend the license, or any nonresident's operating privilege, of any person who willfully fails, refuses, or neglects to make report of a traffic ~~accident~~crash as required by the laws of this state.

SECTION 72. AMENDMENT. Section 39-16-05 of the North Dakota Century Code is amended and reenacted as follows:

39-16-05. Suspension of license and when not applicable.

1. The director, within ninety days after the receipt of a report of a motor vehicle ~~accident~~crash within this state for which a driver is required to file a report under section 39-08-09, shall suspend the license or nonresident operating privilege of each

driver of each vehicle in any manner involved in the ~~accident~~crash unless the driver deposits security as provided in sections 39-16-09 and 39-16-10 in a sum which is sufficient in the judgment of the director to satisfy any judgment or judgments for damages resulting from the ~~accident~~crash as may be recovered against such driver. Notice of suspension and opportunity for hearing must be sent by the director to the driver not less than ten days prior to the effective date of the suspension and must state the amount required as security. ~~H~~However, if a driver, either resident or nonresident, involved in the ~~accident~~crash purchases an insurance policy with at least the amount of coverage required by this section, and files proof and satisfies financial responsibility requirements thereof with the director, that driver may retain the license or privilege until the driver has accepted responsibility for the ~~accident~~crash or agreed to a settlement of claims arising from the ~~accident~~crash or until a court of this state has determined that the driver was negligent or responsible for the ~~accident~~crash in whole or in part. If the driver is found negligent or responsible for the ~~accident~~crash, in whole or in part, the license or privilege must be suspended and will not be returned until the driver complies with this chapter.

2. This section does not apply under the conditions stated in section 39-16-06, or:

   a. To a driver, if the driver is the owner of the motor vehicle involved in the ~~accident~~crash and had in effect at the time of such ~~accident~~crash an automobile liability policy with respect to the motor vehicle involved in the ~~accident~~crash, affording substantially the same coverage as is required for proof of financial responsibility under chapter 39-16.1.

   b. To a driver, if not the owner of the motor vehicle, if there was in effect at the time of the ~~accident~~crash an automobile liability policy or bond with respect to the driver's operation of the motor vehicle, affording substantially the same coverage as required for proof of financial responsibility under chapter 39-16.1.

   c. To a driver, if the liability of the driver for damages resulting from the ~~accident~~crash is, in the judgment of the director, covered by any other form of liability insurance policy or bond or certificate of self-insurance under section 39-16-32.

3. No such policy or bond is effective under this section unless by an insurance carrier or surety company authorized to do business in this state, except that if the motor vehicle was not registered in the state, or was a motor vehicle which was registered elsewhere than in this state at the effective date of the policy or bond, or the most recent renewal thereof, the policy or bond is not effective under this section unless the insurance carrier or surety company, if not authorized to do business in this state, shall execute a power of attorney authorizing the director to accept service, on its behalf, of notice or process in any action upon the policy or bond arising out of the ~~accident~~crash; provided, every such policy or bond is subject, if the ~~accident~~crash has resulted in bodily injury or death, to a limit, exclusive of interest and costs, of not less than twenty-five thousand dollars because of bodily injury to or death of one person in any one ~~accident~~crash and, subject to the limit for one person, to a limit of not less than fifty thousand dollars because of bodily injury to or death of two or more persons in any one ~~accident~~crash, and, if the ~~accident~~crash has resulted in injury to or destruction of property to a limit of at least twenty-five thousand dollars because of injury to or destruction of property of others in any one ~~accident~~crash. Upon receipt of notice of the ~~accident~~crash, the insurance carrier or surety company which issued the policy or bond shall furnish for filing with the director a written notice that the policy or bond was in effect at the time of the ~~accident~~crash, or the department may rely upon the accuracy of the information and the required report of ~~an accident~~a crash as to the existence of insurance or a bond unless and until the department has reason to believe that the information is erroneous.

SECTION 73. AMENDMENT. Section 39-16-06 of the North Dakota Century Code is amended and reenacted as follows:

39-16-06. When requirements as to security and suspension do not apply.

The requirements as to security and suspension in section 39-16-05 do not apply:

1. To the driver of a motor vehicle involved in ~~an accident~~a crash wherein no injury or damage was caused to the person or property of any one other than such driver.
2. To the driver of a motor vehicle if at the time of the ~~accident~~crash the vehicle was stopped, standing, or parked and whether attended or unattended, except that the requirements of this chapter apply in the event the director determines that any such

stopping, standing, or parking of the vehicle was illegal or that the vehicle was not equipped as required by the laws of this state and that any such violation contributed to the ~~accident~~crash.

3. If prior to the date that the director would otherwise suspend a license or nonresident's operating privilege under section 39-16-05, there must be filed with the director evidence satisfactory to the director that the person who would otherwise have to file security has been released from liability or been finally adjudicated not to be liable or has executed a confession of judgment, payable when and in such installments as the parties have agreed to, or has executed a duly acknowledged written agreement providing for the payment of an agreed amount in installments, with respect to all claims for injuries or damages resulting from the ~~accident~~crash.

SECTION 74. AMENDMENT. Subsection 2 of section 39-16-07 of the North Dakota Century Code is amended and reenacted as follows:

2. One year has elapsed following the date of such ~~accident~~crash and no evidence satisfactory to the director has been filed with the director that during such period an action for damages arising out of such ~~accident~~crash has been instituted; or

SECTION 75. AMENDMENT. Section 39-16-08 of the North Dakota Century Code is amended and reenacted as follows:

39-16-08. Requirements of one not licensed.

In case the driver or the owner of a motor vehicle involved in ~~an accident~~a crash within this state has no license, the person may not be allowed a license until the person has complied with the requirements of this chapter to the same extent that would be necessary if, at the time of the ~~accident~~crash, the person had held a license.

SECTION 76. AMENDMENT. Section 39-16-09 of the North Dakota Century Code is amended and reenacted as follows:

39-16-09. Director may fix, reduce, or increase requirement.

The security required under this chapter must be in such form and amount as the director may require but in no case in excess of the limits specified in section 39-16-05 in reference to the acceptable limits of a policy or bond. The person depositing security shall specify in writing the person in whose behalf the deposit is made, and at any time while such deposit is in the custody of the director or state treasurer, the person depositing it may in writing amend the

specification of the person on whose behalf the deposit is made to include an additional person; provided, that a single deposit of security shall be applicable only on behalf of a person required to furnish security because of the same ~~accident~~crash. The director may reduce or increase the amount of security ordered in any case if, in the director's judgment, the amount ordered is excessive or inadequate. In case the security originally ordered has been deposited, the excess deposited over the reduced amount must be returned to the depositor or the depositor's personal representative forthwith, notwithstanding the provisions of section 39-16-10.

SECTION 77. AMENDMENT. Section 39-16-10 of the North Dakota Century Code is amended and reenacted as follows:

39-16-10. Deposit of security with Bank of North Dakota - Release - How payment made.

1. Security deposited in compliance with the requirements of this chapter must be placed by the director in the custody of the Bank of North Dakota and must be applied as in subsection 2 only to the payment of a judgment rendered against the person on whose behalf the deposit was made, for damages arising out of the ~~accident~~crash in question in an action at law, begun not later than one year after the date of such ~~accident~~crash, or within one year after the date of deposit of any security under subsection 3 of section 39-16-07, and such deposit or any balance thereof must be returned to the depositor or the depositor's personal representative, when evidence satisfactory to the director has been filed with the director that there has been a release from liability, or a final adjudication of nonliability, or a confession of judgment, or a duly acknowledged agreement, in accordance with subsection 3 of section 39-16-06, or whenever, after the expiration of one year from the date of the ~~accident~~crash, or within one year after the date of deposit of any security under subsection 3 of section 39-16-07, the director is given reasonable evidence that there is no such action pending and no judgment rendered in such action left unpaid. Upon certification by the director, the Bank of North Dakota shall return any security deposited with the director under the provisions of this chapter to the person entitled thereto except as provided for in subsection 3.
2. Such deposit must be held by the Bank of North Dakota to satisfy, in accordance with the provisions of this chapter, any execution on a judgment issued against the person for whom such deposit was made, for damages, including damages for care and loss

of services, because of bodily injury to or death of any person, or for damages because of injury to or destruction of property, including the loss of use thereof, resulting from the ownership, maintenance, use, or operation of a motor vehicle in the ~~accident~~crash which resulted in the requirement for the deposit of such security. Money or securities so deposited shall not be subject to attachment or execution unless such attachment or execution arises out of a suit for damages as aforesaid.

3. All payments and refunds made from cash deposits in the Bank of North Dakota under this chapter must be made upon a warrant-check issued by the department of transportation after submission of a duly authorized voucher.

SECTION 78. AMENDMENT. Subsection 3 of section 39-16.1-04 of the North Dakota Century Code is amended and reenacted as follows:

3. Any person whose license or nonresident's operating privilege has been suspended or is about to be suspended or will become subject to suspension under this chapter may be relieved from the effect of the judgment as prescribed in this chapter by filing with the director an affidavit stating that at the time of the ~~accident~~crash upon which the judgment has been rendered the affiant was insured, that the insurer is liable to pay the judgment, and the reason, if known, why the insurer has not paid the judgment. That person shall also file the original or a copy of the insurance policy, if available, and any other documents the director may require to show that the loss, injury, or damage for which the judgment was rendered, was covered by the insurance policy. If the director is satisfied from such papers that the insurer was authorized to issue the insurance policy at the time and place of issuing the policy and that the insurer is liable to pay the judgment, at least to the extent and for the amounts required in this chapter, the director may not suspend the license or nonresident's operating privilege, or if already suspended shall reinstate them.

SECTION 79. AMENDMENT. Section 39-16.1-05 of the North Dakota Century Code is amended and reenacted as follows:

39-16.1-05. Satisfaction of judgment.

Judgments herein referred to must, for the purpose of this chapter only, be deemed satisfied:

1. When twenty-five thousand dollars has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of one person as the result of any one ~~accident~~crash;
2. When, subject to such limit of twenty-five thousand dollars because of bodily injury to or death of one person, the sum of fifty thousand dollars has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of two or more persons as the result of any one ~~accident~~crash; or
3. When twenty-five thousand dollars has been credited upon any judgment or judgments rendered in excess of that amount because of damage to or destruction of property of others as a result of any one ~~accident~~crash. Payments made in settlement of any claims because of bodily injury, death, or property damages arising from a motor vehicle ~~accident~~crash must be credited in reduction of the amounts provided for in this section.

SECTION 80. AMENDMENT. Subdivision a of subsection 1 of section 39-16.1-10 of the North Dakota Century Code is amended and reenacted as follows:

a. The insurance carrier shall execute a power of attorney authorizing the director to accept service on its behalf of notice or process in any action arising out of a motor vehicle ~~accident~~crash in this state.

SECTION 81. AMENDMENT. Subdivision b of subsection 2 of section 39-16.1-11 of the North Dakota Century Code is amended and reenacted as follows:

b. Must insure the person named therein and any other person, as insured, using such motor vehicle or motor vehicles with the express or implied permission of such named insured, against loss from the liability imposed by law for damages arising out of the ownership, maintenance, or use of such motor vehicles within the United States of America or the Dominion of Canada, subject to limits exclusive of interest and costs, with respect to each such motor vehicle, as follows: twenty-five thousand dollars because of bodily injury to or death of one person in any one ~~accident~~crash and subject to said limit for one person, fifty thousand dollars because of bodily injury to or death of two or more persons in any one ~~accident~~crash, and twenty-five thousand dollars because of injury to or destruction of property of others in any one ~~accident~~crash.

SECTION 82. AMENDMENT. Subdivision c of subsection 6 of section 39-16.1-11 of the North Dakota Century Code is amended and reenacted as follows:

c. The insurance carrier has the right to settle any claim covered by the policy, and if the settlement is made in good faith, the amount of that settlement is deductible from the limits of liability specified in subdivision b of subsection 2 for the ~~accident~~crash out of which the claim arose.

SECTION 83. AMENDMENT. Subsection 2 of section 39-16.1-17 of the North Dakota Century Code is amended and reenacted as follows:

2. The director may not consent to the cancellation of any bond or the return of any money or securities in the event any action for damages upon liability covered by such proof is then pending or any judgment upon any such liability is then unsatisfied, or in the event the person who has filed such bond or deposited such money or securities has, within one year immediately preceding such request been involved as an operator or owner in any motor vehicle ~~accident~~crash resulting in injury or damage to the person or property of others. An affidavit of the applicant as to the nonexistence of such facts, or that the applicant has been released from all of the applicant's liability, or has been finally adjudicated not to be liable, for such injury or damage, is sufficient evidence thereof in the absence of evidence to the contrary in the records of the director.

SECTION 84. AMENDMENT. Subsection 2 of section 39-16.1-19 of the North Dakota Century Code is amended and reenacted as follows:

2. The director may not consent to the cancellation of any bond or the return of any money or securities in the event any action for damages upon a liability covered by such proof is then pending or any judgment upon any such liability is then unsatisfied, or in the event the person who has filed such bond or deposited such money or securities has, within one year immediately preceding such request, been involved as an operator or owner in any motor vehicle ~~accident~~crash resulting in injury or damage to the person or property of others. An affidavit of the applicant as to the nonexistence of such facts, or that the applicant has been released from all of the applicant's liability, or has been finally adjudicated not to be liable, for such injury or damage, is sufficient

evidence thereof in the absence of evidence to the contrary in the records of the director.

SECTION 85. AMENDMENT. Section 39-16.2-05 of the North Dakota Century Code is amended and reenacted as follows:

39-16.2-05. Penalties.

A dealer subject to the financial responsibility requirements of this chapter who operates or causes to be operated a motor vehicle in this state without meeting the financial responsibility requirements of this chapter is guilty of a class B misdemeanor. A dealer subject to the financial responsibility requirements of this chapter who operates or causes to be operated a motor vehicle in this state without meeting the financial responsibility requirements of this chapter if the vehicle is involved in ~~an accident~~a crash is guilty of a class A misdemeanor. The department may refuse to issue the registration for a vehicle or may cancel the registration of a vehicle owned or operated by a person who does not comply with the requirements of this chapter.

SECTION 86. AMENDMENT. Subsection 1 of section 39-20-04 of the North Dakota Century Code is amended and reenacted as follows:

1. If a person refuses to submit to testing under section 39-20-01 or 39-20-14, none may be given, but the law enforcement officer shall immediately take possession of the person's operator's license if it is then available and shall immediately issue to that person a temporary operator's permit, if the person then has valid operating privileges, extending driving privileges for the next twenty-five days or until earlier terminated by a decision of a hearing officer under section 39-20-05. The law enforcement officer shall sign and note the date on the temporary operator's permit. The temporary operator's permit serves as the director's official notification to the person of the director's intent to revoke driving privileges in this state and of the hearing procedures under this chapter. The director, upon the receipt of that person's operator's license and a certified written report of the law enforcement officer in the form required by the director, forwarded by the officer within five days after issuing the temporary operator's permit, showing that the officer had reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle while in violation of section 39-08-01 or equivalent ordinance or, for purposes of section 39-20-14, had reason to believe that the person committed a moving traffic violation or was involved

in a traffic ~~accident~~crash as a driver, and in conjunction with the violation or ~~accident~~crash the officer has, through the officer's observations, formulated an opinion that the person's body contains alcohol, that the person was lawfully arrested if applicable, and that the person had refused to submit to the test or tests under section 39-20-01 or 39-20-14, shall revoke that person's license or permit to drive and any nonresident operating privilege for the appropriate period under this section, or if the person is a resident without a license or a permit to operate a motor vehicle in this state, the director shall deny to the person the issuance of a license or permit for the appropriate period under this section after the date of the alleged violation, subject to the opportunity for a prerevocation hearing and postrevocation review as provided in this chapter. In the revocation of the person's operator's license the director shall give credit for time in which the person was without an operator's license after the day of the person's refusal to submit to the test except that the director may not give credit for time in which the person retained driving privileges through a temporary operator's permit issued under this section or section 39-20-03.2. The period of revocation or denial of issuance of a license or permit under this section is:

a. One hundred eighty days if the person's driving record shows that within the seven years preceding the most recent violation of this section, the person's operator's license has not previously been suspended, revoked, or issuance denied for a violation of this chapter or section 39-08-01 or equivalent ordinance.
b. Two years if the person's driving record shows that within the seven years preceding the most recent violation of this section, the person's operator's license has been once previously suspended, revoked, or issuance denied for a violation of this chapter or section 39-08-01 or equivalent ordinance.
c. Three years if the person's driving record shows that within the seven years preceding the most recent violation of this section, the person's operator's license has at least twice previously been suspended, revoked, or issuance denied under this chapter, or for a violation of section 39-08-01 or equivalent ordinance, or any combination of the same, and the suspensions, revocations, or denials resulted from at least two separate arrests.

SECTION 87. AMENDMENT. Subsection 3 of section 39-20-05 of the North Dakota Century Code is amended and reenacted as follows:

3. If the issue to be determined by the hearing concerns license revocation for refusing to submit to a test under section 39-20-01 or 39-20-14, the hearing must be before a hearing officer assigned by the director at a time and place designated by the director. The hearing must be recorded. The scope of a hearing for refusing to submit to a test under section 39-20-01 may cover only the issues of whether a law enforcement officer had reasonable grounds to believe the person had been driving or was in actual physical control of a vehicle in violation of section 39-08-01 or equivalent ordinance or, with respect to a person under twenty-one years of age, the person had been driving or was in actual physical control of a vehicle while having an alcohol concentration of at least two one-hundredths of one percent by weight; whether the person was placed under arrest; and whether that person refused to submit to the test or tests. The scope of a hearing for refusing to submit to a test under section 39-20-14 may cover only the issues of whether the law enforcement officer had reason to believe the person committed a moving traffic violation or was involved in a traffic ~~accident~~crash as a driver, whether in conjunction with the violation or the ~~accident~~crash the officer has, through the officer's observations, formulated an opinion that the person's body contains alcohol and, whether the person refused to submit to the onsite screening test.

SECTION 88. AMENDMENT. Section 39-20-13 of the North Dakota Century Code is amended and reenacted as follows:

39-20-13. State crime laboratory to examine specimens of fatalities in accidental deaths involving a motor vehicle - Record use.

In cases of death resulting from a motor vehicle ~~accident~~crash or other unnatural death occurring in a motor vehicle, the county coroner shall require that specimens of blood, urine, and vitreous humor be withdrawn from the body of the decedent within twenty-four hours after the decedent's death by a coroner, coroner's physician, or other qualified person, prior to embalming. The specimens must be collected and preserved by methods and techniques established by the director of the state crime laboratory or the director's designee. The specimens so drawn must be sent to the director of the state crime laboratory or the director's

designee for analysis for alcohol, carbon monoxide, and other drug content. The director of the state crime laboratory or the director's designee shall keep a record of all such examinations to be used for statistical purposes. The records must be made available to the director for use by the national highway traffic safety administration in analyzing fatal ~~accidents~~crashes. The information in the possession of the director may be obtained from the director of the state crime laboratory or the director's designee only as provided in this section. Except as provided, the results of the examinations referred to in this section must be used only for statistical purposes, except that the results must be released upon the issuance of a subpoena duces tecum by a court of competent jurisdiction in any civil or criminal action. The cumulative results of the examinations, without identifying the individuals involved, must be disseminated to interested state and local officials and made public by the director of the state crime laboratory or the director's designee. Any person drawing the specimens and any person making any examination under the terms of this section are immune from all liability, civil or criminal, that might otherwise be incurred or imposed.

SECTION 89. AMENDMENT. Subsection 1 of section 39-20-14 of the North Dakota Century Code is amended and reenacted as follows:

1. Any individual who operates a motor vehicle upon the public highways of this state is deemed to have given consent to submit to an onsite screening test or tests of the individual's breath for the purpose of estimating the alcohol concentration in the individual's breath upon the request of a law enforcement officer who has reason to believe that the individual committed a moving traffic violation or a violation under section 39-08-01 or an equivalent offense, or was involved in a traffic ~~accident~~crash as a driver, and in conjunction with the violation or the ~~accident~~crash the officer has, through the officer's observations, formulated an opinion that the individual's body contains alcohol.

SECTION 90. AMENDMENT. Subsection 11 of section 39-24-09 of the North Dakota Century Code is amended and reenacted as follows:

11. A person may not operate a snowmobile, and an owner of a snowmobile may not knowingly permit the snowmobile to be operated, upon any property maintained, leased, or owned by the state parks and recreation department to which the public has a right of access for snowmobile or other vehicular use, without a policy of liability

insurance which insures the person named, and any person using the snowmobile with the express or implied permission of the person named, against loss from the liability imposed by law for damages arising out of the ownership, maintenance, or use of the snowmobile within this state, subject to the following limits, exclusive of interest and costs, with respect to each snowmobile: twenty-five thousand dollars because of bodily injury to or death of one person in any one ~~accident~~crash and, subject to the limit for one person, fifty thousand dollars because of bodily injury to or death of two or more persons in any one ~~accident~~crash, and twenty-five thousand dollars because of injury to or destruction of property of others in any one ~~accident~~crash. Upon request of a law enforcement officer, a person operating a snowmobile shall provide proof of liability insurance to that officer within twenty days.

SECTION 91. AMENDMENT. Section 39-24.1-02 of the North Dakota Century Code is amended and reenacted as follows:

39-24.1-02. Chemical test of operator in serious bodily injury or fatal ~~accident~~crash.

Notwithstanding section 39-24.1-01 or 39-24.1-06, when the operator of a snowmobile is involved in ~~an accident~~a crash resulting in the death or serious bodily injury, as defined in section 12.1-01-04, of another person, and there is probable cause to believe that the operator is in violation of subdivision c of subsection 5 of section 39-24-09, the operator may be compelled by a law enforcement officer to submit to a chemical test.

SECTION 92. AMENDMENT. Subsection 8 of section 43-30-02 of the North Dakota Century Code is amended and reenacted as follows:

8. An expert who specializes in a specific, limited area of practice, including automotive ~~accident~~crash reconstructions, fire origin and cause investigations, technical surveillance countermeasures, handwriting analysis, auditor, accountant or accounting clerk performing audits or accounting functions, or other areas of practice covered by other licensure in the state, and other areas determined by the board, that fall within the individual's scope of employment, incidental to the investigative profession.

SECTION 93. AMENDMENT. Section 49-11-32 of the North Dakota Century Code is amended and reenacted as follows:

49-11-32. Train crew exemption.

In any circumstances involving ~~an accident~~a crash between a pedestrian or vehicle and a locomotive or part of a train in which the engineer or any other crew member of the train is interviewed by a law enforcement officer, the engineer or any other crew member may not be required to furnish a motor vehicle operator's license and no citation involving the operation of a train in violation of title 39 may be issued against the engineer or any other crew member of the train.

SECTION 94. AMENDMENT. Section 51-07-28 of the North Dakota Century Code is amended and reenacted as follows:

51-07-28. Recording devices on motor vehicles - Disclosure - Removal.

1. A manufacturer of a new motor vehicle sold or leased in this state which is equipped with a recording device commonly referred to as an event data recorder shall disclose by model year 2007 the presence, capacity, and capabilities of the event data recorder in the owner's manual for the vehicle. A motor vehicle dealer shall include within the purchase contract in a clear and conspicuous manner information on the possibility of a recording device. As used in this section, an event data recorder means a feature that is installed by the manufacturer of the vehicle and does any of the following for the purpose of retrieving data:
   a. Records the speed of the vehicle and the direction the motor vehicle is traveling.
   b. Records vehicle location data.
   c. Records steering performance.
   d. Records brake performance, including whether brakes were applied before ~~an accident~~a crash.
   e. Records the driver's safety belt status.
   f. Has the ability to transmit information concerning ~~an accident~~a crash in which the vehicle has been involved to a central communications system when ~~an accident~~a crash occurs.
2. Data recorded on an event data recorder may not be downloaded or otherwise retrieved by a person other than the owner of the motor vehicle at the time the data is recorded, or through consent by the owner's agent or legal representative, except under any of the following circumstances:

a. The data is retrieved for the purpose of improving motor vehicle safety, including for medical research of the human body's reaction to motor vehicle ~~accidents~~crashes, and the identity of the registered owner or driver is not disclosed in connection with that retrieved data. The disclosure of the vehicle identification number, with the last four digits deleted, for the purpose of improving vehicle safety, including for medical research of the human body's reaction to motor vehicle ~~accidents~~crashes, does not constitute the disclosure of the identity of the registered owner or driver. A person authorized to download or otherwise retrieve data from a recording device under this subdivision may not release that data, except to share the data among the motor vehicle safety and medical research communities to advance motor vehicle safety, and only if the identity of the registered owner or driver is not disclosed.

b. The data is retrieved by a licensed motor vehicle dealer or by an automotive technician for the purpose of diagnosing, servicing, or repairing the motor vehicle.

c. By stipulation of the parties to the proceeding or by order of the court.

3. "Owner" means a person having all the incidents of ownership, including the legal title of a vehicle regardless of whether the person lends, rents, or creates a security interest in the vehicle; a person entitled to the possession of a vehicle as the purchaser under a security agreement; or the person entitled to possession of the vehicle as lessee pursuant to a written lease agreement, if the agreement at inception is for a period in excess of three months.

4. A person, including a service or data processor operating on behalf of the person, authorized to download or otherwise retrieve data from an event data recorder pursuant to subdivision a of subsection 2 may not release that data except for the purposes of motor vehicle safety and medical communities to advance motor vehicle safety, security, or traffic management; or to a data processor solely for the purposes permitted by this subsection and only if the identity of the owner or driver of the vehicle is not disclosed.

5. If a motor vehicle is equipped with a recording device that is capable of recording or transmitting information relating to vehicle location data or concerning ~~an accident~~a crash to a central communications system and that capability is part of a subscription

service, the fact that the information may be recorded or transmitted must be disclosed in the terms and conditions of the subscription service. Subsection 2 does not apply to a subscription service that meets the requirements of this subsection.

6. An insurer may not require as a condition of insurability consent of the owner for access to data that may be stored within an event data recorder and may not use data retrieved with the owner's consent before or after ~~an accident~~a crash for the purpose of rate assessment.

SECTION 95. AMENDMENT. Paragraph 2 of subdivision a of subsection 1 of section 54-52-17.2 of the North Dakota Century Code is amended and reenacted as follows:

(2) The highway ~~patrolmen's~~patrol troopers' retirement system.

SECTION 96. AMENDMENT. Subsection 2 of section 54-52.1-03 of the North Dakota Century Code is amended and reenacted as follows:

2. A retiree who has accepted a periodic distribution from the defined contribution retirement plan pursuant to section 54-52.6-13 who the board determines is eligible for participation in the uniform group insurance program or has accepted a retirement allowance from the public employees retirement system, the highway ~~patrolmen's~~patrol troopers' retirement system, the teachers' insurance and annuity association of America - college retirement equities fund for service credit earned while employed by North Dakota institutions of higher education, the retirement system established by job service North Dakota under section 52-11-01, the judges' retirement system established under chapter 27-17, or the teachers' fund for retirement may elect to participate in the uniform group under this chapter without meeting minimum requirements at age sixty-five, when the member's spouse reaches age sixty-five, upon the receipt of a benefit, or when the spouse terminates employment. If a retiree or surviving spouse does not elect to participate at the times specified in this subsection, the retiree or surviving spouse must meet the minimum requirements established by the board. Subject to sections 54-52.1-03.2 and 54-52.1-03.3, each retiree or surviving spouse shall pay directly to the board the premiums in effect for the coverage then being provided. A retiree or surviving spouse who has met the initial eligibility requirements of this subsection to begin participation in the uniform group insurance program remains eligible as long as the retiree

maintains the retiree's participation in the program by paying the required premium pursuant to rules adopted by the board.

SECTION 97. AMENDMENT. Subdivision b of subsection 1 of section 54-52.1-03.2 of the North Dakota Century Code is amended and reenacted as follows:

b. The state shall contribute monthly to the retiree health benefits fund an amount equal to one and fourteen hundredths percent of the monthly salaries and wages of all participating members of the highway ~~patrolmen's~~patrol troopers' retirement system under chapter 39-03.1, and one and fourteen hundredths percent of the monthly salaries of all supreme or district court judges who are participating members of the public employees retirement system under chapter 54-52.

SECTION 98. AMENDMENT. Subdivision a of subsection 1 of section 54-52.1-03.3 of the North Dakota Century Code is amended and reenacted as follows:

a. A member or surviving spouse of the highway ~~patrolmen's~~patrol troopers' retirement system is eligible for the credit beginning on the date retirement benefits are effective.

SECTION 99. AMENDMENT. Subsection 2 of section 54-52.1-03.3 of the North Dakota Century Code is amended and reenacted as follows:

2. The board shall calculate the allowable monthly credit toward hospital benefits coverage, medical benefits coverage, and prescription drug coverage under any health insurance program and toward dental, vision, and long-term care benefits coverage under any insurance program under subsection 1 in an amount equal to five dollars multiplied by the member's or deceased member's number of years of credited service under the highway ~~patrolmen's~~patrol troopers' retirement system, the public employees retirement system, the retirement program established by job service North Dakota under section 52-11-01, or the judges' retirement program established under chapter 27-17. For a member of the public employees retirement system receiving an early retirement benefit or the surviving spouse of that member, or a former participating member of the defined contribution retirement plan who is receiving a periodic distribution and would not meet the normal retirement provisions of the public employees retirement system, the allowable monthly credit must be reduced by three percent if the member terminates employment within one year before attaining the age

of sixty-five and an additional reduction factor of six percent applies for each year the member terminates employment before attaining the age of sixty-four. For a member of the highway ~~patrolmen's~~patrol troopers' retirement system receiving an early retirement benefit or the surviving spouse of that member, the allowable monthly credit must be reduced by three percent if the member terminates employment within one year before attaining the age of fifty-five and an additional reduction factor of six percent applies for each year the member terminates employment before attaining the age of fifty-four. For a member of the retirement program established by job service North Dakota under section 52-11-01 receiving an early retirement benefit or a discontinued service annuity under the plan provisions of that retirement program or the surviving spouse of that member, the allowable monthly credit must be reduced by three percent if the member terminates employment within one year before attaining the age of sixty-five and an additional reduction factor of six percent applies for each year the member terminates employment before attaining the age of sixty-four.

SECTION 100. AMENDMENT. Section 57-39.2-03.7 of the North Dakota Century Code is amended and reenacted as follows:

57-39.2-03.7. Surcharge on rental motor vehicles.

A company engaged in the business of renting motor vehicles for periods of fewer than thirty days shall collect a three percent surcharge on each rental contract at the time a vehicle of a gross vehicle weight of ten thousand pounds [4535.92 kilograms] or less is rented from the company in this state. A vehicle is considered rented in this state if possession is obtained by the renter in this state. The surcharge must be computed on the total dollar amount for the rental as stated in the rental contract, excluding taxes, fuel collections, or other ancillary products sold to customers such as collision damage waiver, supplemental liability protection, personal ~~accident~~crash insurance, and personal effects coverage.

1. A surcharge under this section must be noted in the rental contract and collected in accordance with the terms of the contract.
2. On February fifteenth of each year, a company that collects surcharges under this section shall file a report with the commissioner stating the total amount of excise taxes paid under chapter 57-40.3 on the rental vehicles for the preceding calendar year and the total amount of rental motor vehicle revenues earned on rentals in this

state for the preceding calendar year. All surcharge revenues collected during the calendar year by the company in excess of the total amount of excise taxes paid under chapter 57-40.3 during the calendar year by the company on rental motor vehicles must be remitted to the commissioner with the report and considered sales tax collections under this chapter.

3. For three years after filing the report under this section, the company shall retain copies of rental contracts and the commissioner may require the company to furnish copies of rental contracts for purposes of ensuring compliance with this section.