

HOUSE BILL NO. 1229

Introduced by

Representatives Schauer, Beltz, Bosch, Dockter, Grueneich, Heinert, Swiontek, McLeod

Senators Cleary, Clemens, Sickler

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

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

6 **SECTION 1.** A new subdivision to subsection 2 of section 39-06.1-06 of the North Dakota
7 Century Code is created and enacted as follows:

8 A violation of section 39-10-71.1, a fee of fifty dollars for a first violation, and one
9 thousand dollars for a second or subsequent violation except as provided under
10 section 39-10-71.1.

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

13 **39-10-71.1. Motor vehicle owner's responsibility regarding a driver who flees a peace**
14 **officer - Exceptions.**

15 1. The owner of a motor vehicle involved in a violation of section 39-10-71 is presumed
16 to have violated this section.

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

21 a. A peace officer shall investigate the violation and prepare a traffic citation under
22 this section.

- 1 b. A peace officer shall issue a traffic citation under this section in accordance with
2 the North Dakota Rules of Civil Procedure to the motor vehicle owner within
3 ninety-six hours after observing the violation.
- 4 3. A motor vehicle owner may not be found to have violated this section if:
- 5 a. The driver operating the motor vehicle at the time of the violation of section
6 39-10-71 has been charged with a violation of section 39-10-71.
- 7 b. The motor vehicle was reported stolen before the violation occurred or within a
8 reasonable time after the violation occurred.
- 9 4. A motor vehicle owner is not subject to a fee of one thousand dollars for a second or
10 subsequent violation of this section if the motor vehicle owner assists or cooperates
11 with a peace officer in the investigation of the individual who operated the motor
12 vehicle at the time of the violation of section 39-10-71.
- 13 5. A motor vehicle owner may not be found to have violated this section, and the lessee
14 is presumed to have violated this section, if the motor vehicle owner is a lessor of
15 vehicles and at the time of the violation of section 39-10-71 the motor vehicle was in
16 the possession of a lessee, and the lessor provides a peace officer with the motor
17 vehicle's registration number and the name, address, and operator's license number of
18 the individual renting or leasing the motor vehicle.
- 19 6. A motor vehicle dealer may not be found to have violated this section if the motor
20 vehicle was being operated by an individual on a test drive at the time of the violation
21 of section 39-10-71, and the dealer provides a peace officer with the name, address,
22 and operator's license number of the individual operating the motor vehicle.
- 23 7. An individual may not be charged both with violating this section and section 39-10-71
24 for acts arising out of the same incident or occurrence.