

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

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.

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- 1 | a. A peace officer shallmay investigate the violation and prepare a traffic citation
2 | under this section.
- 3 | b. A peace officer shallmay issue a traffic citation under this section in accordance
4 | with the North Dakota Rules of Civil Procedure to the motor vehicle owner within
5 | ninety-six hours after observing the violation.
- 6 | 3. A motor vehicle owner may not be found to have violated this section if:
- 7 | a. The driver operating the motor vehicle at the time of the violation of section
8 | 39-10-71 has been charged with a violation of section 39-10-71.
- 9 | b. The motor vehicle was reported stolen before the violation occurred or within a
10 | reasonable time after the violation occurred.
- 11 | ~~4. A motor vehicle owner is not subject to a fee of one thousand dollars for a second or~~
12 | ~~subsequent violation of this section if the~~
- 13 | c. The motor vehicle owner assists or cooperates with a peace officer in the
14 | investigation of the individual who operated the motor vehicle at the time of the
15 | violation of section 39-10-71.
- 16 | ~~5.4.~~ A motor vehicle owner may not be found to have violated this section, and the lessee
17 | is presumed to have violated this section, if the motor vehicle owner is a lessor of
18 | vehicles and at the time of the violation of section 39-10-71 the motor vehicle was in
19 | the possession of a lessee, and the lessor provides a peace officer with the motor
20 | vehicle's registration number and the name, address, and operator's license number of
21 | the individual renting or leasing the motor vehicle.
- 22 | ~~6. A motor vehicle dealer may not be found to have violated this section if the motor~~
23 | ~~vehicle was being operated by an individual on a test drive at the time of the violation~~
24 | ~~of section 39-10-71, and the dealer provides a peace officer with the name, address,~~
25 | ~~and operator's license number of the individual operating the motor vehicle.~~
- 26 | ~~7.5.~~ An individual may not be charged both with violating this section and section 39-10-71
27 | for acts arising out of the same incident or occurrence.