

CONTRACTS AND OBLIGATIONS

CHAPTER 85

HOUSE BILL NO. 1217
(Representatives Wald, Tollefson)
(Senators Freborg, Keller)

AUTO ACCIDENT DAMAGE LIABILITY

AN ACT to create and enact a new section to chapter 9-10 of the North Dakota Century Code or, in the alternative, a new section to chapter 32-03.2 of the North Dakota Century Code, relating to liability for damages in automobile accidents.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. If section 9-10-07, as it existed on July 7, 1987, goes into effect on July 1, 1993, a new section to chapter 9-10 of the North Dakota Century Code is created and enacted as follows:

Automobile accident damage liability. Notwithstanding section 9-10-07, in an action by any person to recover damages for injury to property, the damages may not be diminished in proportion to the amount of contributing negligence attributable to the person recovering, or otherwise, if:

1. The party seeking damages is seeking property damages resulting from a two-party automobile accident;
2. The party seeking damages is seeking to recover property damages of not more than five thousand dollars; and
3. The percentage of negligence of the person against whom recovery is sought is over fifty percent.

SECTION 2. If section 9-10-07, as it existed on July 7, 1987, does not go into effect on July 1, 1993, and section 32-03.2-02 is in effect after June 30, 1993, a new section to chapter 32-03.2 of the North Dakota Century Code is created and enacted as follows:

Automobile accident damage liability. Notwithstanding section 32-03.2-02, in an action by any person to recover damages for injury to property, the damages may not be diminished in proportion to the amount of contributing fault attributable to the person recovering, or otherwise, if:

1. The party seeking damages is seeking property damages resulting from a two-party automobile accident;
2. The party seeking damages is seeking to recover property damages of not more than five thousand dollars; and
3. The percentage of fault of the person against whom recovery is sought is over fifty percent.

Approved April 2, 1993
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