

Sixty-third  
Legislative Assembly  
of North Dakota

## REENGROSSED HOUSE BILL NO. 1263

Introduced by

Representatives Gruchalla, Keiser, Kempenich, Larson, Silbernagel, Mock

Senators G. Lee, J. Lee, Sinner

1 A BILL for an Act to create and enact paragraphs 37, 38, and 39 to subdivision a of subsection 3  
2 of section 39-06.1-10 of the North Dakota Century Code, relating to demerit points for driving  
3 without liability insurance; and to amend and reenact ~~section~~sections 39-06.1-05 and  
4 39-06.1-09, subdivision b subsection 3 of section 39-06.1-10, and section 39-08-20 of the North  
5 Dakota Century Code, relating to procedures and demerit points for driving without liability  
6 insurance.

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

8 **SECTION 1. AMENDMENT.** Section 39-06.1-05 of the North Dakota Century Code is  
9 amended and reenacted as follows:

10 **39-06.1-05. Offenses excepted.**

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

- 13 1. Driving or being in actual physical control of a vehicle in violation of section 39-08-01,  
14 or an equivalent ordinance.
- 15 2. Reckless driving or aggravated reckless driving in violation of section 39-08-03, or an  
16 equivalent ordinance.
- 17 3. A violation of chapter 12.1-16 resulting from the operation of a motor vehicle.
- 18 4. Leaving the scene of an accident in violation of section 39-08-04, 39-08-05, 39-08-07,  
19 or 39-08-08, or equivalent ordinances.
- 20 5. Driving while license or driving privilege is suspended or revoked in violation of section  
21 39-06-42, or an equivalent ordinance.
- 22 6. Violating subdivision b or c of subsection 5 of section 39-24-09.
- 23 7. Operating a modified motor vehicle in violation of section 39-21-45.1.
- 24 8. ~~Driving without liability insurance in violation of section 39-08-20.~~

- 1       9.    Operating an unsafe vehicle in violation of subsection 2 of section 39-21-46.  
2    ~~40.9.~~    Causing an accident with an authorized emergency vehicle or a vehicle operated by or  
3            under the control of the director used for maintaining the state highway system in  
4            violation of subsection 5 of section 39-10-26.

5       **SECTION 2. AMENDMENT.** Section 39-06.1-09 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7       **39-06.1-09. Moving violation defined.**

8       For the purposes of sections 39-06.1-06 and 39-06.1-13, a "moving violation" means a  
9 violation of section 39-04-22, subsection 1 of section 39-04-37, section 39-04-55, 39-06-01,  
10 39-06-14, 39-06-16, 39-08-20, 39-08-23, 39-08-24, 39-09-04.1, or 39-09-09, subsection 1 of  
11 section 39-12-02, section 39-12-04, 39-12-05, 39-12-06, 39-12-09, 39-24-02, or 39-24-09,  
12 except subdivisions b and c of subsection 5, or equivalent ordinances; or a violation of the  
13 provisions of chapter 39-10, 39-10.2, or 39-21, or equivalent ordinances, except subsection 5 of  
14 section 39-10-26, sections 39-21-44 and 39-21-45.1, subsections 2 and 3 of section 39-21-46,  
15 and those sections within those chapters which are specifically listed in subsection 1 of section  
16 39-06.1-08.

17       **SECTION 3.** Paragraph 37 to subdivision a of subsection 3 of section 39-06.1-10 of the  
18 North Dakota Century Code is created and enacted as follows:

- 19           (37)   Except as provided in paragraph 39, operating a motor           6 points  
20                   vehicle without liability insurance, in violation of  
21                   section 39-08-20

22       **SECTION 4.** Paragraph 38 to subdivision a of subsection 3 of section 39-06.1-10 of the  
23 North Dakota Century Code is created and enacted as follows:

- 24           (38)   Except as provided in paragraph 39, operating a motor           12 points  
25                   vehicle without liability insurance, in violation of  
26                   section 39-08-20, if the driving record shows that the  
27                   licensee has within the eighteen months preceding the  
28                   violation previously violated section 39-08-20

29       **SECTION 5.** Paragraph 39 to subdivision a of subsection 3 of section 39-06.1-10 of the  
30 North Dakota Century Code is created and enacted as follows:



- 1                    discovered as the result of investigation of an accident  
2                    in which the driver is the owner
- 3            ~~(10)~~(8) Except as provided in paragraph 9 of subdivision a,                    2 points  
4                    knowingly operating an unsafe vehicle in violation of  
5                    section 39-21-46, or equivalent ordinance
- 6            ~~(11)~~(9) Fleeing in a motor vehicle from a peace officer in                    24 points  
7                    violation of section 39-10-71, or equivalent ordinance
- 8            ~~(12)~~ Except as provided in paragraph 9, operating a motor                    12 points  
9                    vehicle without liability insurance, in violation of section  
10                    39-08-20, if the driving record shows that the licensee has  
11                    within the eighteen months preceding the violation previously  
12                    violated section 39-08-20
- 13            ~~(13)~~(10) Causing an accident with an authorized emergency                    2 points  
14                    vehicle or a vehicle operated by or under the control  
15                    of the director used for maintaining the state highway  
16                    system in violation of subsection 5 of section 39-10-26,  
17                    or equivalent ordinance
- 18            ~~(14)~~(11) Driving in violation of the conditions of an instruction                    2 points  
19                    permit

20            **SECTION 7. AMENDMENT.** Section 39-08-20 of the North Dakota Century Code is  
21 amended and reenacted as follows:

22            **39-08-20. Driving without liability insurance prohibited - Penalty.**

- 23            1. A person may not drive, or the owner may not cause or knowingly permit to be driven,  
24                    a motor vehicle in this state without a valid policy of liability insurance in effect in order  
25                    to respond in damages for liability arising out of the ownership, maintenance, or use of  
26                    that motor vehicle in the amount required by chapter 39-16.1.
- 27            2. Upon being stopped by a law enforcement officer for the purpose of enforcing or  
28                    investigating the possible violation of an ordinance or state law, the person driving the  
29                    motor vehicle shall provide to the officer upon request satisfactory evidence, including  
30                    written or electronic proof of insurance, of the policy required under this section. If  
31                    unable to comply with the request, that person may be charged with a violation of this

1            ~~section if that person fails to submit satisfactory evidence of the policy to the officer or~~  
2            ~~the officer's agency within twenty days from the date of the request; however, during~~  
3            ~~the investigation of an accident, the person may be charged with a violation of this~~  
4            ~~section if that person fails to provide the satisfactory evidence within three business~~  
5            ~~days from the date of the request. If that person produces satisfactory evidence,~~  
6            including written or electronic proof of insurance, of a valid policy of liability insurance  
7            in effect at the time of the alleged violation of this section to the officer, ~~the officer's~~  
8            ~~agency, or a~~office of the court under which the matter will be heard, that person may  
9            not be convicted or assessed any administration fee for violation of subsection 1.

10          3. Notwithstanding section 26.1-30-18, a person may be convicted for failure to have a  
11          valid policy of liability insurance in effect under this section if the time of acquisition of  
12          the policy was after the time of the alleged incidence of driving without liability  
13          insurance. If the time of acquisition of the policy comes into question, the driver or  
14          owner has the burden of establishing the time of acquisition. If the driver is not an  
15          owner of the motor vehicle, the driver does not violate this section if the driver provides  
16          the court with evidence identifying the owner of the motor vehicle and describing  
17          circumstances under which the owner caused or permitted the driver to drive the  
18          motor vehicle.

19          4. Violation of subsection 1 is ~~a class B misdemeanor~~an infraction and the sentence  
20          imposed must include a fine of at least one hundred fifty dollars which may not be  
21          suspended. A person convicted for a second or subsequent violation of driving without  
22          liability insurance within a three-year period must be fined at least three hundred  
23          dollars which may not be suspended. For a second or subsequent conviction for a  
24          violation of subsection 1 or equivalent ordinance, the court shall ~~impound~~order the  
25          motor vehicle number plates of the motor vehicle owned and operated by the person  
26          at the time of the violation to be impounded until that person provides proof of  
27          insurance and a twenty dollar fee to the ~~department~~court. The person shall deliver the  
28          number plates to the court without delay at a time certain as ordered by the court  
29          following the conviction. The court shall deliver the number plates to the  
30          ~~department~~office of the police officer that made the arrest and notify the department of

1           the order. A person who does not provide the number plates to the court at the  
2           appropriate time is guilty of a class B misdemeanor.

3           5. Upon conviction for a violation of subsection 1 or equivalent ordinance, the person  
4           who has been convicted shall provide proof of motor vehicle liability insurance to the  
5           department in the form of a written or electronically transmitted certificate from an  
6           insurance carrier authorized to do business in this state. This proof must be provided  
7           for a period of three years and kept on file with the department. If the person fails to  
8           provide this information, the department shall suspend that person's driving privileges  
9           and may not issue or renew that person's operator's license unless that person  
10          provides proof of insurance.

11          6. A person who has been convicted for violation of subsection 1 or equivalent ordinance  
12          shall surrender that person's operator's license and purchase a duplicate operator's  
13          license with a notation requiring that person to keep proof of liability insurance on file  
14          with the department. The fee for this license is fifty dollars and the fee to remove this  
15          notation is fifty dollars.

16          7. When an insurance carrier has certified a motor vehicle liability policy, the insurance  
17          carrier shall notify the director no later than ten days after cancellation or termination  
18          of the certified insurance policy by filing a notice of cancellation or termination of the  
19          certified insurance policy; except that a policy subsequently procured and certified  
20          shall, on the effective date of its certification, terminate the insurance previously  
21          certified with respect to any motor vehicle designated in both certificates.