

**SECOND ENGROSSMENT
with Senate Amendments
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 sections 39-06.1-05 and 39-06.1-09,
4 subdivision b of subsection 3 of section 39-06.1-10, and section 39-08-20 of the North Dakota
5 Century Code, relating to procedures and demerit points for driving without liability insurance.

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

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

9 **39-06.1-05. Offenses excepted.**

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

- 12 1. Driving or being in actual physical control of a vehicle in violation of section 39-08-01,
13 or an equivalent ordinance.
- 14 2. Reckless driving or aggravated reckless driving in violation of section 39-08-03, or an
15 equivalent ordinance.
- 16 3. A violation of chapter 12.1-16 resulting from the operation of a motor vehicle.
- 17 4. Leaving the scene of an accident in violation of section 39-08-04, 39-08-05, 39-08-07,
18 or 39-08-08, or equivalent ordinances.
- 19 5. Driving while license or driving privilege is suspended or revoked in violation of section
20 39-06-42, or an equivalent ordinance.
- 21 6. Violating subdivision b or c of subsection 5 of section 39-24-09.
- 22 7. Operating a modified motor vehicle in violation of section 39-21-45.1.
- 23 8. ~~Driving without liability insurance in violation of section 39-08-20.~~
- 24 9. Operating an unsafe vehicle in violation of subsection 2 of section 39-21-46.

1 ~~40-9.~~ Causing an accident with an authorized emergency vehicle or a vehicle operated by or
2 under the control of the director used for maintaining the state highway system in
3 violation of subsection 5 of section 39-10-26.

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

6 **39-06.1-09. Moving violation defined.**

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

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

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

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

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

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

30 (39) Operating a motor vehicle without liability insurance, 14 points
31 in violation of section 39-08-20, if the violation was

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

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

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

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

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

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

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

- 1 5. Upon conviction for a violation of subsection 1 or equivalent ordinance, the person
2 who has been convicted shall provide proof of motor vehicle liability insurance to the
3 department in the form of a written or electronically transmitted certificate from an
4 insurance carrier authorized to do business in this state. This proof must be provided
5 for a period of three years and kept on file with the department. If the person fails to
6 provide this information, the department shall suspend that person's driving privileges
7 and may not issue or renew that person's operator's license unless that person
8 provides proof of insurance.
- 9 6. A person who has been convicted for violation of subsection 1 or equivalent ordinance
10 shall surrender that person's operator's license and purchase a duplicate operator's
11 license with a notation requiring that person to keep proof of liability insurance on file
12 with the department. The fee for this license is fifty dollars and the fee to remove this
13 notation is fifty dollars.
- 14 7. When an insurance carrier has certified a motor vehicle liability policy, the insurance
15 carrier shall notify the director no later than ten days after cancellation or termination
16 of the certified insurance policy by filing a notice of cancellation or termination of the
17 certified insurance policy; except that a policy subsequently procured and certified
18 shall, on the effective date of its certification, terminate the insurance previously
19 certified with respect to any motor vehicle designated in both certificates.