

SENATE BILL NO. 2348

Introduced by

Senators Piepkorn, Clemens, Magrum

Representatives Heinert, Schauer, Schneider

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

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

6 **SECTION 1. AMENDMENT.** Subdivision h of subsection 2 of section 39-06.1-06 of the
7 North Dakota Century Code is amended and reenacted as follows:

8 h. A violation of section 39-10-59 or 39-10-71.1, a fee of five hundred dollars.

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

11 **39-10-71.1. Motor vehicle owner's liability for fleeing a peace officer - Exceptions.**

12 1. The owner of a motor vehicle involved in a violation of section 39-10-71 is presumed
13 liable for a violation of an offense under this section.

14 2. The owner of a motor vehicle involved in a violation of section 39-10-71 may not be
15 found liable under this section if the driver operating the motor vehicle at the time of
16 the violation of section 39-10-71 has been convicted for a violation of section
17 39-10-71.

18 3. A peace officer may proceed in accordance with this section instead of pursuing the
19 driver of a motor vehicle who flees or attempts to elude the peace officer after being
20 given a visual or audible signal to bring the vehicle to a stop in violation of section
21 39-10-71.

22 a. A peace officer shall investigate the violation and prepare a traffic citation under
23 this section within seventy-two hours after observing the violation.

- 1 b. A peace officer shall issue a traffic citation under this section on the motor vehicle
2 owner within ninety-six hours after observing the violation.
- 3 c. If with reasonable diligence the motor vehicle owner cannot be served under
4 subdivision b, service may be made by leaving a copy of the traffic citation at the
5 motor vehicle owner's residence within the state with a competent family member
6 at least fourteen years of age, who must be informed of the contents of the traffic
7 citation.
- 8 d. If with reasonable diligence the motor vehicle owner cannot be served under
9 subdivisions b and c, or if the motor vehicle owner resides outside the jurisdiction
10 in which the violation occurred, service may be made by certified mail addressed
11 to the motor vehicle owner's last-known address. Service under this subdivision
12 must be performed by posting the certified mail within ninety-six hours after the
13 violation was observed.
- 14 4. A motor vehicle owner is exempt from imposition of liability under this section if the
15 motor vehicle was reported stolen before the violation occurred or within a reasonable
16 time after the violation occurred.
- 17 5. A motor vehicle owner is exempt from imposition of liability under this section or
18 section 39-10-71 if the motor vehicle owner provides the name and address of the
19 individual operating the motor vehicle at the time of the violation to a peace officer and
20 sufficient information for the peace officer to determine probable cause does not exist
21 to believe the motor vehicle owner was operating the motor vehicle at the time of the
22 violation.
- 23 6. A motor vehicle owner is exempt from imposition of liability under this section, and the
24 lessee is liable under this section or section 39-10-71, if the motor vehicle owner is a
25 lessor of vehicles and at the time of the violation of section 39-10-71 the motor vehicle
26 was in the possession of a lessee, and the lessor provides a peace officer with the
27 motor vehicle's registration number and the name, address, and operator's license
28 number of the individual renting or leasing the motor vehicle.
- 29 7. A motor vehicle owner is exempt from imposition of liability under this section, and the
30 individual, not the dealer, is liable under this section or section 39-10-71, if the motor
31 vehicle owner is a dealer, the motor vehicle was being operated by an individual on a

- 1 test drive at the time of the violation of section 39-10-71, and the dealer provides a
2 peace officer with the name, address, and operator's license number of the individual
3 operating the motor vehicle.
- 4 8. An individual may not be charged both with violating this section and section 39-10-71
5 for acts arising out of the same incident or occurrence.