

**FIRST ENGROSSMENT  
with Senate Amendments  
ENGROSSED HOUSE BILL NO. 1185**

Introduced by

Representatives K. Koppelman, Christensen, Jones, Klemin, Paulson, Satrom, Schauer,  
Vigesaa

Senators Clemens, Dwyer

1 A BILL for an Act to amend and reenact sections 39-06-09 and 39-08-13 of the North Dakota  
2 Century Code, relating to liability for negligence of a minor driver and accident report forms; to  
3 provide a penalty; and to declare an emergency.

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

5 **SECTION 1. AMENDMENT.** Section 39-06-09 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7 **39-06-09. Liability for negligence of minor - General.**

8 *Any*

9 1. Subject to subsection 2, any negligence of a minor when driving a motor vehicle  
10 upon a highway must be imputed to the individual who has signed the application of  
11 the minor for an operator's license, or upon the father, mother, or legal guardian if  
12 signing authority has been temporarily transferred under section 39-06-08. This  
13 individual is jointly and severally liable with the minor for any damages caused by the  
14 negligence, except as provided in section 39-06-10.

15 2. The negligence of a minor under subsection 1 may not be imputed to the individual  
16 who signed the application of the minor for an operator's license, or upon the father,  
17 mother, or legal guardian if signing authority temporarily has been transferred under  
18 section 39-06-08 for any injury or damage to that individual which was caused by the  
19 minor's negligence.

20 **SECTION 2. AMENDMENT.** Section 39-08-13 of the North Dakota Century Code is  
21 amended and reenacted as follows:

1       **39-08-13. Accident report forms.**

2       1. The director shall prepare and supply to law enforcement agencies, garages, and  
3       other suitable agencies or individuals forms for accident reports required by law,  
4       appropriate with respect to the purposes to be served. The reports to be made by  
5       investigating officers shall call for sufficiently detailed information to disclose the cause  
6       of a traffic accident, conditions then existing, persons and vehicles involved, and  
7       whether the requirements for the deposit of security under section 39-16-05 are  
8       applicable.

9       2. Every accident report required to be made to the director must be made in the  
10      appropriate format or approved by the director and must contain all the information  
11      required therein unless not available.

12     3. Every law enforcement officer who investigates a vehicle accident for which a report  
13      must be made as required in this chapter shall forward a report of such accident to the  
14      department within ten days after the accident.

15     4. ~~The~~Except as provided in subsection 5, reports required to be forwarded by law  
16      enforcement officers and the information contained in the reports is not privileged or  
17      confidential. If, however, the investigating officer expresses an opinion as to fault or  
18      responsibility for the accident, the opinion is confidential and not open to public  
19      inspection, except as provided in subsection ~~5~~6. In addition, the following information  
20      contained in the report is an exempt record as defined in section 44-04-17.1 unless  
21      the requester is a party to the accident, a party's legal representative, the insurer of  
22      any party to the accident, the agent of that insurer, or the legal representative or  
23      insurer of an individual involved in defending or investigating a prior or subsequent  
24      claim or accident involving a party to the accident:

- 25      a. Driver identification number of a party in the report;  
26      b. Telephone number of a party in the report;  
27      c. Insurance company name and policy number of a party in the report; and  
28      d. Day and month of birth of a party in the report.

29     5. Unless the requester is a party to the accident, a party's legal representative, the  
30      insurer of any party to the accident, the agent of that insurer, or the legal  
31      representative or insurer of an individual involved in defending or investigating a

1                   prior or subsequent claim or accident involving a party to the accident, the  
2                   following information contained in the report is exempt:

- 3                   (1) The name of a minor party in the report;  
4                   (2) Driver identification number of a minor party in the report; and  
5                   (3) Telephone number uniquely owned by a minor party in the report.

6                   b. A person may not forward a report in which a minor party's information is  
7                   disclosed to a person that is not an authorized requester under subdivision a. A  
8                   person that violates this subdivision is guilty of a class B misdemeanor.

9                   6. Upon affirmation by a party to the accident, a party's legal representative, or the  
10                   insurer of any party to the accident that the investigating officer's opinion is material to  
11                   a determination of liability and upon payment of a fee of five dollars, the director or  
12                   investigating agency shall release a completed copy of the investigating officer's  
13                   opinion to the entity requesting the information. The request must be made on an  
14                   appropriate form approved by the director.

15                   ~~6-7.~~ Upon request of any person and upon payment of a fee of two dollars, the director or  
16                   the law enforcement agency may furnish to a requester a copy of that portion of an  
17                   investigating officer's accident report which does not disclose the opinion of the  
18                   reporting officer or contain any exempt information that may not be disclosed, if the  
19                   report shows that the accident is one for which a driver is required to file a report  
20                   under section 39-08-09.

21                   ~~7-8.~~ Copies of accident reports are not admissible as evidence in any action for damages  
22                   or criminal proceedings arising out of a motor vehicle accident.

23                   ~~8-9.~~ The director, without a request under subsection 4 ~~or~~ 5, or 6 may send a copy of an  
24                   accident report to the registered owner of each vehicle involved as indicated by the  
25                   report.

26                   **SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure.