

Sixty-eighth
Legislative Assembly
of North Dakota

ENGROSSED 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 responsibility regarding a driver who flees a peace officer; to
3 amend and reenact subdivision h of subsection 2 of section 39-06.1-06 of the North Dakota
4 Century Code, relating 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 responsibility regarding a driver who flees a peace**
12 **officer - Exceptions.**

13 1. The owner of a motor vehicle involved in a violation of section 39-10-71 is presumed
14 to have violated this section.

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

19 a. A peace officer shall investigate the violation and prepare a traffic citation under
20 this section.

21 b. A peace officer shall issue a traffic citation under this section in accordance with
22 the North Dakota Rules of Civil Procedure to the motor vehicle owner within
23 ninety-six hours after observing the violation.

24 3. A motor vehicle owner may not be found to have violated this section if:

- 1 a. The driver operating the motor vehicle at the time of the violation of section
2 39-10-71 has been charged with a violation of section 39-10-71.
- 3 b. The motor vehicle was reported stolen before the violation occurred or within a
4 reasonable time after the violation occurred.
- 5 4. A motor vehicle owner may not be found to have violated this section if the motor
6 vehicle owner provides to a peace officer the name and address of the individual
7 operating the motor vehicle at the time of the violation of section 39-10-71, and further
8 provides to the peace officer information sufficient to establish probable cause to
9 establish the driver violated section 39-10-71.
- 10 5. A motor vehicle owner may not be found to have violated this section, and the lessee
11 is presumed to have violated this section, if the motor vehicle owner is a lessor of
12 vehicles and at the time of the violation of section 39-10-71 the motor vehicle was in
13 the possession of a lessee, and the lessor provides a peace officer with the motor
14 vehicle's registration number and the name, address, and operator's license number of
15 the individual renting or leasing the motor vehicle.
- 16 6. A motor vehicle dealer may not be found to have violated this section if the motor
17 vehicle was being operated by an individual on a test drive at the time of the violation
18 of section 39-10-71, and the dealer provides a peace officer with the name, address,
19 and operator's license number of the individual operating the motor vehicle.
- 20 7. An individual may not be charged both with violating this section and section 39-10-71
21 for acts arising out of the same incident or occurrence.