

**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. a. 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.