

**SENATE BILL NO. 2343**

Introduced by

Senators W. Stenehjem, B. Stenehjem

1 A BILL for an Act to create and enact section 39-10-26.2 of the North Dakota Century Code,  
2 relating to the presumption of owner violation for failing to yield right of way to an emergency  
3 vehicle; and to amend and reenact subsection 2 of section 39-06.1-06 of the North Dakota  
4 Century Code, relating to the fees for noncriminal traffic violations.

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

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

8 2. For a moving violation as defined in section 39-06.1-09, a fee of twenty dollars,  
9 except for:

10 a. A violation of section 39-10-26, 39-10-26.2, 39-10-41, 39-10-42, 39-10-46, or  
11 39-10-46.1, a fee of fifty dollars.

12 b. A violation of section 39-10-05 involving failure to yield to a pedestrian or  
13 subsection 1 of section 39-10-28, a fee of fifty dollars.

14 **SECTION 2.** Section 39-10-26.2 of the North Dakota Century Code is created and  
15 enacted as follows:

16 **39-10-26.2. Permitting use of vehicle to violate section 39-10-26 prohibited -**

17 **Presumption of permission - Defense - Dual prosecution prohibited.** The registered owner

18 of a motor vehicle may not permit that motor vehicle to be operated in violation of section

19 39-10-26. If a motor vehicle is seen violating section 39-10-26, it is a disputable presumption

20 that the registered owner of the motor vehicle permitted that violation. It is a defense to a

21 charge of violating this section that the registered owner of the vehicle was not operating the

22 vehicle, if that registered owner identifies the person authorized by that owner to operate the

23 motor vehicle at the time of the violation of section 39-10-26, or if that motor vehicle had been

24 taken without the registered owner's permission. A person may not be charged both with

Fifty-sixth  
Legislative Assembly

- 1 violating this section and with violating section 39-10-26. Violation of this section is not a lesser
- 2 included offense of violation of section 39-10-26.