

SENATE BILL NO. 2110

Introduced by

Transportation Committee

(At the request of the Office of Management and Budget)

1 A BILL for an Act to create and enact a new section to chapter 32-12.2 of the North Dakota
2 Century Code, relating to establishment of a risk management motor vehicle accident review
3 board.

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

5 **SECTION 1.** A new section to chapter 32-12.2 of the North Dakota Century Code is
6 created and enacted as follows:

7 **Risk management motor vehicle accident review board - Powers - Records -**

8 **Meetings.** The director of the office of management and budget shall establish a risk
9 management motor vehicle accident review board to review any accident involving a motor
10 vehicle owned or leased by the state and operated by a state employee. The board is
11 composed of the director of the department of transportation, or the director's designee, who
12 shall serve as chairman of the board; the director of the office of management and budget, or
13 the director's designee; the superintendent of the highway patrol or the superintendent's
14 designee; and two state employees selected by the other board members to serve two-year
15 terms.

16 The risk management motor vehicle accident review board shall review accidents
17 involving state-owned or state-leased vehicles operated by state employees in order to improve
18 traffic safety and driver training and to reduce the number of traffic accidents. The board shall
19 establish its own policies and procedures concerning receiving accident reports, holding
20 meetings, receiving verbal or written information, making recommendations, communicating
21 with state agencies and employees, and informing state agencies of its recommendations.

22 Three members of the board constitute a quorum and an affirmative vote of at least three board
23 members is required for the board to take action and make a recommendation.

1 The duties of the chairman include scheduling meetings; notifying participants; receiving
2 and maintaining board records, reports, and other material; and communicating with agencies
3 concerning the board's recommendations.

4 The department of transportation shall report state motor vehicle-related accidents to
5 the board for review if it appears further training could have rendered the accident preventable
6 or if there was a citation issued to the state employee operating the state-owned or state-leased
7 motor vehicle. After review, the board may recommend driver training; defensive driver training;
8 emergency vehicle operational training; physical, written, or operational examinations; or
9 restrictions on the use of state-owned or state-leased motor vehicles. The state agency
10 employing the employee operating the state-owned or state-leased motor vehicle involved in
11 the traffic accident shall decide whether to implement the board's recommendation.

12 State employees must be paid and may not be required to take any leave for time
13 needed to assist the board, and all state employers shall reimburse their employees for travel
14 expenses incurred in assisting the board.

15 The board's policies and procedures adopted under this section are not rules under
16 chapter 28-32. The board must be deemed to be a state agency loss-control committee under
17 section 32-12.2-12 and all of the board's current or former members and all participants
18 providing any verbal or written information to the board are entitled to the rights against
19 production of records or testimony as contained in this section.