

HOUSE BILL NO. 1055

Introduced by

Government and Veterans Affairs Committee

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

1 A BILL for an Act to amend and reenact subdivision a of subsection 2 of section 28-32-01 and
2 section 32-12.2-14 of the North Dakota Century Code, relating to the administrative practices
3 act and review of accidents involving state-owned or state-leased motor vehicles.

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

5 **SECTION 1. AMENDMENT.** Subdivision a of subsection 2 of section 28-32-01 of the North
6 Dakota Century Code is amended and reenacted as follows:

7 a. The office of management and budget except with respect to rules ~~made under~~
8 ~~section 32-12.2-14~~, rules relating to conduct on the capitol grounds and in
9 buildings located on the capitol grounds under section 54-21-18, rules relating to
10 the classified service as authorized under section 54-44.3-07, and rules relating
11 to state purchasing practices as required under section 54-44.4-04.

12 **SECTION 2. AMENDMENT.** Section 32-12.2-14 of the North Dakota Century Code is
13 amended and reenacted as follows:

14 **32-12.2-14. Risk management motor vehicle accident~~crash~~ review board -- Powers --**
15 **Records -- Meetings.**

16 ~~The director of the office of management and budget shall establish a risk management~~
17 ~~motor vehicle accident review board to review any accident involving a motor vehicle owned or~~
18 ~~leased by the state and operated by a state employee that results in bodily injury or significant~~
19 ~~property damage. The board is composed of the director of the department of transportation, or~~
20 ~~the director's designee, who shall serve as chairman of the board; the director of the office of~~
21 ~~management and budget, or the director's designee; the superintendent of the highway patrol or~~
22 ~~the superintendent's designee; and two state employees selected by the other board members~~
23 ~~to serve two-year terms.~~

1 ~~The risk management motor vehicle accident review board shall review accidents involving~~
2 ~~state-owned or state-leased vehicles operated by state employees that result in bodily injury or~~
3 ~~significant property damage in order to improve traffic safety and driver training and to reduce~~
4 ~~the number of traffic accidents. The board shall adopt rules concerning receiving accident~~
5 ~~reports, holding meetings, receiving verbal or written information, making recommendations,~~
6 ~~communicating with state agencies and employees, and informing state agencies of its~~
7 ~~recommendations. Three members of the board constitute a quorum and an affirmative vote of~~
8 ~~at least three board members is required for the board to take action and make a~~
9 ~~recommendation.~~

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

13 ~~The department of transportation shall report state motor vehicle-related accidents to the~~
14 ~~board for review involving bodily injury or significant property damage or if there was a citation~~
15 ~~issued to the state employee operating the state-owned or state-leased motor vehicle. After~~
16 ~~review, the board may recommend driver training; defensive driver training; emergency vehicle~~
17 ~~operational training; physical, written, or operational examinations; or restrictions on the use of~~
18 ~~state-owned or state-leased motor vehicles. The state agency employing the employee~~
19 ~~operating the state-owned or state-leased motor vehicle involved in the traffic accident shall~~
20 ~~decide whether to implement the board's recommendation.~~

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

24 ~~The board must be deemed to be a state agency loss-control committee under section~~
25 ~~32-12.2-12 and all of the board's current or former members and all participants providing any~~
26 ~~verbal or written information to the board are entitled to the rights against production of records~~
27 ~~or testimony as contained in this section.~~

28 ~~The department of transportation shall internally review all accidents involving a motor~~
29 ~~vehicle owned or leased by the state that is not submitted to the board for review to determine~~
30 ~~whether the accident was preventable and make recommendations to the agency employing~~
31 ~~the employee involved in the accident which may include recommendations on the same issues~~

1 ~~as made by the board. The department may defer to the determinations and recommendations~~
2 ~~of an agency loss control committee approved by the board. An employee may request further~~
3 ~~review by the board of any determination or recommendation of the department~~The department
4 of transportation, in consultation with the risk management division, shall review all motor
5 vehicle crashes or incidents in which a state employee is issued a traffic citation involving a
6 state-owned or state-leased motor vehicle for purposes of making a remedial recommendation
7 to the agency employing the individual involved, as appropriate, and identifying crash and other
8 trends. The department may defer to the determination and recommendation of an agency that
9 reviewed the crash through an established loss control committee. In cases of repeated
10 crashes, citations, or accidents involving substantial property damage or personal injury, or
11 traffic violations for which there is a criminal penalty, the department may revoke, suspend, or
12 restrict the ability to drive a state-owned or state-leased vehicle.