

ORDINANCE NO. 389

An Ordinance, repealing Ordinance No. 344 and Amending Ordinance No. 278, Article XIX Criminal Traffic Offenses, by adding Section 19-13 thereto, for Regulating the Driving of Motor Vehicles Within The Jurisdiction of the City of Rolla Without Liability Insurance and Providing A Penalty for the violation of said Section.

BE IT ORDAINED by the City Council of Rolla, North Dakota:

The provisions of NDCC 39-08-20 and all subsequent amendments are hereby incorporated by reference into this Ordinance.

Article XIX. Criminal Traffic Violations.

Section 19-13. Driving Without Liability Insurance Prohibited – Penalty.

19-13.1 A person may not drive, or the owner may not cause or knowingly permit to be driven, a motor vehicle within the City of Rolla without a valid policy of liability insurance in affect in order to respond in damages for liability arising out of the ownership, maintenance, or use of that motor vehicle in the amount required by NDCC 39-16.1. Upon being stopped by a law enforcement officer for the purpose of enforcing or investigating the possible violation of an ordinance of State law or during the investigation of an accident, the person driving the motor vehicle shall provide to the officer upon request satisfactory evidence of the policy required under this ordinance. If unable to comply with the request, that person may be charged with a violation of this ordinance if that person fails to submit satisfactory evidence of the policy to the officer or the Rolla Police Department within 20 days of the date of the request. If that person produces a valid policy of liability insurance in effect at the time of the violation of this ordinance to the officer, Rolla Police Department or the Rolla City Court, that person may not be convicted or assessed in Court costs for violation of this ordinance. If the driver is not an owner of the motor vehicle, the driver does not violate this ordinance if the driver provides the Rolla City court with evidence identifying the owner of the motor vehicle and describing circumstances under which the owner caused or permitted the driver to drive the motor vehicle. Violation of this Ordinance is an offense and the sentence imposed must include a fine of at least one hundred fifty dollars which may not be suspended. A person convicted of a second or subsequent violation or driving without liability insurance within an eighteen-month period must be fined at least three hundred dollars which may not be suspended.

19-13.2 Effective date. This ordinance shall be in full ~~force~~ and effect immediately upon its final passage and publication.

- D. Owner. The term "owner" shall mean a person who holds the legal title of a vehicle, or if a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement, and with an immediate right of possession vested in the conditional vendee or lessee, or if a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this ordinance.
- E. Proof of Financial Responsibility. The term "proof of financial responsibility" shall mean proof of ability to respond in damages for liability, on account of accidents occurring subsequent to the effective date of said proof, arising out of ownership, maintenance or use of a motor vehicle, in the amount of ten thousand dollars because of bodily injury to or death of one person in any one accident, and, subject to said limit for one person, in the amount of twenty thousand dollars because of bodily injury to or death of two or more persons in any one accident, and in the amount of five thousand dollars because of injury to or destruction of property of others in any one accident.

Sources NDCC 39-16.1-11 and 39-01-01

Section 19-13.2 Driving without liability insurance prohibited. Pursuant to the authority granted the City of Rolla, North Dakota by NDCC 40-05-01 and 40-05-02, no person in the City shall:

Drive a motor vehicle nor shall the owner of a motor vehicle cause or knowingly permit a motor vehicle to be driven, without a valid policy of liability insurance in effect in order to respond in damages for liability arising out of the ownership, maintenance or use of that motor vehicle in the amount required by NDCC 39-16.1.

Section 19-13.3 Penalty. Any person who violates this ordinance may be fined no more than \$1,000.00 and/or sentenced to no more than 30 days in jail.

Section 19-13.4 Effective date. This ordinance shall be in full force and effect immediately upon its final passage and approval, and publication of the title and penalty clause.

First Reading: April 3, 2000

Second Reading and Passing: April 19, 2000

Approval: April 19, 2000

PUBLISH _____

Dennis Neameyer, Mayor

ATTEST:

Mary Nordmark, City Auditor