

Office of the Attorney General
State of North Dakota

Opinion No. 82-70

Date Issued: October 15, 1982

Requested by: Margy Bonner
City of Williston Assistant City Attorney

--QUESTION PRESENTED--

Whether a motor vehicle accident occurring on private property must be reported to the highway commissioner.

--ATTORNEY GENERAL'S OPINION--

It is my opinion that a motor vehicle accident occurring on private property must be reported to the highway commissioner to the extent required by law.

--ANALYSIS--

Section 39-08-09 of the North Dakota Century Code provides in relevant part as follows:

The driver of a vehicle involved in an accident resulting in injury to or death of any person or property damage to an apparent extent of four hundred dollars or more shall immediately give notice of such accident to the local police department if such accident occurs within a municipality, otherwise to the office of the county sheriff or the state highway patrol. Within ten days after such accident, the driver shall also forward a written report of the accident to the commissioner.

Section 39-08-10, N.D.C.C., provides:

Every law enforcement officer, who in the regular course of duty investigates a motor vehicle accident required to be reported as provided in section 39-08-09 either at the time and at the scene of the accident or thereafter by interviewing the participants, or witnesses, shall make and forward promptly a written report of such accident to the commissioner.

The above statutes constitute the basis upon which the responsibility of the law enforcement officer is invoked. The existence of a personal injury or death or apparent property damage in the amount of \$400,00 in Section 39-08-09, N.D.C.C., qualifies the accident reporting requirement in Section 39-08-10, N.D.C.C. If one of the conditions is found to exist, then it becomes mandatory that the accident be reported to the highway

commissioner. No exception is provided for this requirement because the accident took place on private property.

The law enforcement officer's report is required on reportable accidents occurring on private property to ensure that the financial responsibility laws of the state are properly enforced.

--EFFECT--

This opinion is issued pursuant to Section 54-12-01, N.D.C.C. It governs the actions of public officials until such time as the question presented is decided by the courts or the applicable provisions of law are amended or repealed.

Robert O. Wefald
Attorney General

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