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Auto Insurance Regulation

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AUTO INSURANCE REGULATION

Your committee on Automobile Safety Regulations and Insurance reports as follows:

That they have continued their study of the problem of Automobile Safety Regulations and Insurance as applied to the State of North Dakota, with a view to presenting to this body recommendations which might later become the basis for legislative action. Death, bodily injury, and damage due to automobile accidents continue to increase, and this State has taken no effective measure to remedy the situation.

After a two year study of the proposition, we are agreed that, as applied to North Dakota, compulsory insurance is impracticable—primarily because this being an agricultural state in which more than half of the automobiles are owned by farmers who are generally our more careful drivers, it would be unfair to place on them this additional financial burden, in order to meet a condition caused to a large extent by the careless and the reckless.

We therefore recommend that this association go on record and endeavor to secure the passage by the legislature of a safety responsibility law embodying the following features:

First—A driver's license law.

Second—(a) That whenever any person shall have been convicted of reckless driving, or driving while intoxicated, or the violation of any of the statutes regulating the operation of motor vehicles upon the highways, his driver's license and automobile license shall be suspended and shall remain suspended until such person shall file with the Registrar of Motor Vehicles a certificate from an insurance company or surety company, doing business in this state, showing that he has a liability policy or contract conditioned to pay any final judgment against the insured for any injury to person or property or damage for causing death of any person by reason of any act of the insured, his agent, employee, or driver in the use or operation of the motor vehicle covered, upon the highways of this State. That such insurance shall be in the sum of \$5,000.00 for one person and \$10,000.00 for more than one.

That in lieu of the filing of such liability policy or insurance the applicant may deposit cash or security with the registrar to the amount of at least \$5,000 conditioned as provided in said insurance policy.

Such contract of insurance to cover all motor vehicles registered in the name of the insured, to continue for three years, and to be non-cancelable except on ten days notice to the insured and the Registrar of Motor Vehicles, and the surrender of the license plates and operator's license of the insured. Upon such cancellation the suspension shall again become effective and shall not be removed until a new certificate of insurance as aforesaid shall have been filed.

(b) That wherever a judgment for personal injury or damage to property because of negligence in the operation of a motor vehicle has become final, such person's operator's license and his automobile license shall be suspended and shall remain suspended while such judgment remains unsatisfied and until such person shall file with the Registrar a certificate from an insurance or surety company conditioned as provided in paragraph (a).

That upon an execution issued upon a judgment for personal injury or damage because of the operation of a motor vehicle only ab-

solute exemptions shall be allowed. That any person operating a motor vehicle upon the public highway with the consent of the owner, either express or implied, shall be conclusively presumed to be the agent of the owner.

(c) That a State Safety Counsel be established, whose duty it shall be to educate the public in accident prevention and safety measures.

C. H. STARKE, Chairman.

MINORITY REPORT

I agree heartily with the report of the committee in general, but dissent on certain details, as follows:

I should like to add that compulsory insurance is not only unwise for North Dakota, for the special reasons stated in the majority report, but that a study of the theory, and of such experience as has been had by Massachusetts, indicate that it is unwise generally. It tends to make accidents increase rather than decrease, and presents some very difficult problems, which it would take too long to discuss here.

I do not agree with the recommendation that only absolute exemptions should be allowed against a judgment for personal injuries or property damage. The right remedy, in my opinion, is to forbid such judgment debtors the use of the roads, and this remedy ought to prove effective. I think the law as to exemptions ought not to be tinkered with in piecemeal fashion.

JOHN H. LEWIS.

REPORT OF THE LEGISLATIVE COMMITTEE

We had great difficulty getting together to consider the matters that might be referred to this Committee, but finally your Chairman and Mr. Butterwick met, Mr. King being absent. The report was submitted to Mr. King, and he approved it. The Committee considered the recommendations made by the Association at its last annual meeting, and makes the following recommendations:

1. That the Association continue to urge legislation raising the salaries of the Judges of the Supreme Court to \$8,000.00 per annum, the Judges of the District Courts to \$6,000.00 per annum, and to raise the salary of the Attorney General to \$5,000.00 per annum, as has already been approved by the Association. If the Committee in charge of legislation at the next session of our legislature deem it inadvisable to introduce such legislation at that time, then that the matter be kept alive and proposed at each succeeding legislature until such legislation has been accomplished.

In view of the fact that the assistant Attorney Generals are charged with great responsibility and in order to insure such officers with good ability, we recommend that legislation be proposed at a suitable time raising the salary of the first Assistant Attorney General to \$4,000.00 per annum, and other assistant Attorney Generals to \$3,600.00.

2. Legislation providing for the right of review by the Supreme Court of this State from all decisions or judgments involving substantial rights as to person or property rendered by any Board or Bureau. It will be noticed that we suggest direct review by the Supreme Court. This matter was discussed by us at length and we believe that matters of sufficient importance to be appealed to all would end in Supreme Court in any event, and that it would bring about quicker and cheaper