

**Fifty-fifth Legislative Assembly, State of North Dakota, begun in the
Capitol in the City of Bismarck, on Monday, the sixth day of January,
one thousand nine hundred and ninety-seven**

SENATE BILL NO. 2109
(Senator B. Stenehjem)
(At the request of the Department of Transportation)

AN ACT to amend and reenact subsection 5 of section 39-06-02, sections 39-06-07.1, 39-06-08, subsection 1 of section 39-06-14, sections 39-06-18, 39-06-20, subsection 2 of section 39-06.1-01, section 39-06.1-13, and subsection 6 of section 39-06.2-02 of the North Dakota Century Code, relating to motor vehicle operator's licensing exemptions, proof of name and date of birth, applications of minors, license color, change of address or name, definition of equivalent ordinance, reduction of point total, and definition of commercial motor vehicle.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 5 of section 39-06-02 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

5. A person over sixteen years of age who becomes a resident of ~~the~~ this state ~~of North Dakota~~ and who has in ~~his~~ that person's possession a valid operator's license issued to ~~him~~ that person pursuant to the laws of some other state or ~~province~~ country or by military authorities of the United States may operate a motor vehicle for a period of not more than sixty days after becoming a resident of this state, without being required to have a North Dakota operator's license.

SECTION 2. AMENDMENT. Section 39-06-07.1 of the North Dakota Century Code is amended and reenacted as follows:

39-06-07.1. Proof of name and date of birth for operator's license application. The name and date of birth on all applications must be verified by a birth certificate or other satisfactory evidence. Applicants must produce documents which will be acceptable as listed below:

1. ~~Birth~~ Certified birth certificate; or
2. Any other documentary evidence which confirms to the satisfaction of the ~~commissioner~~ director the true identity and date of birth of the applicant.

SECTION 3. AMENDMENT. Section 39-06-08 of the North Dakota Century Code is amended and reenacted as follows:

39-06-08. Application of minors. The application of any minor for an instruction permit or operator's license must be signed and verified before a person authorized to administer oaths or the ~~commissioner's~~ director's agent, by the father, mother, or legal guardian, or, in the event there is no parent or legal guardian, then by another responsible adult who is willing to assume the obligation imposed under this chapter upon a person signing the application of a minor.

SECTION 4. AMENDMENT. Subsection 1 of section 39-06-14 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

1. The director, upon payment of a ten dollar fee, shall issue to every qualified applicant an operator's license as applied for in the form prescribed by the director. The license must bear a distinguishing number assigned to the licensee, a color photograph of the licensee, the full name, date of birth, residence address, and a brief description of the licensee, and either a facsimile of the signature of the licensee or a space upon which the licensee shall write the licensee's usual signature. If the licensee is under the age of twenty-one, the photograph must be against a color border or background that is different from the color

used for other licensees. If requested on the license application, the license issued by the director must include a statement making an anatomical gift under chapter 23-06.2. No license is valid until it has been signed by the licensee with the licensee's usual signature. The department shall develop a system to require each applicant for an operator's license or renewal of an operator's license to determine whether or not the applicant wishes to be a donor under chapter 23-06.2. For purposes of verification, an officer may require the licensee to write the licensee's signature in the presence of the officer. The director may adopt rules, pursuant to chapter 28-32, relating to the manner in which photographs are to be obtained and placed on operator's licenses. The photograph may be produced by digital imaging or other electronic means and is not a public record.

SECTION 5. AMENDMENT. Section 39-06-18 of the North Dakota Century Code is amended and reenacted as follows:

39-06-18. Duplicate certificates. In the event that a permit or license issued under ~~the provisions of~~ this chapter is lost, mutilated, or destroyed, or contains erroneous information due to a change in name, address, or for any other reason, the person to whom the same was issued may obtain a duplicate, or substitute ~~thereof~~, upon furnishing proof satisfactory to the commissioner that ~~such the~~ permit or license has been lost, mutilated, or destroyed, or is erroneous, and upon payment of ~~an eight dollar~~ a fee. The fee is eight dollars for a duplicate or substitute permit or license for a license or permit that was lost, mutilated, or destroyed, or is being replaced for any other reason, except the fee is three dollars for a duplicate or substitute permit or license for a license or permit that contains erroneous information due to a change in name or address.

SECTION 6. AMENDMENT. Section 39-06-20 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

39-06-20. Notice of change of address or name. Whenever ~~any a~~ person after applying for or receiving an operator's license or permit moves from the address named in ~~such the~~ application or in the license or permit issued to ~~such that~~ that person or when the name of a licensee is changed by marriage or otherwise, ~~such that~~ that person shall within ten days thereafter notify the director in writing or in person of ~~such that~~ that person's old and new addresses or of such former and new names and of the number of any license or permit then held by ~~such that~~ that person. Such A person may obtain a corrected license or permit by making application as provided for in section 39-06-18. In the event of a name change, a corrected license must be obtained. The department may change the address based on information received from any authorized address correction service of the United States postal service.

SECTION 7. AMENDMENT. Subsection 2 of section 39-06.1-01 of the North Dakota Century Code is amended and reenacted as follows:

2. "Equivalent ordinance" or "equivalent ordinances" means city, state, or other jurisdiction ordinances which are comparable to the cited statute, and define essentially the same offense, despite the fact that the language of the ordinance may differ, or differing procedural points or methods of proof may be provided.

SECTION 8. AMENDMENT. Section 39-06.1-13 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

39-06.1-13. Reduction of point total - Other methods.

1. The licensing authority shall reduce the point total shown on any licensee's driving record by one point for each three-month period during which no points are recorded against the licensee's driving record for a moving violation or a violation listed in paragraphs 12 through 16 of subdivision a of subsection 3 of section 39-06.1-10. The three-month period must be calculated from the date of entry of the last points against that licensee's driving record.
2. The point total shown on a licensee's driving record must, during any twelve-month period, be reduced by three points when the licensee mails or delivers a certificate to the licensing authority indicating successful completion of instruction in a driver training course

approved by the licensing authority. Successful completion of instruction must be certified to by the sponsoring agency or organization of the driver training course. The reduction in points authorized by this subsection must only be from a point total accumulated prior to completion of the necessary hours of driver training instruction, and may not exceed nine points during any three-year period commencing on the date of entry of the last points against the person's driving record. If on the date the licensing authority receives the certificate of completion of the driver training course from the licensee that licensee's driving record contains twelve or more points, the point reduction authorized by this subsection must be applied only after the period of suspension required by the number of points then on the driver's record has been served.

- ~~3. The point total shown on a licensee's driving record must be reduced by seven points for successful completion of an inpatient or outpatient alcoholism or narcotics treatment program approved by the state department of human services. No reduction of points may be made under this subsection, unless the licensee's driving record included, at the time of suspension, points assigned for violation of section 39-08-01, or an equivalent ordinance. The provisions of this subsection shall not have application prior to the termination of the suspension period imposed on the driver.~~

SECTION 9. AMENDMENT. Subsection 6 of section 39-06.2-02 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

6. "Commercial motor vehicle" means a motor vehicle or combination of motor vehicles designed or used to transport passengers or property:
- a. If the gross combination weight rating is twenty-six thousand one pounds [11794 kilograms] or more provided the towed unit has a gross vehicle weight rating of more than ten thousand pounds [4536 kilograms];
 - b. If the vehicle has a gross vehicle weight rating of more than twenty-six thousand pounds [11793.40 kilograms] or such lesser rating as determined by federal regulation;
 - ~~b.~~ c. If the vehicle is designed to transport sixteen or more passengers, including the driver; or
 - ~~c.~~ d. If the vehicle is transporting hazardous materials and is required to be placarded in accordance with 49 CFR part 172, subpart F.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Fifty-fifth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2109.

Senate Vote: Yeas 49 Nays 0 Absent 0

House Vote: Yeas 89 Nays 0 Absent 8

Secretary of the Senate

Received by the Governor at _____ M. on _____, 1997.

Approved at _____ M. on _____, 1997.

Governor

Filed in this office this _____ day of _____, 1997,

at _____ o'clock _____ M.

Secretary of State