

**FIRST ENGROSSMENT
with Senate Amendments**

Fifty-sixth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1291

Introduced by

Representatives Mahoney, Fairfield, Keiser, R. Kelsch

Senators Kringstad, O'Connell

1 A BILL for an Act to create and enact a new section to chapter 39-06 of the North Dakota
2 Century Code, relating to an operator's license for a person under eighteen years of age; and to
3 amend and reenact section 39-06-04 of the North Dakota Century Code, relating to
4 instructional permits.

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

6 **SECTION 1. AMENDMENT.** Section 39-06-04 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **39-06-04. Instruction permit.** Any person who is at least fourteen years of age may
9 apply to the director for an instruction permit. The director may issue to the applicant an
10 instruction permit ~~which~~ that entitles the applicant while having such permit in the permittee's
11 immediate possession to drive a motor vehicle upon the public highways for a period of one
12 year when accompanied by a licensed operator who holds a license corresponding to the
13 vehicle the permittee operates ~~and, who~~ has had at least ~~one year~~ three years of driving
14 experience, and who is occupying a seat beside the driver. Persons holding an instruction
15 permit for the operation of a motorcycle shall operate the motorcycle only during hours when
16 the use of headlights is not required pursuant to section 39-21-01, and may not carry or
17 transport any passenger. Any instruction permit may be renewed or a new permit issued for an
18 additional period. A person who is not yet eighteen years of age is not eligible for a license
19 until that person has had an instruction permit issued for at least three months. The director
20 may recognize an instruction permit issued by another jurisdiction in computing the three-month
21 instructional period.

22 **SECTION 2.** A new section to chapter 39-06 of the North Dakota Century Code is
23 created and enacted as follows:

24 **Special provisions for minor operators.**

- 1 1. The director shall cancel the permit or license to operate a motor vehicle of an
2 individual who has committed acts resulting in an accumulated point total in excess
3 of five points as provided for a violation under section 39-06.1-10 or has committed
4 an alcohol-related offense while operating a motor vehicle, if:
 - 5 a. The acts or offenses were committed while the individual was a minor; and
 - 6 b. The individual admitted the violation, was found to have committed the
7 violation by the official having jurisdiction, or pled guilty to, was found guilty of,
8 or adjudicated to have committed the offense.
- 9 2. If an individual has had that individual's license or permit canceled under
10 subsection 1, the director shall deem that individual to have never have had any
11 license or permit to operate a motor vehicle and may not issue any license or
12 permit to drive other than an instruction permit or a restricted instruction permit
13 after the completion of any period of suspension or revocation. After the issuance
14 or an instruction permit or restricted instruction permit, the director may not issue
15 any other license or permit to that individual until, while using the permit issued
16 under this section, that individual:
 - 17 a. (1) Completes a course of classroom instruction and a course of
18 behind-the-wheel instruction acceptable to the director; or
 - 19 (2) Successfully completes a course at an approved commercial driver
20 training school; and
 - 21 b. Satisfies all other requirements that apply to that individual for that license or
22 permit.