

**FIRST ENGROSSMENT
with Conference Committee Amendments****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 sections 39-06-04, 39-06-17, and 39-06.1-08 of the North Dakota Century
4 Code, relating to operator's permits and licenses for minors.

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 is at least eighteen years of age, who~~ has had at least
14 ~~one year~~ three years of driving experience, and who is occupying a seat beside the driver. An
15 individual other than the supervising driver and the permitholder may not be in the front seat
16 unless the vehicle has only a front seat, in which case, the supervising driver must be seated
17 next to the permitholder. Persons holding an instruction permit for the operation of a
18 motorcycle shall operate the motorcycle only during hours when the use of headlights is not
19 required pursuant to section 39-21-01, and may not carry or transport any passenger. Any
20 instruction permit may be renewed or a new permit issued for an additional period. A person
21 who is not yet eighteen years of age is not eligible for a license until that person has had an
22 instruction permit issued for at least ~~three~~ six months. The director may recognize an
23 instruction permit issued by another jurisdiction in computing the ~~three-month~~ six-month
24 instructional period.

SECTION 2. AMENDMENT. Section 39-06-17 of the North Dakota Century Code is amended and reenacted as follows:

39-06-17. Restricted licenses - Penalty for violation.

1. The director, upon issuing an operator's license or a temporary restricted operator's license pursuant to section 39-06.1-11, has authority to impose restrictions suitable to the licensee's driving ability with respect to the type of or special mechanical control devices required on a motor vehicle which the licensee may operate or such other restrictions applicable to the licensee as the director may determine to be appropriate to assure the safe operation of a motor vehicle by the licensee.
2. The director may either issue a special restricted license or may set forth such restrictions upon the usual license form. The director shall likewise restrict licenses pursuant to the requirements of section 39-16.1-09.
3. A restricted operator's license or permit to operate the parent's or guardian's automobile, or an automobile which is equipped with dual controls and while accompanied by a qualified instructor, may be issued to any child, who is at least fourteen years of age, and otherwise qualified, upon the written recommendation of the parent or guardian. No operator's license may be issued until the child, accompanied by the parent or guardian, appears in person and satisfies the director that:
 - a. The child is at least fourteen years of age.
 - b. The child is qualified to operate an automobile safely.
 - c. It is necessary for the child to drive the parent's or guardian's automobile without being accompanied by an adult.
 - d. The child has ~~completed~~:
 - (1) Completed a course of classroom instruction and a course of behind-the-wheel instruction acceptable to the director; or, ~~in the alternative, has successfully~~
 - (2) Successfully completed a course at an approved commercial driver training school.

1 The parent or guardian at all times is responsible for any and all damages growing
2 out of the negligent operation of a motor vehicle by any such child. The provisions
3 of this subsection do not authorize the child to drive a commercial truck, motorbus,
4 or taxicab except the holder of a class D license, fourteen or fifteen years of age,
5 may drive a farm motor vehicle having a gross weight of fifty thousand pounds
6 [22679.62 kilograms] when used to transport agricultural products, farm
7 machinery, or farm supplies to or from a farm when so operated within one
8 hundred fifty miles [241.40 kilometers] of the driver's farm.

9 4. The director may upon receiving satisfactory evidence of any violation of the
10 restrictions of such license suspend or revoke the same but the licensee is entitled
11 to a hearing as upon a suspension or revocation under this chapter.

12 5. It is a class B misdemeanor for any person to operate a motor vehicle in any
13 manner in violation of the restrictions imposed in a restricted license issued to that
14 person other than restrictions imposed under subsection 6. If the restricted license
15 was issued under section 39-06.1-11 and the underlying suspension was imposed
16 for a violation of section 39-08-01 or equivalent ordinance, or is governed by
17 chapter 39-20, punishment is as provided in subsection 2 of section 39-06-42 and
18 upon receiving notice of the conviction the director shall revoke, without
19 opportunity for hearing, the licensee's restricted license and shall extend the
20 underlying suspension for a like period of not more than one year. The director
21 may not issue a restricted license for the extended period of suspension imposed
22 under this subsection. If the conviction referred to in this section is reversed by an
23 appellate court, the director shall restore the person to the status held by the
24 person prior to the conviction, including restoration of driving privileges if
25 appropriate.

26 6. A restricted license issued under subsection 3 to a child at least fourteen years of
27 age to operate a parent's or guardian's automobile authorizes the licenseholder to
28 drive the type or class of motor vehicle specified on the restricted license only
29 under the following conditions:

30 a. A restricted licenseholder must be in possession of the license while
31 operating the motor vehicle.

- 1 b. An individual holding a restricted driver's license driving a motor vehicle may
2 not carry more passengers than the vehicle manufacturer's suggested
3 passenger capacity.

4 **SECTION 3.** A new section to chapter 39-06 of the North Dakota Century Code is
5 created and enacted as follows:

6 **Special provisions for minor operators.**

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

29 **SECTION 4. AMENDMENT.** Section 39-06.1-08 of the North Dakota Century Code is
30 amended and reenacted as follows:

- 1 **39-06.1-08. Nonmoving violation defined.** For the purposes of section 39-06.1-06, a
2 "nonmoving violation" means:
- 3 1. A violation of section 39-04-11, subsection 6 of section 39-06-17, and section
4 39-06-44, 39-06-45, 39-10-47, 39-10-49, 39-10-50, 39-10-51, 39-10-54.1,
5 39-21-08, 39-21-10, 39-21-11, or 39-21-14, or a violation of any municipal
6 ordinance equivalent to the foregoing sections.
- 7 2. A violation, discovered at a time when the vehicle is not actually being operated, of
8 section 39-21-03, 39-21-05, 39-21-13, 39-21-19, 39-21-32, 39-21-37, 39-21-39, or
9 39-21-44.2, or a violation of any municipal ordinance equivalent to the foregoing
10 sections.