

**FIRST ENGROSSMENT
with Conference Committee Amendments
ENGROSSED SENATE BILL NO. 2012**

Introduced by

Appropriations Committee

(At the request of the Governor)

1 A BILL for an Act to provide an appropriation for defraying the expenses of the various divisions
2 under the supervision of the director of the department of transportation; to provide for a
3 legislative council study; to provide a contingent appropriation; to amend and reenact section
4 39-06-19, subsection 1 of section 39-06.2-09, and section 39-09-02 of the North Dakota
5 Century Code, relating to highways and operators' licenses; and to declare an emergency.

6 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

7 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the
8 funds as may be necessary, are appropriated from special funds derived from federal funds
9 and other income, to the various divisions under the supervision of the director of the
10 department of transportation for the purpose of defraying their expenses, for the biennium
11 beginning July 1, 2001, and ending June 30, 2003, as follows:

12 Salaries and wages	\$99,859,596
13 Operating expenses	118,331,562
14 Equipment	28,251,600
15 Capital improvements	457,084,500
16 Grants	<u>32,839,085</u>
17 Total special funds appropriation	\$736,366,343

18 **SECTION 2. LEGISLATIVE COUNCIL STUDY - FLEET SERVICES.** The legislative
19 council shall consider studying, during the 2001-02 interim, the efficiency and effectiveness of
20 the operations of the state fleet services program of the department of transportation.

21 **SECTION 3. CONTINGENT APPROPRIATION - GENERAL LICENSE PLATE ISSUE.**
22 If the fifty-seventh legislative assembly approves additional revenues specifically identified for
23 the purpose of providing funding for the additional cost of a general license plate issue, there is
24 appropriated out of any moneys in the highway fund in the state treasury, not otherwise

appropriated, the sum of \$3,200,000, to the department of transportation for the purpose of defraying the expenses of a general license plate issue, for the biennium beginning July 1, 2001, and ending June 30, 2003.

SECTION 4. APPROPRIATION - 1999-2001 BIENNIUM. The funds provided in this section, or so much of the funds as may be necessary, are appropriated from special funds derived from federal funds and other income, to the department of transportation for the purpose of defraying the expenses of its various divisions, for the period beginning with the effective date of this Act and ending June 30, 2001, as follows:

Motor vehicle	\$508,083
Highways	<u>49,186,400</u>
Total special funds	\$49,694,483

SECTION 5. AMENDMENT. Section 39-06-19 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

39-06-19. Expiration of license - Renewal.

1. Every operator's license issued under this chapter expires and is renewed according to this section. The expiration date of an operator's license for ~~every~~ a person whose birth occurred in a year ending in an odd numeral is twelve midnight on the anniversary of the birthday in the second subsequent year ending in an odd numeral. The expiration date of an operator's license for ~~every~~ a person whose birth occurred in a year ending in an even numeral is twelve midnight on the anniversary of the birthday in the second subsequent year ending in an even numeral.

2. If the licensee has reached the age of eighteen, and desires reissuance of a license with the distinctive background for licensees at least the age of eighteen and under the age of twenty-one, the applicant may apply at any time for a replacement license. If the licensee has reached the age of twenty-one and desires reissuance of a license without the distinctive color background required by section 39-06-14, the applicant may apply at any time for a replacement license.
~~In all other cases,~~

1 3. An applicant for renewal must present the application with fee for renewal of
2 license ~~must be presented~~ to the director not ~~prior to~~ before ten months before the
3 expiration date of the operator's license. The director may require an examination
4 of an applicant as upon an original application. After the initial application for a
5 license in this state, the director may not require an applicant for renewal,
6 replacement, or a substitute to provide a social security card unless the applicant
7 is changing the distinguishing number on the license to the applicant's social
8 security number. The director may not renew an operator's license if the license
9 has been suspended under section 14-08.1-07. Upon the recommendation of the
10 court, the director may issue a temporary permit to the licensee under section
11 39-06.1-11 if the temporary permit is necessary for the licensee to work and the
12 court has determined the licensee is making a good-faith effort to comply with the
13 child support order.

14 4. Every application for renewal of a license by an applicant must be accompanied by
15 a certificate of examination from either the driver licensing or examining authorities
16 or a physician or an optometrist, licensed in this or another state, containing a
17 statement as to the corrected and uncorrected vision of the applicant. The director
18 shall provide visual examination equipment at each location where a license may
19 be renewed. The initial application for a motor vehicle operator's license may be
20 accompanied by a statement of examination from a licensed physician or an
21 optometrist, stating the corrected and uncorrected vision of the applicant, in lieu of
22 the department examination. ~~Such~~ This examination must be within six months of
23 the driver license application.

24 5. Every person submitting an application and fee for renewal of license one year or
25 more after the expiration of a license, except an applicant whose military service
26 has terminated less than thirty days prior to such application, must be treated as a
27 new driver.

28 6. The fee for renewal or replacement of an operator's license is ten dollars.

29 **SECTION 6. AMENDMENT.** Subsection 1 of section 39-06.2-09 of the North Dakota

30 Century Code is amended and reenacted as follows:

1. Content of license. The commercial driver's license must be marked "commercial driver's license", and must be, to the maximum extent practicable, tamper proof. It must include the following information:
 - a. The name and residential address of the person;
 - b. The person's color photograph;
 - c. A physical description of the person, including sex, height, weight, and eye and hair color;
 - d. Date of birth;
 - e. ~~The~~ A distinguishing number assigned to the person which upon request may be a number different from the person's social security number;
 - f. The person's signature;
 - g. The class or type of commercial motor vehicle or vehicles which the person is authorized to drive together with any endorsements or restrictions;
 - h. The name of this state; and
 - i. The dates between which the license is valid.

SECTION 7. AMENDMENT. Section 39-09-02 of the North Dakota Century Code is amended and reenacted as follows:

39-09-02. Speed limitations.

1. Subject to the provisions of section 39-09-01 and except in those instances where a lower speed is specified in this chapter, it presumably is lawful for the driver of a vehicle to drive the same at a speed not exceeding:
 - a. Twenty miles [32.19 kilometers] an hour when approaching within fifty feet [15.24 meters] of a grade crossing of any steam, electric, or street railway when the driver's view is obstructed. A driver's view is deemed to be obstructed when at any time during the last two hundred feet [60.96 meters] of the driver's approach to such crossing, the driver does not have a clear and uninterrupted view of such railway crossing and of any traffic on such railway for a distance of four hundred feet [121.92 meters] in each direction from such crossing.

- b. Twenty miles [32.19 kilometers] an hour when passing a school during school recess or while children are going to or leaving school during opening or closing hours.
 - c. Twenty miles [32.19 kilometers] an hour when approaching within fifty feet [15.24 meters] and in traversing an intersection of highways when the driver's view is obstructed. A driver's view is deemed to be obstructed when at any time during the last fifty feet [15.24 meters] of the driver's approach to such intersection, the driver does not have a clear and uninterrupted view of such intersection and of the traffic upon all of the highways entering such intersection for a distance of two hundred feet [60.96 meters] from such intersection.
 - d. Twenty miles [32.19 kilometers] an hour when the driver's view of the highway ahead is obstructed within a distance of one hundred feet [30.48 meters].
 - e. Twenty-five miles [40.23 kilometers] an hour on any highway in a business district or in a residence district or in a public park, unless a different speed is designated and posted by local authorities.
 - f. Fifty-five miles [88.51 kilometers] an hour on gravel, dirt, or loose surface highways, and on paved two-lane highways if there is no speed limit posted or if within the time period of one-half hour after sunset to one-half hour before sunrise, unless otherwise permitted, restricted, or required by conditions.
 - g. Sixty-five miles [104.61 kilometers] an hour on paved two-lane highways if within the time period of one-half hour before sunrise to one-half hour after sunset and if posted for that speed, and on paved and divided multilane highways, unless otherwise permitted, restricted, or required by conditions.
 - h. ~~Seventy~~ Seventy-five miles [~~142.65~~ 120.70 kilometers] an hour on access-controlled, paved and divided, multilane interstate highways, unless otherwise permitted, restricted, or required by conditions.
2. The director may designate and post special areas of state highways where lower speed limits apply. If there is a violation of a highway construction zone speed limit, where within that zone individuals engaged in construction were present at

1 the time of the violation, then the fees required for a noncriminal disposition are
2 forty dollars for one through ten miles per hour over the posted speed; and forty
3 dollars, plus one dollar for each additional mile per hour over ten miles per hour
4 over the limit. However, if a greater fee would be applicable under section
5 39-06.1-06, then that fee is required for the noncriminal disposition. The highway
6 construction zone speed limit posted sign must state "Minimum Fee \$40".

7 3. Except as provided by law, it is unlawful for any person to drive a vehicle upon a
8 highway at a speed that is unsafe or at a speed exceeding the speed limit
9 prescribed by law or established pursuant to law.

10 4. In charging a violation of the provisions of this section, the complaint must specify
11 the speed at which the defendant is alleged to have driven and the speed which
12 this section prescribes is prima facie lawful at the time and place of the alleged
13 offense.

14 ~~5. Repealed by S.L. 1975, ch. 346, § 3.~~

15 **SECTION 8. EMERGENCY.** Section 4 of this Act is declared to be an emergency
16 measure.