

Fifty-ninth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2042

Introduced by

Legislative Council

(No Child Left Behind Committee)

1 A BILL for an Act to amend and reenact sections 15.1-20-03 and 39-06-01.1 of the North
2 Dakota Century Code, relating to compulsory school attendance and motor vehicle operators'
3 licenses; and to provide a penalty.

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

5 **SECTION 1. AMENDMENT.** Section 15.1-20-03 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **15.1-20-03. Compulsory attendance law - Enforcement - Penalty.**

8 1. Each teacher and administrator is charged with the enforcement of compulsory
9 school attendance provisions. The compulsory school attendance provisions are
10 applicable to any child who is offered school facilities by a school district,
11 regardless of whether or not the child actually resides in the district. ~~Each~~
12 ~~individual listed in this section shall investigate any alleged violation of the~~
13 ~~compulsory attendance provisions and shall obtain from the parent of any child not~~
14 ~~attending school in accordance with the requirements of this chapter the reason, if~~
15 ~~any, for the absence. In any school district not having a district superintendent, the~~
16 ~~county superintendent of schools must be notified of any allegation regarding the~~
17 ~~violation of compulsory attendance provisions and the county superintendent shall~~
18 ~~report the allegation to the state's attorney of the county. In all other districts, the~~
19 ~~school district superintendent or the principal of the child's school shall report to the~~
20 ~~state's attorney of the county the facts in connection with any alleged violation of~~
21 ~~the compulsory attendance provisions. The state's attorney may petition a court,~~
22 ~~pursuant to chapter 27-20, for a determination as to whether a child is~~
23 ~~educationally deprived.~~

- 1 2. If a teacher determines that a child is not in attendance, as required by this
2 chapter, and that the child has not been excused, in accordance with this chapter
3 or in accordance with the school's or school district's policies, the teacher shall
4 notify the administrator of the school.
- 5 3. Upon receiving notice of a child's absence under subsection 2, the administrator
6 shall initiate an investigation into the cause of the absence. If the administrator has
7 reason to believe that the person having responsibility for the child has failed to
8 ensure that the child is in attendance, the administrator shall refer the matter to the
9 state's attorney.
- 10 4. Any person who fails to ensure that a child is in attendance, as required by this
11 chapter, is guilty of an infraction for a first offense and is guilty of a class B
12 misdemeanor for a second or subsequent offense.
- 13 5. In a prosecution for an offense under this section, it is an affirmative defense if the
14 person responsible for ensuring that the child is in attendance has made
15 substantial and reasonable efforts to comply with the requirements of this section,
16 but is unable to compel the child to attend school. If the court determines that the
17 affirmative defense is valid, the court shall dismiss the complaint against the
18 person.

19 **SECTION 2. AMENDMENT.** Section 39-06-01.1 of the North Dakota Century Code is
20 amended and reenacted as follows:

21 **39-06-01.1. Special provisions for minor operators.**

- 22 1. The director shall cancel the permit or license to operate a motor vehicle of an
23 individual who has committed acts resulting in an accumulated point total in excess
24 of five points as provided for a violation under section 39-06.1-10 or has committed
25 an alcohol-related offense while operating a motor vehicle, if:
 - 26 a. The acts or offenses were committed while the individual was a minor; and
 - 27 b. The individual admitted the violation, was found to have committed the
28 violation by the official having jurisdiction, or pled guilty to, was found guilty of,
29 or adjudicated to have committed the offense.
- 30 2. If an individual has had that individual's license or permit canceled under
31 subsection 1, the director shall deem that individual to have never have had any

license or permit to operate a motor vehicle and may not issue any license or permit to drive other than an instruction permit or a restricted instruction permit after the completion of any period of suspension or revocation. After the issuance of an instruction permit or restricted instruction permit, the director may not issue any other license or permit to that individual until, while using the permit issued under this section, that individual:

- a. (1) Completes a course of classroom instruction and a course of behind-the-wheel instruction acceptable to the director;
- (2) Completes an internet course through a licensee under chapter 39-25 and completes thirty hours of driving with that individual's parent or guardian in compliance with department rules designed for experience in various driving conditions; or
- (3) Successfully completes a course at an approved commercial driver training school; and
- b. Satisfies all other requirements that apply to that individual for that license or permit.

3. The director shall cancel the permit or license to operate a motor vehicle of an individual under the age of sixteen if the director is notified in writing by the administrator of the individual's school that the individual is in violation of the compulsory attendance laws of this state or of the attendance policies of the individual's school or school district. If an individual's license or permit is canceled under this subsection, the individual is not eligible to apply for another permit or license for a period of three months or until the individual reaches the age of sixteen, whichever comes first.