

Introduced by

Senators Trenbeath, Krauter, Lyson

Representatives DeKrey, Drovdal, Herbel

1 A BILL for an Act to create and enact a new section to chapter 39-20 of the North Dakota
2 Century Code, relating to drivers' records for driving while under the influence.

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

4 **SECTION 1.** A new section to chapter 39-20 of the North Dakota Century Code is
5 created and enacted as follows:

6 **Expunged violation for lack of conviction.**

- 7 1. An individual whose driving privileges have not been previously suspended for an
8 alcohol-related driving offense may petition the court for an order removing the
9 suspension from the driving record that is accessible to the public under the
10 following circumstances:
- 11 a. The individual does not have a previous alcohol-related conviction or license
12 suspension in this or another state;
 - 13 b. The individual served the duration of the individual's suspension time;
 - 14 c. The individual was not convicted of an alcohol-related driving offense or of a
15 violation of section 39-08-03 subsequent to a charge of an alcohol-related
16 driving offense for the same act or occurrence; and
 - 17 d. The individual did not refuse to submit to a chemical test or the individual did
18 not have an alcohol concentration that exceeded twelve one-hundredths of
19 one percent.
- 20 2. If the conditions of subsection 1 are met, the court shall issue an order directing
21 the department to expunge the individual's driving record that is accessible to the
22 public. This section does not apply to a suspension for an individual under
23 twenty-one years of age with an alcohol concentration of at least two
24 one-hundredths of one percent by weight.