

Introduced by

Representatives Delmore, Hawken, Weisz

Senators Espegard, Lyson, Trenbeath

1 A BILL for an Act to create and enact a new section to chapter 39-16 of the North Dakota  
2 Century Code, relating to authority of a court to order confidentiality or removal of an entry in a  
3 driver record or abstract; and to amend and reenact section 39-16-03.1 of the North Dakota  
4 Century Code, relating to the confidentiality of a driving record.

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

6 **SECTION 1.** A new section to chapter 39-16 of the North Dakota Century Code is  
7 created and enacted as follows:

8 **Confidentiality or removal of entry of criminal offense by court order.** A court may  
9 order that an entry be made in a driver record or abstract for a criminal offense reported to the  
10 director to be confidential or removed from the driver record or abstract. The order may be  
11 made only upon motion of the driver, with notice to the prosecuting attorney, and a finding by  
12 the court of good cause to support the relief requested.

13 **SECTION 2. AMENDMENT.** Section 39-16-03.1 of the North Dakota Century Code is  
14 amended and reenacted as follows:

15 **39-16-03.1. Entries on driver record abstract confidential.** Notwithstanding any  
16 other provision of this chapter, the following entries on a driver record or abstract are not  
17 available to the public, except for statistical purposes, other than by order of a court of  
18 competent jurisdiction accompanied by a fee of twenty-five dollars:

- 19 1. An entry more than three years old.
- 20 2. After the period of suspension ceases, an entry concerning a suspension under  
21 subsection 4, 5, 6, or 7 of section 39-06-03 or subsection 2, 5, or 6 of section  
22 39-06-32.
- 23 3. An entry concerning a suspension as the result of a person under twenty-one  
24 years of age who has an alcohol concentration of at least two one-hundredths of

- 1                   one percent but under ten one-hundredths of one percent by weight within two  
2                   hours after driving or being in actual physical control of a vehicle.  
3            4. An entry made for a criminal offense, other than by a holder of a commercial  
4            driver's license, upon submittal to the department of a court order that the entry be  
5            confidential or the entry be removed from the driver record or abstract.