

Sixtieth  
Legislative Assembly  
of North Dakota

**SENATE BILL NO. 2337**

Introduced by

Senators Mathern, Nething

Representative Aarsvold

1 A BILL for an Act to create and enact subsection 3 to section 39-06-01.1 and a new paragraph  
2 to subdivision a of subsection 3 of section 39-06.1-10 of the North Dakota Century Code,  
3 relating to restrictions on minors while driving; and to amend and reenact sections 39-06-04 and  
4 39-06-05, subdivision c of subsection 3 of section 39-06-14, and sections 39-06-17, 39-06.1-08,  
5 and 39-06.1-09 of the North Dakota Century Code, relating to minors driving motor vehicles.

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

7 **SECTION 1.** Subsection 3 to section 39-06-01.1 of the North Dakota Century Code is  
8 created and enacted as follows:

- 9 3. A licensed driver under the age of sixteen years and six months is operating a  
10 motor vehicle on a provisional license. A provisional licensee may not:  
11 a. Operate a motor vehicle between the hours of eleven p.m. and five a.m.  
12 unless accompanied by an individual at least twenty-one years of age.  
13 b. Transport more than one passenger under the age of eighteen years unless  
14 there is an individual seated beside the provisional licensee and that  
15 individual is at least twenty-one years of age. A sibling of the provisional  
16 licensee may not be considered a prohibited passenger under this  
17 subdivision.  
18 c. Operate a wireless or cellular telecommunications device while operating a  
19 motor vehicle that is in motion.

20 **SECTION 2. AMENDMENT.** Section 39-06-04 of the North Dakota Century Code is  
21 amended and reenacted as follows:

22 **39-06-04. Instruction permit.** Any person who is at least fourteen years and six  
23 months of age may apply to the director for an instruction permit. The director may issue to the  
24 applicant an instruction permit that entitles the applicant while having such permit in the

1 permittee's immediate possession to drive a motor vehicle upon the public highways for a  
2 period of one year when accompanied by a licensed operator who holds a license  
3 corresponding to the vehicle the permittee operates, who is at least eighteen years of age, who  
4 has had at least three years of driving experience, and who is occupying a seat beside the  
5 driver. An individual other than the supervising driver and the permitholder may not be in the  
6 front seat unless the vehicle has only a front seat, in which case, the supervising driver must be  
7 seated next to the permitholder. Persons holding an instruction permit for the operation of a  
8 motorcycle shall operate the motorcycle only during hours when the use of headlights is not  
9 required pursuant to section 39-21-01, and may not carry or transport any passenger. Any  
10 instruction permit may be renewed or a new permit issued for an additional period. A person  
11 who is not yet eighteen years of age is not eligible for a license until that person has had an  
12 instruction permit issued for at least six months. The director may recognize an instruction  
13 permit issued by another jurisdiction in computing the six-month instructional period.

14 **SECTION 3. AMENDMENT.** Section 39-06-05 of the North Dakota Century Code is  
15 amended and reenacted as follows:

16 **39-06-05. Restricted instruction permit - When instruction permit not required.**

- 17 1. The director upon receiving proper application may issue a restricted instruction  
18 permit effective for a school year or more restricted period to an applicant who is at  
19 least fourteen years and six months of age and enrolled in a commercial driver  
20 training course which includes practice driving and which is approved by the  
21 superintendent of the highway patrol pursuant to chapter 39-25. Such instruction  
22 permit entitles the permittee when the permittee has such a permit in the  
23 permittee's immediate possession to operate a motor vehicle only on a designated  
24 highway or within a designated area but only when an approved instructor is  
25 occupying a seat beside the permittee.
- 26 2. Any student who is at least fourteen years and six months of age and enrolled in  
27 behind-the-wheel driver's training through a high school program approved by the  
28 superintendent of public instruction may operate a motor vehicle, under the  
29 supervision of a driver training instructor certified by the superintendent of public  
30 instruction, without a permit or license to operate a motor vehicle; provided, that  
31 the school district sponsoring the driver's training program has an insurance policy

1 covering any damage which may be done by any such student while operating the  
2 vehicle, and provided further that proof of coverage is filed with the superintendent  
3 of public instruction by the school district's insurance carrier. The insurance  
4 coverage must be in the amount required under section 39-16.1-02.

5 **SECTION 4. AMENDMENT.** Subdivision c of subsection 3 of section 39-06-14 of the  
6 North Dakota Century Code is amended and reenacted as follows:

7 c. A driver with a class M license may operate any motor vehicle having a seat  
8 or saddle for the use of the rider and designed to travel on not more than  
9 three wheels in contact with the ground, but excluding motorized bicycles,  
10 tractors, and vehicles on which the operator or passengers, or both, ride  
11 within an enclosed cab. A class M vehicle may not be operated under a  
12 class A, B, C, or D license.

13 (1) The holder of a class A, B, C, or D license may receive a class M  
14 endorsement upon successful completion of an examination. The  
15 director may waive the skill portion of the examination if the applicant  
16 has successfully completed a motorcycle safety course approved by the  
17 director.

18 (2) An applicant sixteen years of age and older, who does not hold a  
19 current valid operator's license may be issued a class M learner's  
20 permit after successful completion of a written examination. The  
21 class M license will be issued after the applicant has successfully  
22 completed a driver's examination. The director may waive the skill  
23 portion of the examination if the applicant has successfully completed a  
24 motorcycle safety course approved by the director.

25 (3) Applicants at least fourteen or fifteen years and six months and under  
26 sixteen years of age may be issued a motorcycle learner's permit if the  
27 applicant is enrolled in or has completed an approved motorcycle safety  
28 course. Applicants for a motorcycle operator's license who are under  
29 sixteen years of age shall hold an initial learner's permit for at least two  
30 months before applying for a class M operator's license, shall have  
31 completed an approved motorcycle safety course, and shall hold a valid

motorcycle learner's permit at the time of application. The director may waive the skill portion of the examination if the applicant has successfully completed a motorcycle safety course approved by the director. Any person under sixteen years of age who holds a permit or license is restricted to the operation of a motorcycle powered with an engine of two hundred fifty cubic centimeters, or less, displacement. Evidence that the applicant has satisfactorily completed a motorcycle safety course which meets the minimum requirements of the motorcycle safety foundation must accompany the application.

**SECTION 5. 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~~ fifteen 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~~ fifteen 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:

- (1) Completed a course of classroom instruction and a course of behind-the-wheel instruction acceptable to the director; or
- (2) Successfully completed a course at an approved commercial driver training school.

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

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

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

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

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

**SECTION 6. AMENDMENT.** Section 39-06.1-08 of the North Dakota Century Code is amended and reenacted as follows:

**39-06.1-08. Nonmoving violation defined.** For the purposes of section 39-06.1-06, a "nonmoving violation" means:

1. A violation of section 39-04-11, ~~subsection 6 of section 39-06-17, and section~~ 39-06-44, 39-06-45, 39-10-47, 39-10-49, 39-10-50, 39-10-51, 39-10-54.1, 39-21-08, 39-21-10, 39-21-11, or 39-21-14, or a violation of any municipal ordinance equivalent to the foregoing sections.

2. A violation, discovered at a time when the vehicle is not actually being operated, of section 39-21-03, 39-21-05, 39-21-13, 39-21-19, 39-21-32, 39-21-37, 39-21-39, or 39-21-44.2, or a violation of any municipal ordinance equivalent to the foregoing sections.

**SECTION 7. AMENDMENT.** Section 39-06.1-09 of the North Dakota Century Code is amended and reenacted as follows:

**39-06.1-09. Moving violation defined.** For the purposes of sections 39-06.1-06 and 39-06.1-13, a "moving violation" means a violation of section 39-04-22; subsection 1 of section 39-04-37; section 39-04-55; 39-06-01; subsection 3 of section 39-06-01.1; section 39-06-14; 39-06-16; 39-09-04.1; 39-09-09; subsection 1 of section 39-12-02; ~~sections~~ section 39-12-04; 39-12-05; 39-12-06; 39-12-09; 39-24-02; or 39-24-09, except subdivisions b and c of subsection 5, or equivalent ordinances; or a violation of the provisions of chapter 39-10, 39-10.2, or 39-21, or equivalent ordinances, except subsection 4 of section 39-10-26, sections

1 39-21-44 and 39-21-45.1, subsections 2 and 3 of section 39-21-46, and those sections within  
2 those chapters which are specifically listed in subsection 1 of section 39-06.1-08.

3 **SECTION 8.** A new paragraph to subdivision a of subsection 3 of section 39-06.1-10 of  
4 the North Dakota Century Code is created and enacted as follows:

5 Driving in violation 2 points  
6 of the conditions of a  
7 provisional license under  
8 subsection 3 of  
9 section 39-06-01.1