

Sixtieth  
Legislative Assembly  
of North Dakota

**SENATE BILL NO. 2405**

Introduced by

Senator O'Connell

1 A BILL for an Act to amend and reenact sections 39-06.1-10.1 and 39-06.1-13 of the North  
2 Dakota Century Code, relating to point reduction for a driver training course; and to provide a  
3 penalty.

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

5 **SECTION 1. AMENDMENT.** Section 39-06.1-10.1 of the North Dakota Century Code  
6 is amended and reenacted as follows:

7 **39-06.1-10.1. Alternative disposition - Driver training course - Exceptions.**

8 ~~A person~~

9 1. An individual issued a summons or notice to appear under section 39-07-07 may  
10 appear before the court and elect to attend a driver training course approved by the  
11 director in lieu of entry of points on the licensee's driving record. ~~A person~~ An  
12 individual who elects to attend the course must so notify the court at the time of  
13 posting the bond, which is forfeited even though an election is made under this  
14 section. The ~~person~~ individual who makes the election shall pay the driver training  
15 course fee to the driver training course sponsor. ~~When a person~~ If an individual  
16 elects to attend the course, the point penalty of five points or fewer as provided for  
17 the violation by section 39-06.1-10 may not be assessed; ~~provided, that if~~ if proof of  
18 completion of the course is presented to the department within thirty days after the  
19 ~~person~~ individual notifies the court of the election. ~~A person~~ The sponsoring  
20 agency or organization of the driver training course shall present the proof to the  
21 department within three days of the course or be guilty of an infraction for which a  
22 fine of one hundred dollars must be imposed. An individual may not make an  
23 election under this section if:

1       4- ~~a.~~ a. That ~~person~~ individual has made an election under this section within the  
2                   twelve months preceding the date of issuance of the summons or notice to  
3                   appear;

4       2- ~~b.~~ b. The offense is assigned six or more points; or

5       3- ~~c.~~ c. The offense is an offense listed in section 39-06.1-05.

6       2. ~~A person~~ An individual making an election under this section forfeits any point  
7                   reduction option under section 39-06.1-13.

8       **SECTION 2. AMENDMENT.** Section 39-06.1-13 of the North Dakota Century Code is  
9       amended and reenacted as follows:

10       **39-06.1-13. Reduction of point total - Other methods.**

11       1. The ~~licensing authority~~ department shall reduce the point total shown on any  
12                   licensee's driving record by one point for each three-month period during which ~~no~~  
13                   ~~points are there~~ is not a point recorded against the licensee's driving record ~~for a~~  
14                   ~~moving violation or a violation listed in paragraphs 12 through 16 of subdivision a~~  
15                   ~~of subsection 3 of section 39-06.1-10.~~ The three-month period must be calculated  
16                   from the date of entry of the last points against that licensee's driving record.

17       2. The point total shown on a licensee's driving record must, during any twelve-month  
18                   period, be reduced by three points when the ~~licensee~~ sponsoring agency or  
19                   organization mails or delivers a certificate to the ~~licensing authority~~ department  
20                   indicating successful completion of instruction in a driver training course approved  
21                   by the ~~licensing authority~~ department. Successful completion of instruction must  
22                   be certified to and mailed or delivered to the department within three days of the  
23                   course by the sponsoring agency or organization of the driver training course.

24                   Failure to mail or deliver the certificate within three days by the sponsoring agency  
25                   or organization is an infraction for which a fine of one hundred dollars must be  
26                   imposed. The reduction in points authorized by this subsection must only be from  
27                   a point total accumulated ~~prior to~~ before completion of the necessary hours of  
28                   driver training instruction, and may not exceed nine points during any three-year  
29                   period commencing on the date of entry of the last points against the ~~person's~~  
30                   licensee's driving record. The department shall notify the licensee of the reduction  
31                   in points. If on the date the ~~licensing authority~~ department receives the certificate

1                   of completion of the driver training course from the licensee, that licensee's driving  
2                   record contains twelve or more points or, as a minor, the licensee's driving record  
3                   contains six points or more, the point reduction authorized by this subsection must  
4                   be applied only after the period of suspension or cancellation required by the  
5                   number of points then on the driver's record has been served.