

Sixty-first
Legislative Assembly
of North Dakota

HOUSE BILL NO.

Introduced by

Representative Gruchalla

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

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

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

9 **Instruction permits and intermediate driver licenses.**

- 10 1. The director may issue an instruction permit to an individual under eighteen years
11 of age only if the individual:
- 12 a. Is fourteen years of age or older;
 - 13 b. Has successfully passed a standard written test prescribed by the director;
 - 14 c. Has successfully passed a vision examination;
 - 15 d. Has the written approval of such individual's parent or legal guardian; and
 - 16 e. Has not had any seatbelt law violation, traffic offense or violation, or any
17 offense involving the use of alcohol or other drug while operating a motor
18 vehicle during the one-hundred-eighty day period immediately preceding
19 application;
- 20 2. An individual with an instruction permit may not:
- 21 a. Operate a motor vehicle unless accompanied by an individual who is at least
22 twenty-one years of age and is licensed to operate a motor vehicle;
 - 23 b. Operate a motor vehicle between the hours of eleven o'clock p.m. and five
24 o'clock a.m.; and

1 c. Operate a wireless or cellular communications device while operating a motor
2 vehicle that is in motion unless the sole purpose of operating the device is to
3 obtain emergency assistance, to prevent a crime about to be committed, or in
4 the reasonable belief that a person's life or safety is in danger.

5 3. The director may issue an intermediate driver license to an individual under
6 eighteen years of age only if the individual:

7 a. Is fifteen years and six months of age or older;

8 b. Has successfully completed an examination of actual driving ability;

9 c. Had an instruction permit pursuant to subsection 1 or its equivalent from
10 another state for at least one year;

11 d. Has not had any seatbelt law violation, traffic violation or offense, or any
12 offense involving the use of alcohol or other drug while operating a motor
13 vehicle during the one-hundred-eighty day period immediately preceding
14 application;

15 e. Has presented certification by a parent or legal guardian that the individual
16 has accumulated a minimum of forty hours of supervised, behind-the-wheel
17 driving experience of which at least ten hours must consist of night driving;
18 and

19 f. Has either completed a course of classroom instruction and a course of
20 behind-the-wheel instruction acceptable to the director or successfully
21 completed a course at an approved commercial driver training school.

22 4. An individual with an intermediate driver license may not:

23 a. Operate a motor vehicle with more than one passenger under the age of
24 eighteen years unless the additional passenger is a sibling included step, half,
25 and adopted sibling of the driver and the motor vehicle is being operated for
26 the sole purpose of going to or from school;

27 b. Operate a motor vehicle between the hours of eleven o'clock p.m. and five
28 o'clock a.m.; and

29 c. Operate a wireless or cellular communications device while operating a motor
30 vehicle that is in motion unless the sole purpose of operating the device is to

1 obtain emergency assistance, to prevent a crime about to be committed, or in
2 the reasonable belief that a person's life or safety is in danger.

3 These restrictions on motor vehicle operation remain in effect until an unrestricted
4 driver license is granted.

5 5. Except as otherwise provided by this section, the director may issue an
6 unrestricted driver license to an individual under eighteen years of age only if the
7 individual:

- 8 a. Is at least sixteen years of age;
9 b. Has maintained an intermediate driver license for at least six months; and
10 c. Has not had any seatbelt law violation, traffic violation or offense, or any
11 offense involving the use of alcohol or other drug while operating a motor
12 vehicle during the one-hundred-eighty day period immediately preceding
13 application.

14 6. Any individual who is between the age of fourteen and sixteen years who resides
15 on or is employed for compensation by a farm in this state may apply to the
16 director for a farm license. A farm license entitles a licensee to operate a motor
17 vehicle:

- 18 a. While going to, from, or in connection with any farm job or other farm-related
19 work; or
20 b. For other than farm related purposes if the licensee is operating a motor
21 vehicle other than between the hours of eleven p.m. and five a.m. and is
22 accompanied by an individual who is at least twenty-one years of age who
23 holds a valid driver's license.

24 7. An individual with a farm license may not operate a wireless or cellular
25 communication device while driving unless the sole purpose of operating a wireless
26 or cellular communications device is to obtain emergency assistance, to prevent a
27 crime about to be committed, in the reasonable belief that a person's life or safety
28 is in danger, or to communicate regarding any farm job, employment, or other
29 related farm-related work.

30 8. The director may issue a farm license to an applicant who has had an instruction
31 permit for two months and who:

- a. Resides on a farm or is employed for compensation on a farm that requires the operation of a motor vehicle by the applicant.
 - b. HAs either completed a course of classroom instruction and a course of behind-the-wheel instruction acceptable to the director or successfully completed a course at an approved commercial driver training school;
 - c. Submits a signed affidavit from a parent or legal guardian that certifies that the applicant lives or works on a farm; and
 - d. Has not had any seatbelt law violations, traffic offenses or violations, or any offense involving the use of alcohol or other drugs while operating a motor vehicle during the one-hundred-eighty day period immediately preceding application; and
 - e. Has successfully completed an examination of actual driving ability.
9. For purposes of this subsection, "farm" has the same meaning as in section 57-02-08. Any licensee issued a farm license under this section who is under the age of seventeen years and is convicted of two or more moving traffic violations under section 39-06.1-09 committed on separate occasions shall not be eligible to receive an unrestricted driver's license until the licensee reaches seventeen years of age.
10. An individual who violates this section shall be ineligible to apply for an intermediate or unrestricted driver license for an additional ninety days from the time the individual would otherwise be eligible to obtain an intermediate or unrestricted license.
11. An individual who violates this section shall be ineligible to apply for an intermediate or unrestricted driver license for an additional ninety days from the time the individual would otherwise be eligible to obtain an intermediate or unrestricted license.
12. In addition to any points assigned for violation of the restrictions of the instruction permit, far license, or intermediate license, the individual will be subject to cancellation of the permit or license according to section 39-06-01.1.

SECTION 2. AMENDMENT. Subsection 1 of section 39-06-03 of the North Dakota Century Code is amended and reenacted as follows:

- 1 1. To any person who is under the age of sixteen years, except ~~that the director may~~
2 ~~issue a restricted permit or license as hereinafter provided in sections 39-06-05~~
3 ~~and 39-06-17 to any person who is less than sixteen years of age~~ section 1 of this
4 Act.

5 **SECTION 3. AMENDMENT.** Section 39-06-04 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **39-06-04. Instruction permit.** ~~Any person who is at least fourteen years of age may~~
8 ~~apply to the director for an instruction permit. The director may issue to the applicant an~~
9 ~~instruction permit that entitles the applicant while having such permit in the permittee's~~
10 ~~immediate possession to drive a motor vehicle upon the public highways for a period of one~~
11 ~~year when accompanied by a licensed operator who holds a license corresponding to the~~
12 ~~vehicle the permittee operates, who is at least eighteen years of age, who has had at least~~
13 ~~three years of driving experience, and who is occupying a seat beside the driver. An individual~~
14 ~~other than the supervising driver and the permitholder may not be in the front seat unless the~~
15 ~~vehicle has only a front seat, in which case, the supervising driver must be seated next to the~~
16 ~~permitholder. Persons holding an instruction permit for the operation of a motorcycle shall~~
17 ~~operate the motorcycle only during hours when the use of headlights is not required pursuant to~~
18 ~~section 39-21-01, and may not carry or transport any passenger. Any instruction permit may be~~
19 ~~renewed or a new permit issued for an additional period. A person who is not yet eighteen~~
20 ~~years of age is not eligible for a license until that person has had an instruction permit issued for~~
21 ~~at least six months. The director may recognize an instruction permit issued by another~~
22 ~~jurisdiction in computing the six month instructional period.~~

23 **SECTION 4. AMENDMENT.** Section 39-06-17 of the North Dakota Century Code is
24 amended and reenacted as follows:

25 **39-06-17. Restricted licenses - Penalty for violation.**

- 26 1. The director, upon issuing an operator's license or a temporary restricted
27 operator's license pursuant to section 39-06.1-11, has authority to impose
28 restrictions suitable to the licensee's driving ability with respect to the type of or
29 special mechanical control devices required on a motor vehicle which the licensee
30 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 years of age, and otherwise qualified, upon the written recommendation of the parent or guardian. A child may operate an automobile that is not the parent's or guardian's to take the road test. 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 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.

1 4. The director may upon receiving satisfactory evidence of any violation of the
2 restrictions of such license suspend or revoke the same but the licensee is entitled
3 to a hearing as upon a suspension or revocation under this chapter.

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

17 ~~6-. A restricted license issued under subsection 3 to a child at least fourteen years of~~
18 ~~age to operate a parent's or guardian's automobile authorizes the licenseholder to~~
19 ~~drive the type or class of motor vehicle specified on the restricted license only~~
20 ~~under the following conditions:~~

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

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

26 **SECTION 6. AMENDMENT.** Subsection 1 of section 39-06.1-08 of the North Dakota
27 Century Code is amended and reenacted as follows:

28 1. A violation of section 39-04-11, ~~subsection 6 of section 39-06-17, and section~~
29 39-06-44, 39-06-45, 39-10-47, 39-10-49, 39-10-50, 39-10-51, 39-10-54.1,
30 39-21-08, 39-21-10, 39-21-11, or 39-21-14, or a violation of any municipal
31 ordinance equivalent to the foregoing sections.

SECTION 7. A new paragraph to subdivision a of subsection 3 of section 39-06.1-10 of the North Dakota Century Code is created and enacted as follows:

Driving in violation 2 points

of the conditions of an

instruction permit, farm

license, or intermediate

license under section one

of this Act

SECTION 8. EFFECTIVE DATE. This Act is effective for permits and driver's licenses issued on or after January 1, 2010. This ACt does not affect a valid permit or driver's license issued before the effective date of this Act.