

Sixty-first
Legislative Assembly
of North Dakota

SENATE BILL NO.

Introduced by

Senator Warner

1 A BILL for an Act to amend and reenact subsection 2 of section 39-06.1-11 and section
2 39-08-01.3 of the North Dakota Century Code, relating to ignition interlock devices.

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

4 **SECTION 1. AMENDMENT.** Subsection 2 of section 39-06.1-11 of the North Dakota
5 Century Code is amended and reenacted as follows:

6 2. If the director has suspended a license under chapter 39-20, or after a violation of
7 section 39-08-01 or equivalent ordinance, upon written application of the offender
8 the director may issue for good cause a temporary restricted license that takes
9 effect after thirty days of the suspension have been served after a first offense
10 under section 39-08-01 or chapter 39-20. The director may not issue a temporary
11 restricted license to any offender whose operator's license has been revoked under
12 section 39-20-04 or suspended upon a second or subsequent offense under
13 section 39-08-01 or chapter 39-20, except that a temporary restricted license may
14 be issued for good cause if the offender has not committed an offense for a period
15 of two years before the date of the filing of a written application that must be
16 accompanied by a report from an appropriate licensed addiction treatment program
17 or if the offender is participating in the drug court program and has not committed
18 an offense for a period of three hundred sixty-five days before the date of the filing
19 of a written application that must be accompanied by a recommendation from the
20 district court. The director may conduct a hearing for the purposes of obtaining
21 information, reports, and evaluations from courts, law enforcement, and citizens to
22 determine the offender's conduct and driving behavior during the prerequisite
23 period of time. The director ~~may also~~ shall require that an ignition interlock device
24 be installed in the offender's vehicle.

1 **SECTION 2. AMENDMENT.** Section 39-08-01.3 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **39-08-01.3. Alcohol-related traffic offenses - Ignition interlock devices and the**
4 **seizure, forfeiture, and sale of motor vehicles.** A motor vehicle owned and operated by a
5 person upon a highway or upon public or private areas to which the public has a right of access
6 for vehicular use may be seized, forfeited, and sold or otherwise disposed of pursuant to an
7 order of the court at the time of sentencing if the person is in violation of section 39-08-01 or an
8 equivalent ordinance and has been convicted of violating section 39-08-01 or an equivalent
9 ordinance at least one other time within the five years preceding the violation. The court ~~may~~
10 ~~also~~ shall require that an ignition interlock device be installed in the person's vehicle for a period
11 of time that the court deems appropriate.