

Sixty-first  
Legislative Assembly  
of North Dakota

## HOUSE BILL NO. 1161

Introduced by

Transportation Committee

(At the request of the Department of Transportation)

1 A BILL for an Act to amend and reenact sections 39-06-03.1 and 39-06-07.1, subsection 1 of  
2 section 39-06-14, subsection 6 of section 39-06-19, and subsection 1 of section 39-06.2-08 of  
3 the North Dakota Century Code, relating to legal presence for obtaining an operator's license or  
4 nondriver identification card and license renewal fees and commercial driver's license fees.

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

6 **SECTION 1. AMENDMENT.** Section 39-06-03.1 of the North Dakota Century Code is  
7 amended and reenacted as follows:

#### 8 **39-06-03.1. Nondriver photo identification card issued by director - Release of** 9 **information - Penalty - Public awareness.**

10 1. The director shall issue a nondriver color photo identification card to any North  
11 Dakota resident who fulfills the requirements of this section. The identification card  
12 must contain such information as the director may require. An application for an  
13 identification card must be made on a form furnished by the director. Within thirty  
14 days from receipt of a complete application that includes the applicant's social  
15 security number, the director shall determine whether to issue and, if appropriate,  
16 issue a nondriver photo identification card to an applicant. The application must  
17 provide for the voluntary identification of the applicant as a donor under the  
18 provisions of chapter 23-06.6. If requested on the identification card application,  
19 the identification card issued by the director must include a statement making an  
20 anatomical gift under chapter 23-06.6. If the person is under the age of eighteen or  
21 at least the age of eighteen and under the age of twenty-one, the photo must be  
22 against the same color background required on a motor vehicle operator's license  
23 for an operator of that age. Subject to the provisions of subsection 1 of section  
24 39-06-19, identification cards expire eight years from the date of issue and may be

renewed. The application must contain such other information as the director may require.

2. To confirm the identity and legal presence of the applicant, the director or examining officer shall require satisfactory evidence be provided by the applicant. Satisfactory evidence includes a certified copy of the applicant's birth certificate or other evidence reasonably calculated to permit the determination of the date of birth ~~and~~, identification, and legal presence of the applicant by the director or examining officer.
3. The fee is eight dollars or a fee as the director may require, not to exceed the cost of issuance. Fees collected pursuant to this section must be paid monthly into the highway fund in the state treasury.
4. Any information obtained by the director from an applicant for the issuance, renewal, or replacement of an identification card issuable pursuant to this chapter may only be released in accordance with the provisions of section 39-16-03.
5. It is a class B misdemeanor for any person, except the director or the director's authorized agent, to print or otherwise produce or reproduce cards or their components, which may be utilized as identification cards issued pursuant to this section.
6. The director may advertise the availability and the use of the card.
7. Identification cards issued pursuant to this section are sufficient identification for all identification purposes.
8. The director shall cancel any card upon determining that the holder is not entitled to the issuance of the card under the laws of this state, or the holder has failed to give the required or correct information to the director, or has committed fraud in making the application, or the fee was in the form of an insufficient or no-account check. Upon cancellation, the holder shall surrender the card to the director. When a cancellation is in effect, any law enforcement officer may take custody of the card.
9. A duplicate card may be obtained by making an application and paying an eight dollar fee or a fee as the director may require, not to exceed the cost of issuance. For a cardholder who has reached the age of eighteen or twenty-one, a

replacement card may be obtained by making an application and paying an eight dollar fee or a fee as the director may require, not to exceed the cost of issuance.

10. The director may not withhold the issuance of a nondriver color photo identification card without reasonable cause.

**SECTION 2. AMENDMENT.** Section 39-06-07.1 of the North Dakota Century Code is amended and reenacted as follows:

**39-06-07.1. Proof of name ~~and~~, date of birth, and legal presence for operator's license application.** The name ~~and~~, date of birth, and legal presence on all applications must be verified by a birth certificate or other satisfactory evidence. Applicants must produce documents which will be acceptable as listed below:

1. Certified birth certificate; or
2. Any other documentary evidence which confirms to the satisfaction of the director the true identity ~~and~~, date of birth, and legal presence of the applicant.

**SECTION 3. AMENDMENT.** Subsection 1 of section 39-06-14 of the North Dakota Century Code is amended and reenacted as follows:

1. The director, upon payment of a ten dollar fee, or other fees the director may require, not to exceed the cost of issuance, shall issue to every qualified applicant an operator's license as applied for in the form prescribed by the director. The license must bear a distinguishing number assigned to the licensee, a color photograph of the licensee, the full name, date of birth, residence address, and a brief description of the licensee, and either a facsimile of the signature of the licensee or a space upon which the licensee shall write the licensee's usual signature. The director may not issue a distinguishing number that is, contains, can be converted to, or is an encrypted version of the applicant's social security number. The license must contain such other information as the director may require. If the licensee is under the age of eighteen, the photograph must be against a color border or background that is different from the color used for other licensees. If the licensee is at least the age of eighteen and is under the age of twenty-one, the photograph must be against a color border or background that is different from the color used for other licensees. If requested on the license application, the license issued by the director must include a statement making an

anatomical gift under chapter 23-06.6. No license is valid until it has been signed by the licensee with the licensee's usual signature. The department shall develop a system to require each applicant for an operator's license or renewal of an operator's license to determine whether or not the applicant wishes to be a donor under chapter 23-06.6. For purposes of verification, an officer may require the licensee to write the licensee's signature in the presence of the officer. The director may adopt rules, pursuant to chapter 28-32, relating to the manner in which photographs are to be obtained and placed on operator's licenses. The photograph may be produced by digital imaging or other electronic means and is not a public record.

**SECTION 4. AMENDMENT.** Subsection 6 of section 39-06-19 of the North Dakota Century Code is amended and reenacted as follows:

6. The fee for renewal or replacement of an operator's license is ten dollars or such other fees the director may require, not to exceed the cost of issuance.

**SECTION 5. AMENDMENT.** Subsection 1 of section 39-06.2-08 of the North Dakota Century Code is amended and reenacted as follows:

1. The application for a commercial driver's license or commercial driver's instruction permit must include the following:
  - a. The full name and current mailing address of the person;
  - b. A physical description of the person, including sex, height, weight, and eye and hair color;
  - c. Date of birth;
  - d. The applicant's social security number;
  - e. The person's signature;
  - f. The certifications including those required by 49 CFR part 383.71(a);
  - g. Any other information required by the director; and
  - h. A consent to release driving record information.

The application must be accompanied by an application fee of fifteen dollars or such other fees the director may require, not to exceed the cost of issuance. The application must contain such other information as the director may require.