

**FIRST ENGROSSMENT
with Conference Committee Amendments****ENGROSSED SENATE BILL NO. 2149**

Introduced by

Transportation Committee

(At the request of the Department of Transportation)

1 A BILL for an Act to amend and reenact sections 39-06-13 and 39-06-32, subdivision b of
2 subsection 5 of section 39-06.1-03, subsection 17 of section 39-06.2-02, sections 39-06.2-06
3 and 39-06.2-16, subsection 3 of section 39-08-13, and section 39-16.1-10 of the North Dakota
4 Century Code, relating to examination of applicants, evidence of actions against drivers
5 received from other jurisdictions, issuance of a temporary certificate after granting a stay
6 pending appeal, definition of gross vehicle weight rating, seasonal exemption from commercial
7 driver's license requirements, time for submission of accident reports by law enforcement, and
8 proof of future financial responsibility by nonresidents.

9 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

10 **SECTION 1. AMENDMENT.** Section 39-06-13 of the North Dakota Century Code is
11 amended and reenacted as follows:

12 **39-06-13. Examination of applicants.** The director shall examine every applicant for
13 an operator's license, except as otherwise provided in this chapter. The examination must
14 include a test of the applicant's eyesight, ability to read and understand highway signs
15 regulating, warning, and directing traffic, and knowledge of the traffic laws of this state. During
16 testing, any written portion of the examination, except writing on illustrations of signs, must be
17 made available to an applicant in any widely practiced language. The director may waive the
18 written portion of the examination for an applicant who has successfully passed a written
19 examination in another state and has a license that is not revoked, suspended, or canceled or
20 in the process of being revoked, suspended, or canceled. An actual demonstration of ability to
21 exercise ordinary and reasonable control in the operation of a motor vehicle is also required,
22 but may be waived for an applicant who has successfully passed an actual ability test in this or
23 another state. Operators' examinations must be given at locations designated by the director.
24 The director may require any other physical or mental examination.

1 **SECTION 2. AMENDMENT.** Section 39-06-32 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **39-06-32. Authority to suspend licenses.** The director may suspend the license of
4 an operator, after hearing, upon proof by a fair preponderance of the evidence, that any of the
5 following apply to the licensee:

- 6 1. Commission of an offense for which mandatory revocation of license is required
7 upon conviction.
- 8 2. Incompetence to drive a motor vehicle.
- 9 3. Unlawful or fraudulent use of an operator's license.
- 10 4. Refusal to submit to an implied consent chemical test on an Indian reservation or
11 in another state. For purposes of this subsection, the specific requirements for
12 establishing a refusal used on the Indian reservation or in the other state may not
13 be considered, and photostatic copies of the records of the other jurisdiction's
14 drivers licensing authority are sufficient evidence of the refusal whether or not
15 those copies are certified. The suspension must be for the same length of time as
16 the revocation in section 39-20-04. If the refusal arose out of an arrest or stop of a
17 person while operating a commercial motor vehicle, the period of suspension must
18 be the same as the period of revocation provided in section 39-06.2-10.
- 19 5. Failure, as shown by the certificate of the court, to pay a fine or serve any other
20 sentence as ordered by a court upon conviction for any criminal traffic offense.
- 21 6. Failure, as shown by the certificate of the court, to appear in court or post and
22 forfeit bond after signing a promise to appear, if signing is required by law, in
23 violation of section 39-06.1-04, willful violation of a written promise to appear in
24 court, in violation of section 39-07-08, or violation of equivalent ordinances or laws
25 in another jurisdiction. Upon resolution by the operator of the underlying cause for
26 a suspension under this subsection, as shown by the certificate of the court, the
27 director shall record the suspension separately on the driving record. This
28 separate record is not available to the public.
- 29 7. An administrative decision on an Indian reservation or in another state that the
30 licensee's privilege to drive on that Indian reservation or in that state is suspended
31 or revoked because of a violation of that Indian reservation's or state's law

1 forbidding motor vehicle operation with an alcohol concentration of at least ten
2 one-hundredths of one percent by weight or, with respect to a person under
3 twenty-one years of age, an alcohol concentration of at least two one-hundredths
4 of one percent by weight, or because of a violation of that Indian reservation's or
5 state's law forbidding the driving or being in actual physical control of a commercial
6 motor vehicle while having an alcohol concentration of at least four
7 one-hundredths of one percent by weight. The specific requirements for
8 establishing the violation on the Indian reservation or in the other state may not be
9 considered and certified copies of the records of the Indian reservation's or other
10 state's drivers licensing authority are sufficient evidence of the violation. The
11 suspension must be for the same duration as the suspension in section
12 39-20-04.1, if the violation does not involve a commercial motor vehicle. If the
13 violation involves a commercial motor vehicle, the period of suspension must be
14 the same as the period of suspension provided in section 39-06.2-10. For
15 purposes of this section, originals, photostatic copies, or electronic transmissions
16 of the records of the drivers licensing or other authority of the other jurisdiction are
17 sufficient evidence whether or not they are certified copies.

18 8. Conviction of an offense under this title and it appears from the director's records
19 that the offense contributed to causing an accident which resulted in death or
20 serious personal injury or serious property damage. No suspension may be
21 imposed if the person has been sanctioned for the same offense under section
22 39-06-31.

23 **SECTION 3. AMENDMENT.** Subdivision b of subsection 5 of section 39-06.1-03 of the
24 North Dakota Century Code is amended and reenacted as follows:

- 25 b. The appellate court upon application by the appellant may:
- 26 (1) Order a stay of any action by the licensing authority during pendency of
27 the appeal, but not to exceed a period of one hundred twenty days;
- 28 (2) Order a stay and that the appellant be issued a temporary restricted
29 driving certificate by the licensing authority to be effective for no more
30 than one hundred twenty days; or
- 31 (3) Deny the application.

1 An application for a stay or temporary certificate under this subdivision must
2 be accompanied by a certified copy of the appellant's driving record, for the
3 furnishing of which the licensing authority may charge a fee of ~~two~~ three
4 dollars. Any order granting a stay or a temporary certificate must be
5 forwarded forthwith by the clerk of court to the licensing authority, which
6 immediately shall issue a temporary certificate in accordance with the order in
7 the manner provided by law. A court may not make a determination on an
8 application under this subdivision without notice to the appropriate
9 prosecuting attorney. A person who violates or exceeds the restrictions
10 contained in any temporary restricted driving certificate issued pursuant to
11 this subdivision is guilty of a traffic violation and must be assessed a fee of
12 twenty dollars.

13 **SECTION 4. AMENDMENT.** Subsection 17 of section 39-06.2-02 of the North Dakota
14 Century Code is amended and reenacted as follows:

15 17. "Gross vehicle weight rating" means the value specified by the manufacturer as
16 the maximum loaded weight of a single or a combination (articulated) vehicle, ~~or~~
17 ~~registered gross weight, whichever is greater.~~ The gross vehicle weight rating of a
18 combination (articulated) vehicle (commonly referred to as the "gross combination
19 weight rating") is the gross vehicle weight rating of the power unit plus the gross
20 vehicle weight rating or actual weight of the towed unit or units.

21 **SECTION 5. AMENDMENT.** Section 39-06.2-06 of the North Dakota Century Code is
22 amended and reenacted as follows:

23 **39-06.2-06. Commercial driver's license required.**

24 1. Except when driving under a commercial driver's instruction permit and
25 accompanied by the holder of a commercial driver's license valid for the vehicle
26 being driven, no person may drive a commercial motor vehicle on the highways of
27 this state unless the person holds and is in immediate possession of a commercial
28 driver's license with applicable endorsements valid for the vehicle the person is
29 driving. This subsection does not apply:

30 a. When the vehicle being driven is a house car or a vehicle towing a travel
31 trailer being used solely for personal rather than commercial purposes.

- 1 b. When the vehicle being driven constitutes emergency or firefighting
2 equipment necessary to the preservation of life or property.
- 3 2. No person may drive a commercial motor vehicle on the highways of this state
4 while the person's driving privilege is suspended, revoked, or canceled, while
5 subject to a disqualification.
- 6 3. The provisions of this chapter are waived, as to farm-to-market operations by
7 farmers, but limited to those operators of a farm vehicle that is:
 - 8 a. Controlled and operated by a farmer.
 - 9 b. Used to transport either agricultural products, farm machines, farm supplies,
10 or both, to or from a farm.
 - 11 c. Not used in the operations of a common or contract carrier.
 - 12 d. Used within one hundred fifty miles [241.40 kilometers] of the person's farm.
- 13 4. The provisions of this chapter are waived as to an individual operating a vehicle at
14 the request of and within a political subdivision during an emergency declared by
15 that political subdivision for the removal of snow and ice.
- 16 5. Pursuant to 49 CFR, part 383.3, the required knowledge and skills tests may be
17 waived and a restricted commercial driver's license issued to employees of
18 agrichemical businesses, custom harvesters, farm retail outlets and suppliers, and
19 livestock feeders.

20 **SECTION 6. AMENDMENT.** Section 39-06.2-16 of the North Dakota Century Code is
21 amended and reenacted as follows:

22 **39-06.2-16. Reciprocity.**

- 23 1. Notwithstanding any other provision of law, a person may drive a commercial
24 motor vehicle in this state if the person has a valid commercial driver's license or
25 commercial driver's license instruction permit issued by any state, or province or
26 territory of Canada, in accordance with the minimum federal standards for the
27 issuance of a commercial motor vehicle driver's license, if the person's license or
28 permit is not suspended, revoked, or canceled, and if the person is not disqualified
29 from driving a commercial motor vehicle.
- 30 2. The director must give all out-of-state convictions full faith and credit and treat
31 them for sanctioning purposes under this chapter as if they occurred in this state.

1 ~~Certified copies of the records of the other state's driver's licensing authority are~~
2 ~~sufficient evidence of the conviction. For purposes of this section, originals,~~
3 ~~photostatic copies, or electronic transmissions of the records of the driver's~~
4 ~~licensing or other authority of the other jurisdiction are sufficient evidence whether~~
5 ~~or not they are certified copies.~~

6 **SECTION 7. AMENDMENT.** Subsection 3 of section 39-08-13 of the North Dakota
7 Century Code is amended and reenacted as follows:

8 3. Every law enforcement officer who investigates a vehicle accident for which a
9 report must be made as required in this chapter shall forward a report of such
10 accident to the department within ~~five~~ ten days after ~~investigation~~ of the accident.

11 **SECTION 8. AMENDMENT.** Section 39-16.1-10 of the North Dakota Century Code is
12 amended and reenacted as follows:

13 **39-16.1-10. Nonresident owner.**

14 1. The nonresident owner of a motor vehicle not registered in this state may give
15 proof of financial responsibility by filing with the director a written or electronically
16 transmitted certificate of an insurance carrier authorized to transact business in the
17 state in which the motor vehicle or motor vehicles described in ~~such~~ the certificate
18 is registered, or if ~~such~~ the nonresident does not own a motor vehicle, then in the
19 state in which the insured resides, provided ~~such~~ the certificate otherwise
20 conforms to the provisions of this chapter, and the director shall accept the same
21 upon condition that ~~said~~ the insurance carrier complies with the following
22 provisions with respect to the policies so certified:

23 a. ~~Said~~ The insurance carrier shall execute a power of attorney authorizing the
24 director to accept service on its behalf of notice or process in any action
25 arising out of a motor vehicle accident in this state.

26 b. ~~Said~~ The insurance carrier shall agree in writing that ~~such~~ the policies ~~shall~~
27 ~~be deemed to~~ conform with the laws of this state relating to the terms of motor
28 vehicle liability policies issued herein.

29 2. If any insurance carrier not authorized to transact business in this state, which has
30 qualified to furnish proof of financial responsibility, defaults in any ~~said~~ undertaking
31 or ~~agreements~~ agreement, the director may not thereafter accept as proof any

1 certificate of ~~said~~ the carrier whether ~~thereof~~ therefore filed up to that time or thereafter
2 tendered as proof, so long as ~~such~~ the default continues.

3 3. Notwithstanding the requirement of subsection 1, the nonresident owner of a motor
4 vehicle not registered in this state may file proof of future financial responsibility of
5 an insurance company or other state-authorized entity providing insurance and
6 authorized or licensed to do business in the nonresident's state of residence as
7 long as such proof of future financial responsibility is in the amounts required by
8 this state.