

HOUSE BILL NO. 1054

Introduced by

Representatives Carlisle, Maragos, Porter, Iverson

Senators Dever, Robinson

1 A BILL for an Act to amend and reenact section 39-06.1-11 of the North Dakota Century Code,
2 relating to temporary restricted driver's licenses.

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

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

6 **39-06.1-11. Temporary restricted license - Ignition interlock device.**

- 7 1. Except as provided under subsection 2, if the ~~licensing authority~~ director has
8 suspended a license under section 39-06.1-10; or ~~if the director~~ has extended a
9 suspension or revocation under section 39-06-43, ~~for more than seven days, the~~
10 ~~authority may, for good cause,~~ upon receiving written application from the offender
11 affected, the director may for good cause issue a temporary restricted operator's
12 license valid for the remainder of the suspension period after seven days of the
13 suspension period have passed, ~~for the remainder of the suspension period.~~
- 14 2. If the ~~licensing authority~~ director has suspended a license under chapter 39-20, or
15 after a violation of section 39-08-01 or equivalent ordinance, upon written
16 application of the offender the authority director may, in accordance with this
17 ~~section, for good cause, and upon written application of the offender,~~ issue for
18 good cause a temporary restricted license that takes effect after thirty days of the
19 suspension have been served after a first offense under section 39-08-01 or
20 chapter 39-20. The ~~licensing authority~~ director may not issue a temporary
21 restricted license to any offender whose operator's license has been revoked under
22 section 39-20-04 or suspended upon a second or subsequent offense under
23 section 39-08-01 or chapter 39-20, except that a temporary restricted license may
24 be issued for good cause if ~~no offenses have been~~ the offender has not committed

1 an offense for a period of two years before the date of the filing of a written
2 application that must be accompanied by a report from an addiction facility or if the
3 offender is participating in the drug court program and has not committed an
4 offense for a period of three hundred sixty-five days before the date of the filing of
5 a written application that must be accompanied by a recommendation from the
6 district court. The director may conduct a hearing for the purposes of obtaining
7 information, reports, and evaluations from courts, law enforcement, and citizens to
8 determine the offender's conduct and driving behavior ~~for~~ during the two-year
9 prerequisite period of time. The director may also require that an ignition interlock
10 device be installed in the offender's vehicle.

11 3. The ~~licensing authority~~ director may not issue a temporary restricted license for a
12 period of license revocation or suspension imposed under subsection 5 of section
13 39-06-17, section 39-06-31, or subsection 3.1 of section 39-06.1-10. A temporary
14 restricted license may be issued for suspensions ordered under subsection 7 of
15 section 39-06-32 if it could have been issued had the suspension resulted from
16 in-state conduct.

17 ~~3.~~ 4. A restricted license issued under this section ~~may authorize~~ is solely for the use of
18 a motor vehicle ~~only~~ during the licensee's normal working hours, ~~or~~ and may
19 contain any other restrictions authorized by section 39-06-17. Violation of a
20 restriction imposed according to this section is deemed a violation of section
21 39-06-17.