

Introduced by

1 A BILL for an Act to create and enact four new subsections to section 39-01-01, section  
2 39-06-14.1, and a new subsection to section 39-06.2-09 of the North Dakota Century Code,  
3 relating to definitions and motorcycle and commercial licenses; amend and reenact  
4 subsection 60 of section 39-01-01, sections 39-06-01, 39-06-01.1, 39-06-01.2, 39-06-02,  
5 39-06-03, 39-06-03.1, 39-06-04, 39-06-05, 39-06-06, 39-06-07, 39-06-07.1, 39-06-07.2,  
6 39-06-08, 39-06-09, 39-06-10, 39-06-11, 39-06-12, 39-06-13, 39-06-13.1, 39-06-14, 39-06-16,  
7 39-06-17, 39-06-18, 39-06-19, 39-06-19.1, 39-06-20, 39-06-21, 39-06-22, 39-06-24, 39-06-25,  
8 39-06-26, 39-06-27, 39-06-28, 39-06-31, 39-06-32, 39-06-32.1, 39-06-33, 39-06-34, 39-06-34.1,  
9 39-06-35, 39-06-36, 39-06-37, 39-06-38, 39-06-40, 39-06-40.1, 39-06-42, 39-06-43, 39-06-44,  
10 39-06-45, 39-06-46, 39-06-47, 39-06-48, 39-06-49, 39-06.1-08, and 39-06.1-09, subsection 3 of  
11 section 39-06.1-11, and section 39-16-03 of the North Dakota Century Code, relating to the  
12 privilege to operate a motor vehicle in this state; and to repeal sections 39-06-23, 39-06-30,  
13 39-06-50, 39-06-52, and 39-16.1-02 of the North Dakota Century Code, relating to the privilege  
14 to operate a motor vehicle in this state.

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

16 **SECTION 1.** Four new subsections to section 39-01-01 of the North Dakota Century Code  
17 are created and enacted as follows:

18 "Cancellation" means a license is annulled and terminated because of an error or  
19 defect or because the licensee is no longer entitled to the operator's license, but the  
20 cancellation of a license is without prejudice and application for a new license may be  
21 made at any time after the cancellation.

22 "Conviction" means a final order or judgment or conviction by the North Dakota  
23 supreme court, any lower court having jurisdiction, a tribal court, or a court in another

1 state if an appeal is not pending and the time for filing a notice of appeal has elapsed.

2 Subject to the filing of an appeal, the term includes:

3 a. An imposed and suspended sentence:

4 b. A deferred imposition of sentence under subsection 4 of section 12.1-32-02; or

5 c. A forfeiture of bail or collateral deposited to secure a defendant's appearance in  
6 court and the forfeiture has not been vacated.

7 "Revocation" means that the operator's license is terminated and may not be renewed  
8 or restored, except on application for a new license presented to and acted upon by  
9 the director after the expiration of the period of revocation.

10 "Suspension" means that the operator's license is temporarily withdrawn but only  
11 during the period of the suspension.

**NOTE:** The definitions of cancellation, revocation, and suspension came from Section 39-06-23. Section 39-06-23 has been repealed. The definition of revocation was changed to remove language that the revocation period must be at least 30 days but no more than one year, except as provided in Sections 39-06-17, 39-06-31, 39-06-36, and 39-06-43. The removal was done because substance should not be in the definitions. The removed language did not address Sections 39-06-40 and 39-06-40.1 and Chapter 39-20, which appear to be exceptions to the rule. The rule appears to apply to Sections 39-06-27, 39-06-34, and 39-06-34.1. The removed language was moved to Section 39-06-43 and changed to state that a revocation is for at least 30 days and no more than one year, unless otherwise provided by law.

The definition of conviction came from Section 39-06-30. Section 39-06-30 has been repealed.

12 **SECTION 2. AMENDMENT.** Subsection 60 of section 39-01-01 of the North Dakota  
13 Century Code is amended and reenacted as follows:

14 60. "Proof of financial responsibility" means proof of ability to respond in damages for  
15 liability, on account of accidents occurring ~~subsequent to~~after the effective date of  
16 ~~said~~the proof, arising out of the ownership, maintenance, or use of a motor vehicle, in  
17 the amount of twenty-five thousand dollars because of bodily injury to or death of one  
18 person in any one accident, and, subject to ~~said~~the limit for one person, in the amount  
19 of fifty thousand dollars because of bodily injury to or death of two or more persons in  
20 any one accident, and in the amount of ~~ten~~twenty-five thousand dollars because of  
21 injury to or destruction of property of others in any one accident.

**NOTE:** The definition of proof of financial responsibility was made the same as the definition in Section 39-16.1-02. The amount of dollars because of injury to property of others was raised from \$10,000 to \$25,000 in making the two sections the same. Section 39-16.1-02 has been repealed.

1       **SECTION 3. AMENDMENT.** Section 39-06-01 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3       **39-06-01. Operators must be licensed - Additional licensing - Penalty.**

- 4       1. ~~A person~~An individual, unless expressly exempted in this section, may not drive any  
5 motor vehicle on a highway or on public or private areas to which the public has a right  
6 of access for vehicular use in this state unless the ~~person~~individual has a valid license  
7 as an operator under ~~the provisions of~~ this chapter or a temporary operator's permit  
8 issued under chapter 39-20. ~~A person~~An individual may not receive an operator's  
9 license unless and until that ~~person~~individual surrenders to the director all operator's  
10 licenses and permits issued to the ~~person~~that individual by any jurisdiction. ~~When~~If a  
11 license issued by another jurisdiction is surrendered, the director shall notify the  
12 issuing jurisdiction of ~~its~~the surrender. ~~A person~~An individual may not have more than  
13 one valid operator's license at any one time.
- 14       2. ~~Any person~~An individual licensed as an operator hereunder may exercise the privilege  
15 ~~thereby granted upon all streets and highways~~by the license on any highway in this  
16 state and may not be required to obtain any other license to exercise ~~such~~the privilege  
17 by any ~~county, municipal, or local board, or body~~political subdivision having authority  
18 to adopt ~~local~~ police regulations, except that municipalities may ~~license draymen,~~  
19 ~~parcel deliverymen, busdrivers, taxi drivers, porters, expressmen, watermen, and~~  
20 ~~others pursuing like~~regulate occupations; and may regulate the operation of taxicabs,  
21 ~~as provided by~~ under subsection 27 of section 40-05-01.

**NOTE:** The term person was changed to the term individual. This is done throughout the bill draft when the term is meant to refer to a human being. The term person includes business associations and human beings. Business associations do not have the ability to operate motor vehicles.

The term street and highway are defined in Section 39-01-01(27)(82) as:

"Highway" means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel and of every way privately maintained within a mobile home park, trailer park, or campground containing five or more lots for occupancy by mobile homes, travel trailers, or tents when any part thereof is open for purposes of vehicular travel.

"Street" means the entire width between boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

22       **SECTION 4. AMENDMENT.** Section 39-06-01.1 of the North Dakota Century Code is  
23 amended and reenacted as follows:

1       **39-06-01.1. Special provisions for minor operators.**

2       1. The director shall cancel the ~~permit or~~operator's license ~~to operate a motor vehicle~~ of  
3       an individual who has committed acts resulting in an accumulated point total in excess  
4       of five points as provided for a violation under section 39-06.1-10 or has committed an  
5       alcohol-related offense or a drug-related offense while operating a motor vehicle, if:

6       a. The acts or offenses were committed while the individual was a minor; and

7       b. The individual admitted the violation, was found to have committed the violation  
8       by the official having jurisdiction, or pled guilty to, was found guilty of, or  
9       adjudicated to have committed the offense.

10      2. If an individual has had that individual's license ~~or permit~~to operate a motor vehicle  
11      canceled under subsection 1, the director shall deem that individual to have never  
12      have had any license ~~or permit~~ to operate a motor vehicle and may not issue any  
13      license ~~or permit~~ to ~~drive~~operate a motor vehicle other than an instruction permit or a  
14      restricted instruction permit after the completion of any period of suspension or  
15      revocation. After the issuance of an instruction permit or restricted instruction permit,  
16      the director may not issue any other operator's license ~~or permit~~ to that individual until,  
17      ~~while using the permit issued under this section,~~ that individual:

18      a. (1) Completes a course of classroom instruction and a course of  
19             behind-the-wheel instruction acceptable to the director;

20             (2) Completes an internet course through a licensee under chapter 39-25 and  
21             completes thirty hours of driving with that individual's parent or guardian in  
22             compliance with department rules designed for experience in various driving  
23             conditions; or

24             (3) Successfully completes a course at an approved commercial driver training  
25             school; and

26      b. Satisfies all other requirements that apply to that individual for that operator's  
27      license ~~or permit~~.

**NOTE:** Research does not reveal department rules on 30 hours of driving with parents referred to in  
subsection 2(a)(2).

28      **SECTION 5. AMENDMENT.** Section 39-06-01.2 of the North Dakota Century Code is  
29      amended and reenacted as follows:

1       **39-06-01.2. Anatomical gifting.**

2       The application for nondriver photo identification cards and ~~driver's~~operator's licenses  
3 ~~issued to operators~~ must include a statement making an anatomical gift and provide for the  
4 voluntary identification of the applicant as a donor under chapter 23-06.6. ~~Voluntary~~In addition,  
5 identification of the applicant as a donor under chapter 23-06.6 ~~also~~ may be completed by an  
6 online registry approved by the director. If the applicant's donor intention is made by the online  
7 registry, the intention must be recorded on the applicant's record. The intention is not required  
8 on the identification card or license unless a duplicate card is obtained or at the time of renewal.  
9 The department may not be held civilly or criminally liable for any act or omission in  
10 implementing and maintaining the online registration of donors.

**NOTE:** The term operator's license is defined in Section 39-01-01(50) as:

"Operator's license", "driver's license", or "license to operate a motor vehicle" means any operator's or driver's license or any other license or permit to operate a motor vehicle issued under, or granted by, the laws of this state, including:

- a. Any temporary license or instruction permit;
- b. The privilege of any person to drive a motor vehicle whether such person holds a valid license; or
- c. Any nonresident's operating privilege as defined in this section.

11       **SECTION 6. AMENDMENT.** Section 39-06-02 of the North Dakota Century Code is  
12 amended and reenacted as follows:

13       **39-06-02. ~~What persons~~Individuals who are exempt from having an operator's license**  
14 **- Resident defined.**

15       1. The following persons are exempt from having an operator's license hereunder:

16       4. a. ~~Any~~An employee of the United States government while operating a motor  
17 vehicle owned by or leased to that government and being operated on official  
18 business.

19       2. b. A nonresident who is at least sixteen years of age, who has in that  
20 ~~person's~~individual's immediate possession a valid operator's license issued to  
21 that ~~person~~individual in that ~~person's~~individual's home state or country, ~~may~~  
22 ~~operate a motor vehicle in this state.~~

23       3. c. A nonresident who is at least sixteen years of age, whose home state or country  
24 does not require the licensing of operators, ~~may operate a motor vehicle within~~  
25 ~~this state~~ for a period of not more than thirty days in any calendar year without  
26 making an application for or obtaining an operator's license of this state;

1 provided, however, ~~if~~ that the person shall have individual has in that  
2 person's individual's possession while driving in this state an official certificate  
3 showing the lawful registry of the motor vehicle and be able to prove that  
4 person's individual's lawful possession or the right to operate ~~such~~ the vehicle and  
5 to establish that person's individual's identity.

6 4. d. A member of the armed forces of the United States ~~may operate a motor vehicle~~  
7 ~~in this state~~ while that person is stationed in North Dakota, ~~provided~~ if that  
8 person individual has a valid current operator's license from another state.

9 5. e. ~~A person~~ An individual over sixteen years of age who becomes a resident of this  
10 state and who has in that person's possession a valid operator's license issued to  
11 that person ~~pursuant to~~ individual under the laws of some other state or country or  
12 by military authorities of the United States ~~may operate a motor vehicle~~ for a  
13 period of not more than sixty days after becoming a resident of this state, ~~without~~  
14 being required to have a North Dakota operator's license.

15 6. f. A member of the North Dakota national guard ~~may operate~~ operating any military  
16 vehicles as authorized by a national guard operator's license while on duty.

17 2. For purposes of this chapter, ~~a person must be an~~ individual is deemed a resident of  
18 this state when the person individual has lived in the state for ninety consecutive days,  
19 unless ~~such person~~ the individual is a nonresident student, a tourist, or a member of  
20 the armed forces.

**NOTE:** Cleanup.

21 **SECTION 7. AMENDMENT.** Section 39-06-03 of the North Dakota Century Code is  
22 amended and reenacted as follows:

23 **39-06-03. What persons may not be licensed** ~~No operator's license to certain~~  
24 **individuals.**

25 The director may not issue ~~any~~ an operator's license hereunder:

26 1. To ~~any person~~ an individual who is under the age of sixteen years, except that the  
27 director may issue an instructional permit under section 39-06-04, a restricted permit  
28 ~~or license under sections~~ section 39-06-05 and, or a license under section 39-06-17 to  
29 ~~any person who is less than sixteen years of age.~~

- 1        2. To ~~any person~~an individual whose license has been suspended ~~or revoked~~ in this  
2        state or in any other state during ~~such~~the suspension, except ~~as provided in~~under  
3        section 39-06.1-03 or 39-06.1-11, ~~nor~~or to any person whose license has been  
4        revoked, except ~~as provided in~~under sections 39-06-35, 39-06-36, and 39-06.1-11.
- 5        3. To ~~any~~an individual who is a habitual drunkard, ~~or~~ is a habitual user of narcotic drugs,  
6        or is a habitual user of any other drug to a degree that renders the individual incapable  
7        of safely driving a motor vehicle. The director has good cause to believe that an  
8        individual is a habitual drunkard or drug user if the individual has three or more  
9        convictions for violating section 39-08-01, or equivalent ordinance, or three or more  
10       administrative suspensions under chapter 39-20 within a five-year period. An individual  
11       who is a habitual drunkard or user may provide the director with adequate proof of the  
12       removal of the habit which may include satisfactory completion of a licensed alcohol or  
13       drug treatment program.
- 14       4. To ~~any person~~an individual who has previously been adjudged to be afflicted with or  
15       suffering from any mental disability or disease and who has not at the time of  
16       application been restored to competency by the methods provided by law.
- 17       5. To ~~any person~~an individual who is required by this chapter to take an examination,  
18       unless ~~such person~~the individual has successfully passed such examination.
- 19       6. To ~~any person~~an individual who is required under the laws of this state to deposit  
20       security or file proof of financial responsibility and who has not deposited ~~such~~the  
21       security or filed ~~such~~the proof.
- 22       7. To ~~any person~~an individual when the director has good cause to believe that ~~such~~  
23       ~~person~~the individual by reason of physical or mental disability would ~~not be able~~unable  
24       to operate safely a motor vehicle ~~with safety upon the highways~~.
- 25       8. To ~~any person~~an individual when the director has good cause to believe that the  
26       operation of a motor vehicle on the highways by ~~such person~~that individual would be  
27       inimical to public safety or welfare.
- 28       9. ~~Repealed by S.L. 1977, ch. 348, § 2.~~

**NOTE:** An instructional permit under Section 39-06-04 was added in subsection 1 because it is an exception to an individual less than 16 years of age operating a motor vehicle.

Related North Dakota Administrative Code (NDAC) rules:

**37-03-01-02. Disclosure of mental or medical information.**

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The director shall include, as a part of the application for an original operator's license or any renewal thereof or an instruction permit, questions as to the existence of medical or mental conditions which may impair the ability of the person to operate a motor vehicle safely. If the answers to such questions indicate the existence of any medical or mental disability which the director believes may inhibit or prohibit the safe operation of a motor vehicle by such person, the director may require an examination of such person by a licensed physician as a prerequisite to the issuance of an operator's license or instructional permit. Such examination or examinations shall be completed on a form furnished by the director. The expense of such examination shall be borne by the person whose fitness to operate a motor vehicle safely is in question.

**37-03-01-05. Operators not to be licensed - Exceptions and requirements.**

1. The privilege of holding a motor vehicle operator's license shall be denied to any person who has experienced convulsions, seizures, blackouts or fainting spells due to a cardiovascular condition, epilepsy, or by metabolic diseases, including diabetes mellitus, in which loss of consciousness occurred. The denial shall occur at the time of application, pursuant to North Dakota Century Code section 39-06-03, or through license suspension, pursuant to North Dakota Century Code sections 39-06-24, 39-06-32, and 39-06-34.
2. A person who has experienced the episodes described in subsection 1 may be issued a restricted operator's license or permit pursuant to North Dakota Century Code sections 39-06-06 and 39-06-17, if:
  - a. The person has been free of the episodes for at least three consecutive months and submits a statement to that effect to the director; and
  - b. The person submits to the director a written certification from the person's treating physician indicating that:
    - (1) The condition causing the episodes is adequately controlled;
    - (2) The person has been free of episodes for at least three months; and
    - (3) Operation of a motor vehicle by the person will not be inimical to public safety or welfare.

Every permit or license issued under this subsection may be periodically reviewed by the director until the person has been free of episodes for at least six months.
3. A person who has been free of the episodes described in subsection 1 for at least six consecutive months will be granted an operator's license if:
  - a. The person submits a statement to the director indicating that the person has been free of episodes for at least six consecutive months; and
  - b. The person submits to the director a written certification from the person's treating physician indicating that, based upon an examination of the person, the items required in paragraphs 1 and 3 of subdivision b of subsection 2 have been met by the person, the person has been free of episodes for at least six consecutive months, and that the physician is of the opinion that the person is able and willing to cooperate in the treatment of the conditions causing the episodes.
4. Any person issued an operator's license or permit pursuant to subsection 2 or 3 shall submit to the director a periodic reevaluation form available from the director. The reevaluation form shall be submitted to the director every twelve months, or more often if required by the director, after issuance of a license or permit under subsection 2 or 3. The form shall contain the information prescribed by the director, and the person shall be required to furnish all information requested. The form shall include provision for the opinion of the person's treating physician that the person's condition continues to be controlled and that the operation of a motor vehicle by the person will not be inimical to public safety or welfare.
5. A person having had the episodes described in subsection 1 will not be required to submit further periodic reevaluation forms if the person:
  - a. Submits to the director a statement that the person has not taken any medication to control episodes for three consecutive years, and has had no episodes for three consecutive years; and
  - b. Submits to the director a written certification from the person's treating physician or physicians that, for three consecutive years, the person has not had any episodes. The total of the treatment periods, if more than one physician has treated the person, must equal three consecutive years without episodes.
6. A single episode of the type described in subsection 1 shall be treated as only an isolated occurrence if the opinion of the treating physician establishes that it was an isolated incident and not likely to recur. The director shall consider the opinion of the treating physician in determining whether, upon all the evidence, it is safe to permit or license the person for the operation of a motor vehicle without the three-month waiting period.



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7. The director shall use the reports required to be filed under this section to make determinations on licensure. Episodes medically induced shall not be considered in determining whether to license a person under this section. When the records of the director show lack of compliance with the requirements of this section by any person, the director may suspend forthwith the license of that person pursuant to North Dakota Century Code sections 39-06-32 and 39-06-34.
8. Except as provided in North Dakota Century Code section 39-08-21, the driver of a commercial class A, B, or C motor vehicle shall comply with the federal motor carrier regulations in 49 CFR sections 391.41(a) and 391.41(b) paragraphs (3) through (9) and (11) through (13).

**37-03-02-04. Inimical operator - Determination and return of privileges.**

The director shall have good cause to believe that a person is inimical to public safety or welfare if that person has demonstrated a course of conduct in the operation of a motor vehicle through a conviction or convictions of traffic offenses or admissions and adjudications, evincing such hazard; or has a physical or mental disability which may inhibit or prohibit the safe operation of a motor vehicle. In determining whether a person is inimical to the public safety or welfare in the operation of a motor vehicle, the director will consider at a minimum the type of conviction, convictions, admissions, or adjudications; the number of convictions, admissions, or adjudications; the total number of points assessed against the driving record of the operator during the preceding three years; whether the events giving rise to the charge that lead to the conviction, admission, or adjudication resulted in death or serious personal injury, requiring professional medical care, or serious property damage. The period of suspension shall be until the person can show, to the director's satisfaction, that the person's driving behavior has improved. The director may allow temporary driving privileges for school or work purposes or reinstatement of driving privileges upon a showing of all of the following:

1. That the person has not been convicted of a traffic offense for a period of at least the length of suspension.
2. Letters of recommendation submitted from the person's employer, citizens in the community, and law enforcement advising of the person's conduct and driving behavior for the past two years.
3. Successful completion of a defensive driving course approved by the director.
4. That the person has liability insurance required by North Dakota Century Code section 39-08-20.
5. Payment of the reinstatement fee required by North Dakota Century Code section 39-06-35.

**37-03-03-01. Suspension of license on incompetence - Grounds.**

The director may suspend a license or permit on the basis that a person is incompetent to drive a motor vehicle, if the director has determined any of the following:

1. A person is a habitual drunkard (section 37-03-02-01).
2. A person is a habitual user of narcotic drugs (section 37-03-02-02).
3. A person is a habitual user of drugs other than narcotic drugs (section 37-03-02-03).
4. A person is inimical to the public safety or welfare (section 37-03-02-04).

**37-08-01-02. Correction only by corrective or special visual device.**

When correction is needed, only the use of a corrective or special visual device is permitted.

**37-08-01-03. Visual acuity requiring road test.**

Visual acuity less than 20/60 requires a road test regardless of the corrective or special visual device being used.

**37-08-01-04. Medical advisory board review.**

Whenever the visual acuity is less than 20/80 or field of vision less than 105 degrees, the medical advisory board may, upon request of the drivers license and traffic safety division, review the case and make their recommendations to the director of the department of transportation or the director's agent.

From definitions - NDAC Section 37-08-01-01(3) - "Medical advisory board" means driver license medical advisory board consisting of North Dakota licensed physicians or optometrists appointed by the director for the purpose of advising the director concerning the medical aspects of licensing.

**37-08-01-05. Minimum vision requirements and restrictions.**

Applicants and operators requesting or maintaining a North Dakota license or permit and who meet the following minimum vision standards, as established by the drivers license and traffic safety division, shall comply with the associated requirements and restrictions (which are nonexclusive):

Minimum visual acuity	Requirements and restrictions with or without corrective or special device.
1. 20/40 for person having one-eyed vision	(f, h).
2. 20/50 for person having one-eyed vision	(a, b, d, f, h).
3. 20/60 for person having one-eyed vision	(a, b, d, f, h).
4. 20/40 each eye	(f).
5. 20/50 each eye	(a, b, f).
6. 20/50 better eye 20/60 or less other eye	(a, b, d, f).
7. 20/60 better eye 20/60 or less other eye	(a, b, d, f).
8. 20/70 better eye 20/80 - 20/100 other eye	(a, b, c, e, f, g).
9. 20/80 better eye 20/80 - 20/100 other eye	(a, b, c, e, f, g).
10. Requirements and restriction code:	
a. Daylight driving only.	
b. Vision specialist recommendations.	
c. Vision recheck within one year.	
d. Vision recheck within two years.	
e. Road test.	
f. Field of vision report:	
Horizontal visual field of 105 degrees or better. Can be obtained by totaling the temporal readings of both eyes or temporal plus nasal in one eye.	
g. Report any eye disease or injury.	
h. Outside mirror.	
11. Except as provided in North Dakota Century Code section 39-08-21, the driver of a commercial class A, B, or C motor vehicle shall comply with the federal motor carrier regulations, pursuant to 49 CFR section 391.41(b)(10).	

1       **SECTION 8. AMENDMENT.** Section 39-06-03.1 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3       **39-06-03.1. Nondriver photo identification card issued by director - Release of**  
4 **information - Penalty - Public awareness.**

5       1. The director shall issue a nondriver color photo identification card to any ~~North Dakota~~  
6 resident of this state who fulfills the requirements of this section. An application for an  
7 identification card must be made on a form furnished by the director. Within thirty days  
8 from receipt of a complete application that includes the applicant's social security  
9 number, unless the applicant is a nonimmigrant who is not eligible for a social security  
10 number, the director shall determine whether to issue and, if appropriate, issue a  
11 nondriver photo identification card to an applicant. The director may not withhold the

- 1            issuance of a nondriver color photo identification card without reasonable cause. If the  
2            personapplicant is under the age of eighteen or at least the age of eighteen and under  
3            the age of twenty-one, the photo must be against the same color background required  
4            on a motor vehicle operator's license for an operator of that age. Subject to  
5            ~~subsection 4 of~~ section 39-06-19, identification cards expire eight years from the date  
6            of issue and may be renewed. The application must contain ~~such~~ other information as  
7            the director may require to improve identity security. ~~The director may require an~~  
8            ~~applicant for an identification card to provide a social security card and proof of~~  
9            ~~residence address.~~
- 10          2. To confirm the identity, date of birth, and legal presence of the applicant, the director or  
11          examining officer shall require satisfactory evidence be provided by the applicant.  
12          Satisfactory evidence includes a certified copy of the applicant's birth certificate or  
13          other evidence reasonably calculated to permit the determination of the date of birth,  
14          identification, and legal presence of the applicant by the director or examining officer.  
15          The director may require an applicant for an identification card to provide a social  
16          security card and proof of residence address.
- 17          3. The application fee is eight dollars~~listed in section 39-06-49~~. ~~Fees collected pursuant~~  
18          ~~to this section must be paid monthly into the highway fund in the state treasury.~~
- 19          4. Any information obtained by the director from an applicant for the issuance, renewal,  
20          or replacement of an identification card ~~issuable pursuant to this chapter~~ may ~~only~~not  
21          be released ~~in accordance with the provisions of~~unless allowed under section  
22          39-16-03.
- 23          5. ~~It is a class B misdemeanor for any person, except the director or the director's~~  
24          ~~authorized agent, to print or otherwise produce or reproduce cards or their~~  
25          ~~components, which may be utilized as identification cards issued pursuant to this~~  
26          ~~section.~~
- 27          ~~6.~~ The director may advertise the availability and the use of the card.
- 28          ~~7.6.~~ Identification cards issued ~~pursuant to~~under this section are sufficient identification for  
29          all identification purposes.
- 30          8. ~~The director shall cancel any card upon determining that the holder is not entitled to~~  
31          ~~the issuance of the card under the laws of this state, or the holder has failed to give~~

- 1           ~~the required or correct information to the director, or has committed fraud in making~~  
2           ~~the application, or the fee was in the form of an insufficient or no-account check. Upon~~  
3           ~~cancellation, the holder shall surrender the card to the director. When a cancellation is~~  
4           ~~in effect, any law enforcement officer may take custody of the card.~~
- 5           9. ~~A duplicate card may be obtained by making an application and paying an eight dollar~~  
6           ~~fee. For a cardholder who has reached the age of eighteen or twenty-one, a~~  
7           ~~replacement card may be obtained by making an application and paying an eight~~  
8           ~~dollar fee.~~
- 9           10. ~~The director may not withhold the issuance of a nondriver color photo identification~~  
10           ~~card without reasonable cause.~~

**NOTE:** Subsection 10 was moved into subsection 1. The requirement of an applicant providing a Social Security card and residence address was moved from subsection 1 to subsection 2.

Fees must be paid to the highway fund on a monthly basis under Section 39-06-49 so the duplicate language in subsection 3 was removed.

Subsection 5 was removed because it was duplicative of Section 39-06-40.1.

Subsection 8 was removed because the substance is in Section 39-06-24.

Subsection 9 was removed because of the fee consolidation under Section 39-06-49 and the ability to receive a substitute card under Section 39-06-18.

11           **SECTION 9. AMENDMENT.** Section 39-06-04 of the North Dakota Century Code is  
12           amended and reenacted as follows:

13           **39-06-04. Instruction Class D instruction permit.**

- 14           1. Any resident of this state who is at least fourteen years of age may apply to the  
15           director for a class D instruction permit.
- 16           2. The director may issue a class D instruction permit that entitles the applicant while  
17           having the permit in the permittee's immediate possession to drive a motor vehicle  
18           upon the public highways, if the individual:
- 19           a. Has successfully passed a standard written rules of the road knowledge test  
20           prescribed by the director;
- 21           b. Has successfully passed a vision examination; and
- 22           c. Has the written approval of the individual's parent or legal guardian.
- 23           3. The permittee must be accompanied by ~~a licensed operator who holds an individual~~  
24           ~~with a class D license corresponding to their a vehicle the permittee operates~~allowed  
25           to be operated with a class D license, who is at least eighteen years of age, who has

1 had at least three years of driving experience, and who is occupying a seat beside the  
2 driver. An individual other than the supervising driver and the permitholder may not be  
3 in the front seat unless the vehicle has only a front seat, in which case, the supervising  
4 driver must be seated next to the permitholder.

5 4. An individual who is not yet eighteen years of age is not eligible for a class D license  
6 until that individual has had an instruction permit issued for at least six months or at  
7 least twelve months if under the age of sixteen. The director may recognize an  
8 instruction permit issued by another jurisdiction in computing the six-month or  
9 twelve-month instructional period.

10 5. The permittee may not operate an electronic communication device to talk, compose,  
11 read, or send an electronic message while operating a motor vehicle that is in motion  
12 unless the sole purpose of operating the device is to obtain emergency assistance, to  
13 prevent a crime about to be committed, or in the reasonable belief that an individual's  
14 life or safety is in danger.

15 ~~6. A resident of this state who is at least fourteen years of age may apply to the director  
16 for a class M learner's permit under section 39-06-14. An individual holding a class M  
17 learner's permit for the operation of a motorcycle may not operate the motorcycle  
18 during the hours when the use of headlights are required under section 39-21-01 or  
19 carry or transport any passenger. Any learner's permit may be renewed or a new  
20 permit issued for an additional period.~~

21 ~~7. The director may issue a commercial driver's instruction permit under section  
22 39-06.2-07.~~

**NOTE:** Motorcycle operator licenses have been moved to a new section--Section 39-06-14.1. Allowing the  
director to issue a commercial driver's instruction permit is duplicative of Section 39-06.2-07.

23 **SECTION 10. AMENDMENT.** Section 39-06-05 of the North Dakota Century Code is  
24 amended and reenacted as follows:

25 **39-06-05. Restricted instruction permit - When instruction permit not required.**

26 1. The director upon receiving proper application may issue a restricted instruction permit  
27 effective for a school year or more restricted period to an applicant who is at least  
28 fourteen years of age and enrolled in a commercial driver training course ~~which~~that  
29 includes practice driving and which is approved by the superintendent of the highway  
30 patrol pursuant to ~~under~~ chapter 39-25. ~~Such~~The restricted instruction permit entitles

1           the permittee when the permittee has ~~such a~~the permit in the permittee's immediate  
2           possession to operate a motor vehicle ~~only~~with an approved instructor occupying a  
3           seat beside the permittee and on a designated highway or within a designated area  
4           but ~~only when an approved instructor is occupying a seat beside the permittee.~~

- 5           2. Any student who is at least fourteen years of age and enrolled in behind-the-wheel  
6           driver's training through a high school program approved by the superintendent of  
7           public instruction may operate a motor vehicle, under the supervision of a driver  
8           training instructor certified by the superintendent of public instruction, without a permit  
9           or license to operate a motor vehicle; ~~provided, that~~if the school district sponsoring the  
10          driver's training program has an insurance policy covering any damage ~~which~~that may  
11          be done by ~~any such~~a student while operating the vehicle; and ~~provided further that~~  
12          proof of coverage is filed with the superintendent of public instruction by the school  
13          district's insurance carrier. The insurance coverage must be in the amount required  
14          under section 39-16.1-02.

**NOTE:** Cleanup.

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

17          **39-06-06. Temporary operator's permit.**

18          The director may issue a temporary operator's permit for the operation of a motor vehicle to  
19          an applicant for an operator's license pending an investigation and determination of facts  
20          relative to the applicant's right to receive an operator's license. The permit must be in the  
21          applicant's immediate possession while operating a motor vehicle and is invalid ~~when~~if the  
22          applicant's license has been issued or denied.

**NOTE:** Cleanup.

23          **SECTION 12. AMENDMENT.** Section 39-06-07 of the North Dakota Century Code is  
24          amended and reenacted as follows:

25          **39-06-07. Application for operator's license or ~~instruction permit~~.**

- 26          1. ~~Every application~~An applicant for an ~~instruction permit or for an operator's license~~  
27          must be made upon a form furnished by the director.  
28          2. ~~Every application~~An applicant must state on the application the full name, date of birth,  
29          sex, social security number, unless the applicant is a nonimmigrant who is not eligible

1 for a social security number, residence and mailing address, and briefly-  
2 ~~describe~~provide a brief description of the applicant. ~~In~~By signing the application the  
3 applicant is deemed to have certified that all information contained on the application  
4 is true and correct. The application must be accompanied by the ~~proper~~ fee listed in  
5 section 39-06-49. The application must contain ~~such~~any other information as the  
6 director may require to improve identity security. The director may require an applicant  
7 ~~for a license or instruction permit~~ to provide a social security card and proof of  
8 residence address.

9 3. ~~Whenever~~If an application is received from a ~~person~~an individual previously licensed  
10 in another jurisdiction, the director may request a copy of the driver's record from  
11 ~~such~~the other jurisdiction. ~~When received, the~~A copy of another jurisdiction's driving  
12 record becomes a part of the driving record in this state with the same force and effect  
13 as though entered on the driving record in this state in the original instance.

14 4. ~~Whenever the director receives a request for a driving record from another licensing~~  
15 ~~jurisdiction, the record must be forwarded without charge.~~

**NOTE:** Subsection 4 was removed and Section 39-16-03 was modified to include that the director provide a driving record to another jurisdiction without charge.

16 **SECTION 13. AMENDMENT.** Section 39-06-07.1 of the North Dakota Century Code is  
17 amended and reenacted as follows:

18 **39-06-07.1. Proof of name, date of birth, and legal presence for operator's license**  
19 **application.**

20 ~~The~~An applicant must verify the applicant's name, date of birth, and legal presence on all-  
21 ~~applications must be verified~~any application by a certified birth certificate or ~~other satisfactory~~  
22 ~~evidence. Applicants must produce documents which will be acceptable as listed below:~~

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

**NOTE:** Cleanup.

26 **SECTION 14. AMENDMENT.** Section 39-06-07.2 of the North Dakota Century Code is  
27 amended and reenacted as follows:

1           **39-06-07.2. Medical advice - Use by director - Definition**Driver's duty to report certain  
2 injuries.

- 3           1. The director is authorized to seek professional medical advice from a licensed medical  
4 care provider and to use that advice in decisions made by the director in regard to the  
5 issuance, renewal, suspension, revocation, or cancellation of driver's licenses an  
6 operator's license under this chapter. The director may receive advice may be  
7 received in any manner deemed advisable by the director or the director's authorized  
8 agent.
- 9           2. In addition to advice sought and received under subsection 1, the director may  
10 consider information and advice received from an individual applicant's or  
11 driver's motor vehicle operator's licensed medical health care provider. Any examination  
12 and report requested by the applicant or driver, motor vehicle operator, or required to  
13 be taken and provided by the director under this chapter must be is at the expense of  
14 the applicant or driver motor vehicle operator.
- 15           3. Any licensed medical health care provider providing advice to the director or director's  
16 authorized agent under subsection 1 does not incur any liability for any opinion,  
17 recommendation, or advice provided to the director under subsection 1.
- 18           4. Advice and information received by the director or director's authorized agent under  
19 subsection 1 which relates to an individual applicant or driver motor vehicle operator is  
20 for the confidential use of the director or director's authorized agent in making  
21 decisions on the individual's qualifications as a driver, and the information may not be  
22 divulged to any person or used in evidence in any trial or proceeding except in matters  
23 concerning the individual's qualifications to receive or retain a driver's an operator's  
24 license.
- 25           5. General In addition to other sources of information, general advice and information  
26 received by the director or director's authorized agent under this section, in addition to  
27 other sources of information, may be used by the director in the adoption of  
28 administrative rules concerning medical criteria for driver licensing.
- 29           6. As used in this section, "licensed medical care provider" means doctor of medicine,  
30 doctor of osteopathy, doctor of chiropractic, optometrist, psychologist, advanced  
31 practice registered nurse, or physician assistant, who is licensed, certified, or



1           ~~registered in accordance with laws and regulations in this or another state.~~Before  
2           ~~operating any motor vehicle the holder of an operator's license issued under this~~  
3           ~~chapter who has suffered permanent loss of use of a hand, arm, foot, leg, or eye shall~~  
4           ~~report the loss of use to the director who shall take reasonable action as may be~~  
5           ~~proper under this chapter as to reexamination of the licensee to determine if the~~  
6           ~~licensee is capable of operating vehicles for which the licensee is licensed.~~

**NOTE:** The term licensed medical care provider is defined the same as a licensed health care provider under Section 39-01-01(34). The terms are combined and one definition remains.

Related NDAC rule:

**37-03-01-04. Licensee to report physical impairment.**

Any licensee who suffers permanent loss of use of a hand, arm, foot, leg, or eye shall make a report thereof to the director before operating any motor vehicle on the highways in this state. Except as provided in North Dakota Century Code section 39-08-21, the driver of a commercial class A, B, or C motor vehicle shall comply with the federal motor carrier regulations, pursuant to 49 CFR section 391.41 paragraphs (a), and (b)(1) and (b) (2). The director may require an examination pursuant to the provisions of section 37-03-01-05.

7           **SECTION 15. AMENDMENT.** Section 39-06-08 of the North Dakota Century Code is  
8 amended and reenacted as follows:

9           **39-06-08. Application of minors.**

10          The application of any minor for an ~~initial instruction permit or~~ operator's license must be  
11 signed and verified before ~~a person~~ an individual authorized to administer oaths or the ~~director's~~  
12 ~~agent~~ director, by the father, mother, or legal guardian, or, ~~in the event if there is not~~ a parent  
13 or legal guardian, then by another responsible adult who is willing to assume the obligation  
14 imposed under this chapter upon ~~a person~~ an individual signing the application of a minor.

**NOTE:** Cleanup.

15          **SECTION 16. AMENDMENT.** Section 39-06-09 of the North Dakota Century Code is  
16 amended and reenacted as follows:

17          **39-06-09. Liability for negligence of minor - General.**

18          Any negligence of a minor when driving a motor vehicle upon a highway must be imputed to  
19 the ~~person~~ individual who has signed the application of ~~sueh~~ the minor for a ~~permit or an~~  
20 ~~operator's license, which person must be.~~ This individual is jointly and severally liable with  
21 ~~sueh~~ the minor for any damages caused by ~~sueh~~ the negligence, except as ~~otherwise~~ provided in  
22 section 39-06-10.

**NOTE:** Cleanup.

1       **SECTION 17. AMENDMENT.** Section 39-06-10 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3       **39-06-10. Liability for negligence of minor - Proof of financial responsibility.**

4       If a minor ~~deposits or there is deposited for the minor~~provides proof of financial  
5 responsibility for the operation of a motor vehicle ~~owned by the minor, or for the operation of~~  
6 ~~any motor vehicle, as required under the motor vehicle financial responsibility laws of this state,~~  
7 then the director may accept the application of the minor.

**NOTE:** Cleanup.

Proof of financial responsibility is a defined term in Section 39-01-01(60).

8       **SECTION 18. AMENDMENT.** Section 39-06-11 of the North Dakota Century Code is  
9 amended and reenacted as follows:

10       **39-06-11. Cancellation of minor's license or permit upon request.**

11       ~~Any person~~An individual who has signed the application of a minor for a license may  
12 ~~thereafter file with the director a verified written request that to cancel the operator's license of~~  
13 ~~the minor so granted be canceled. Thereupon, the~~Upon receipt of the request, the director shall  
14 cancel the operator's license ~~or permit~~ of the minor and the ~~person~~individual who signed the  
15 application of the minor is relieved from the liability imposed under this chapter by reason of  
16 having signed ~~such~~the application on account of any subsequent negligence of the minor in  
17 operating a motor vehicle.

**NOTE:** Cleanup.

18       **SECTION 19. AMENDMENT.** Section 39-06-12 of the North Dakota Century Code is  
19 amended and reenacted as follows:

20       **39-06-12. Cancellation of minor's an operator's license or permit of a minor upon**  
21 **death of applicant.**

22       The director upon receipt of satisfactory evidence of the death of the ~~person~~individual who  
23 signed the application of a minor for ~~an operator's~~ license shall cancel the operator's license ~~or~~  
24 ~~permit~~ and may not issue a new license ~~or permit~~ until ~~such time as~~ a new application, ~~duly~~  
25 ~~signed and verified, is made as required by this chapter. This provision does not apply in the~~  
26 ~~event the minor has attained the age of eighteen years~~ is made by the minor.

**NOTE:** Cleanup.

1       **SECTION 20. AMENDMENT.** Section 39-06-13 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3       **39-06-13. Examination of applicants.**

4       The

- 5       1. Unless otherwise provided in this chapter, the director shall examine every applicant  
6       for an operator's license, ~~except as otherwise provided in this chapter.~~ The  
7       examination must include a test of the applicant's eyesight; ability to read and  
8       understand highway signs regulating, warning, and directing traffic; and knowledge of  
9       the traffic laws of this state. ~~During testing,~~ The director shall make any written portion  
10       of the examination, except writing on illustrations of signs, ~~must be made available to~~  
11       an applicant in any widely practiced language. The director may waive the written  
12       portion of the examination for an applicant who has successfully passed a written  
13       examination in another state and has ~~an operator's license that is not or in the~~  
14       process of being revoked, suspended, or canceled ~~or in the process of being revoked,~~  
15       suspended, or canceled. An  
16       2. The examination must include an actual demonstration of ability to exercise ordinary  
17       and reasonable control in the operation of a motor vehicle ~~is also required, but may~~  
18       ~~be~~ unless waived for an applicant who has successfully passed an actual ability test in  
19       this or another state. ~~Operators' examinations must be given at locations designated~~  
20       ~~by the director.~~ A minor may operate a motor vehicle no matter how owned for the  
21       actual ability test.  
22       3. In lieu of an eyesight test, the applicant may provide a statement of examination from  
23       a licensed physician or an optometrist stating the corrected and uncorrected vision of  
24       the applicant, if the examination was within six months of the application.  
25       4. The director may require any other physical or mental examination.

**NOTE:** The sentence was removed in subsection 2 because it was unclear and not needed. The plain meaning is if the director has locations for examinations, the director must give examinations at the locations.

The language in subsection 2 on operation of any motor vehicle no matter how owned is moved from Section 39-06-17.

Subsection 3 was language taken from Section 39-06-19 and removed from that section.

26       **SECTION 21. AMENDMENT.** Section 39-06-13.1 of the North Dakota Century Code is  
27 amended and reenacted as follows:

1       **39-06-13.1. Fee for examination of applicants.**

- 2       1. ~~Every~~An applicant for an operator's license who is required to be tested to determine  
3       the applicant's knowledge of highway signs, regulating, warning, and directing traffic  
4       and of the traffic laws of this state shall pay a fee ~~of five dollars~~listed in section  
5       39-06-49.
- 6       2. ~~Every~~An applicant for an operator's license who is required to be tested to  
7       demonstrate the applicant's ability to exercise ordinary and reasonable control in the  
8       operation of a motor vehicle shall pay a fee ~~of five dollars~~listed in section 39-06-49.

**NOTE:** New language provides for consolidation of fees in Section 39-06-49.

9       **SECTION 22. AMENDMENT.** Section 39-06-14 of the North Dakota Century Code is  
10      amended and reenacted as follows:

11      **39-06-14. Licenses issued to operators - General - Classified driver's license.**

- 12      1. ~~The~~Upon the payment of the application fee listed in section 39-06-49, the director,  
13      ~~upon payment of a fifteen dollar fee,~~ shall issue to every qualified applicant an  
14      operator's license ~~as applied for in the form prescribed by the director.~~ An application  
15      for an operator's license must be made on a form furnished by the director. The  
16      operator's license must bear ~~a distinguishing number assigned to the licensee, a color~~  
17      ~~photograph of the licensee,~~ the full name, date of birth, residence address, and a brief  
18      description of the licensee, ~~and.~~
- 19      2. The license must bear either a facsimile of the signature of the licensee or a space  
20      upon which the licensee shall write the licensee's usual signature. An operator's  
21      license is not valid unless signed by the licensee with the licensee's usual signature.  
22      For purposes of verification, the director may require the licensee to write the  
23      licensee's signature in the presence of the director.
- 24      3. The operator's license must bear a distinguishing number assigned to the licensee.  
25      The director may not issue a distinguishing number that is, contains, can be converted  
26      to, or is an encrypted version of the applicant's social security number.
- 27      4. The operator's license must bear a color photograph of the licensee. The director may  
28      adopt rules relating to the manner in which photographs are to be obtained and placed  
29      on an operator's license. The photograph may be produced by digital imaging or other  
30      electronic means and is not a public record. If the licensee is under the age of

1           eighteen, the photograph must be against a color border or background that is  
2           different from the color used for other licensees. If the licensee is at least the age of  
3           eighteen and is under the age of twenty-one, the photograph must be against a color  
4           border or background that is different from the color used for other licensees. ~~No~~  
5           license is valid until it has been signed by the licensee with the licensee's usual  
6           signature. ~~For purposes of verification, an officer may require the licensee to write the~~  
7           licensee's signature in the presence of the officer. ~~The director may adopt rules,~~  
8           pursuant to chapter 28-32, relating to the manner in which photographs are to be  
9           obtained and placed on operator's licenses. ~~The photograph may be produced by~~  
10          digital imaging or other electronic means and is not a public record.

11          5. Upon request and with adequate documentation, the director shall place an indicator  
12          on the face of an operator's license of a veteran. The veteran may make the request  
13          through the department of veterans' affairs.

14          ~~2-6.~~ An applicant holding a valid North Dakota operator's license issued by this state and  
15          making application for renewal must be issued a class D license without being  
16          subjected to ~~an~~ a written or actual ability examination.

17          ~~3.~~ ~~An~~ The director shall issue to any other applicant, except an applicant holding a valid  
18          North Dakota operator's license who will be issued a class D license, applying for  
19          issuance of an operator's license ~~must be issued a classified license after having been~~  
20          required to submit to ~~an~~ a successful examination in the type of motor vehicle or  
21          combination of vehicles for which the particular class of license is desired and which the  
22          particular license shall ~~authorize~~ authorizes the holder to drive the particular class of  
23          vehicles as ~~provided~~ designated in section 39-06.2-09; or as follows: this chapter.

24          ~~a-7.~~ ~~A driver~~ An individual with a class D license may operate any:

25           a.    A single vehicle with a gross vehicle weight rating of twenty-six thousand pounds  
26            [11793.40 kilograms] or less or any such this vehicle towing a vehicle with a gross  
27            vehicle weight rating not in excess of ten thousand pounds [4535.92 kilograms]. A  
28            driver with a class D license may operate a

29           b.    A farm tractor towing another vehicle having a gross weight in excess of ten  
30            thousand pounds [4535.92 kilograms], and may operate a.

- 1           c. ~~A truck towing a trailer in excess of ten thousand pounds [4535.92 kilograms]~~  
2           ~~provided if the combined weight does not exceed twenty-six thousand pounds~~  
3           ~~[11793.40 kilograms] gross combination weight rating. A driver with a class D-~~  
4           ~~license may operate a~~
- 5           d. ~~A house car or a vehicle towing a travel trailer being used solely for personal~~  
6           ~~purposes.~~
- 7           e. ~~A driver with a class D license must be eighteen years of age or older to operate-~~  
8           ~~a combination of vehicles with a gross combination weight or a gross~~  
9           ~~combination weight rating in excess of twenty-six thousand pounds [11793.40~~  
10           ~~kilograms] if the individual is eighteen years of age or older, unless the~~  
11           ~~driver/individual is driving a farm vehicle and meets the requirements of~~  
12           ~~subdivision b of subsection 37 of this section 39-06-14 and subsection 3 of~~  
13           ~~section 39-06.2-06.~~
- 14          b.f. ~~A driver with a class D license may operate any two-axle or tandem-axle motor~~  
15           ~~vehicle, a triple-axle motor vehicle, a farm tractor towing another vehicle having a~~  
16           ~~gross weight in excess of six thousand pounds [2721.55 kilograms], and a.~~
- 17          g. ~~A truck or truck tractor towing a trailer, semitrailer, or farm trailer if the~~  
18           ~~driver/individual is exempted from a commercial driver's license under~~  
19           ~~subsection 3 of section 39-06.2-06, except the driver/individual may not operate a~~  
20           ~~double trailer, or triple trailer, or, and an individual if under eighteen years of age,~~  
21           ~~may not operate a truck tractor as defined in section 39-01-01 or a bus designed~~  
22           ~~to carry sixteen or more passengers, including the driver.~~
- 23          e. ~~A driver with a class M license may operate any motor vehicle having a seat or~~  
24           ~~saddle for the use of the rider and designed to travel on not more than three~~  
25           ~~wheels in contact with the ground, but excluding motorized bicycles and tractors.~~  
26           ~~A class M vehicle may not be operated under a class A, B, C, or D license.~~
- 27           (1) ~~The holder of a class A, B, C, or D license may receive a class M-~~  
28           ~~endorsement upon successful completion of an examination. The director~~  
29           ~~may waive the skill portion of the examination if the applicant has~~  
30           ~~successfully completed a motorcycle safety course approved by the director.~~

1           (2) ~~An applicant sixteen years of age and older, who does not hold a current~~  
2           ~~valid operator's license may be issued a class M learner's permit after~~  
3           ~~successful completion of a written examination. The class M license will be~~  
4           ~~issued after the applicant has successfully completed a driver's~~  
5           ~~examination. The director may waive the skill portion of the examination if~~  
6           ~~the applicant has successfully completed a motorcycle safety course~~  
7           ~~approved by the director.~~

8           (3) ~~Applicants fourteen or fifteen years of age may be issued a motorcycle~~  
9           ~~learner's permit if the applicant is enrolled in or has completed an approved~~  
10          ~~motorcycle safety course. Applicants for a motorcycle operator's license~~  
11          ~~who are under sixteen years of age shall hold an initial learner's permit for~~  
12          ~~at least two months before applying for a class M operator's license, shall~~  
13          ~~have completed an approved motorcycle safety course, and shall hold a~~  
14          ~~valid motorcycle learner's permit at the time of application. The director may~~  
15          ~~wave the skill portion of the examination if the applicant has successfully~~  
16          ~~completed a motorcycle safety course approved by the director. Any person~~  
17          ~~under sixteen years of age who holds a permit or license is restricted to the~~  
18          ~~operation of a motorcycle powered with an engine of two hundred fifty cubic~~  
19          ~~centimeters, or less, displacement. Evidence that the applicant has~~  
20          ~~satisfactorily completed a motorcycle safety course which meets the~~  
21          ~~minimum requirements of the motorcycle safety foundation must~~  
22          ~~accompany the application.~~

23          4. ~~The holder of a class A, B, or C license may drive any vehicle in that or a lesser~~  
24          ~~classification, except a class M vehicle.~~

25          5-8. ~~Any holder of a classified license who drives a motor vehicle otherwise than as~~  
26          ~~permitted by the class of license issued to the holder is deemed to be driving a motor~~  
27          ~~vehicle without being duly licensed under this chapter. The holder of a classified~~  
28          ~~license who desires to obtain a different class license in one of the classes provided~~  
29          ~~by this chapter must exchange or renew the license. The director may adopt rules the~~  
30          ~~director determines are necessary with respect to such on renewals or exchanges for~~  
31          ~~the proper administration of this chapter. No class A, B, or C license may be issued to~~

- 1           any person under eighteen years of age, except a class A, B, or C type license  
2           specially restricted to use for custom harvest purposes must be issued to a person at  
3           least sixteen years of age who satisfactorily completes the appropriate examinations.
- 4        6. ~~Before operating any motor vehicle or motorcycle, any holder of a license issued~~  
5           ~~pursuant to this chapter who has suffered permanent loss of use of a hand, arm, foot,~~  
6           ~~leg, or eye shall report the loss of use to the director who shall take reasonable action~~  
7           ~~as may be proper under the provisions of this chapter as to reexamination of the~~  
8           ~~licensee to determine if the licensee is capable of operating vehicles for which the~~  
9           ~~licensee is licensed.~~
- 10       7. ~~The director may issue a motorized bicycle operator's permit to an applicant who is at~~  
11           ~~least fourteen years of age. To obtain a permit, the applicant shall pay a fee of ten~~  
12           ~~dollars and take a written examination of the applicant's knowledge of traffic laws and~~  
13           ~~general rules of the road. If the applicant passes the written examination and the~~  
14           ~~director is satisfied that the applicant has adequate eyesight, the director may issue~~  
15           ~~the applicant a motorized bicycle operator's permit, even if the applicant does not have~~  
16           ~~an operator's license. The permit expires in the same manner as an operator's license.~~  
17           ~~A person who has an operator's license, a temporary permit, an instruction permit, or a~~  
18           ~~motorcycle permit is not required to obtain a motorized bicycle operator's permit.~~

**NOTE:** New language provides for consolidation of fees in Section 39-06-49.

The items an operator's license must bear was broken into subsections and related subject matter was moved together.

The new subsection 4 was moved from Section 39-06-52. This section was repealed.

Section 36-06.2-09(3) contains language that a commercial license is not valid for operating motorcycles but valid for lesser classification. The same language in this section was removed.

The language in old subsection 5 that no Class A, B, or C license may be issued to any person under 18 years of age, except a Class A, B, or C type license specially restricted to use for custom harvest purposes must be issued to a person at least 16 years of age who satisfactorily completes the appropriate examination was moved to Section 39-06.2-09.

The language in the old subsection 6 was moved to Section 39-06-07.2. The language stated that before operating any motor vehicle or motorcycle, any holder of a license issued pursuant to this chapter who has suffered permanent loss of use of a hand, arm, foot, leg, or eye shall report the loss of use to the director who shall take reasonable action as may be proper under the provisions of this chapter as to reexamination of the licensee to determine if the licensee is capable of operating vehicles for which the licensee is licensed.

All language relating to motorcycle Class M licenses and motorized bicycles was moved to Section 39-06-14.1.

- 19       **SECTION 23.** Section 39-06-14.1 of the North Dakota Century Code is created and enacted  
20 as follows:



1       **39-06-14.1. Motorcycle operator's licenses and motorized bicycles.**

- 2       1. A resident of this state who is at least fourteen years of age may apply to the director  
3       for a class M learner's permit. An individual holding a class M learner's permit for the  
4       operation of a motorcycle may not operate the motorcycle during the hours when the  
5       use of headlights are required under section 39-21-01 or carry or transport any  
6       passenger. Any learner's permit may be renewed or a new permit issued for an  
7       additional period.
- 8       2. An individual with a class M license may operate any motor vehicle having a seat or  
9       saddle for the use of the rider and designed to travel on not more than three wheels in  
10      contact with the ground, but excluding motorized bicycles and tractors.
- 11      a. The holder of a class A, B, C, or D license may receive a class M endorsement  
12      upon successful completion of an examination. The director may waive the skill  
13      portion of the examination if the applicant has successfully completed a  
14      motorcycle safety course approved by the director.
- 15      b. An applicant sixteen years of age and older, who does not hold a current valid  
16      operator's license, may be issued a class M learner's permit after successful  
17      completion of a written examination. The class M license must be issued after the  
18      applicant has successfully completed a driver's examination. The director may  
19      waive the skill portion of the examination if the applicant has successfully  
20      completed a motorcycle safety course approved by the director.
- 21      c. Applicants fourteen or fifteen years of age may be issued a motorcycle learner's  
22      permit if the applicant is enrolled in or has completed an approved motorcycle  
23      safety course. Applicants for a motorcycle operator's license who are under  
24      sixteen years of age must hold an initial learner's permit for at least two months  
25      before applying for a class M operator's license, must have completed an  
26      approved motorcycle safety course, and must hold a valid motorcycle learner's  
27      permit at the time of application. The director may waive the skill portion of the  
28      examination if the applicant has successfully completed a motorcycle safety  
29      course approved by the director. Any person under sixteen years of age who  
30      holds a permit or license may not operate a motorcycle powered with an engine  
31      in excess of two hundred fifty cubic centimeters displacement. Evidence that the

- 1                   applicant has satisfactorily completed a motorcycle safety course which meets  
2                   the minimum requirements of the motorcycle safety foundation must accompany  
3                   the application.
- 4        3.   The director may issue a motorized bicycle operator's permit to an applicant who is at  
5           least fourteen years of age. To obtain a permit, the applicant shall pay a fee as listed in  
6           section 39-06-49 and take a written examination of the applicant's knowledge of traffic  
7           laws and general rules of the road. If the applicant passes the written examination and  
8           the director is satisfied that the applicant has adequate eyesight, the director may  
9           issue the applicant a motorized bicycle operator's permit, even if the applicant does  
10          not have an operator's license. The permit expires in the same manner as an  
11          operator's license. A person who has an operator's license, a temporary permit, an  
12          instruction permit, or a motorcycle permit is not required to obtain a motorized bicycle  
13          operator's permit.

**NOTE:** Motorcycle licensing and motorized bicycle provisions are moved to this section.

Related NDAC rule:

**37-03-04-05. Content of motorcycle training program.**

The training program content must include the following basic objectives to be achieved by students in theory and practice riding sessions in motorcycle safety education. The objectives are identified in a potential instructional sequence and the groupings suggest possible instructional units as follows:

1. Recognizes safe vehicle conditions, such as:
  - a. Operates the controls and devices;
  - b. Identifies important vehicle component parts; and
  - c. Inspects the motorcycle.
2. Conducts preride checks and procedures, such as:
  - a. Uses protective gear and equipment;
  - b. Performs prestart procedures;
  - c. Mounts the motorcycle correctly;
  - d. Starts the engine; and
  - e. Shuts off engine and dismounts.
3. Executes basic vehicle control procedures, such as:
  - a. Follows safe procedures for practice riding;
  - b. Balances motorcycle when walking or under power;
  - c. Moves motorcycle in straight path;
  - d. Stops with proper application of rear brake; and
  - e. Parks and secures motorcycle properly.
4. Performs fundamental motorcycle riding skills, such as:
  - a. Turns left and right in open areas and in tight quarters;

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- b. Shifts through gears; and
  - c. Controls vehicle while stopping with rear and front brake.
5. Executes routine riding tasks, such as:
- a. Communicates with electrical and hand signals and other vehicle lights;
  - b. Rides at higher speeds;
  - c. Operates while standing on the footpegs;
  - d. Rides on irregular and changing roadway surfaces; and
  - e. Carries passengers and other loads.
6. Operates safely in traffic, such as:
- a. Develops techniques to increase visibility in traffic;
  - b. Identifies hazards and potentially unsafe conditions;
  - c. Predicts points of conflict with roadway and other vehicles;
  - d. Forecasts possible acts and behavior of other road users; and
  - e. Decides what to do and maintains or changes vehicle position and speed for a safe path of travel.
7. Prevents and protects from highway loss, such as:
- a. Selects an appropriate motorcycle;
  - b. Maintains a safe motorcycle;
  - c. Recognizes signs of vehicle trouble while riding; and
  - d. Selects an appropriate insurance plan.

1       **SECTION 24. AMENDMENT.** Section 39-06-16 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3       **39-06-16. License to be carried and exhibited on demand.**

4       ~~A licensee~~An individual licensed to operate a motor vehicle shall have the licensee's-  
5 operator's license ~~or permit~~ in the licensee's~~individual's~~ immediate possession at all times when  
6 operating a motor vehicle and shall physically surrender the operator's license ~~or permit~~, upon  
7 demand of any ~~district court, municipal court, a patrolman, peace~~police officer, or a field deputy  
8 or inspector of the department. However, ~~a person~~an individual charged with violating this  
9 section may not be convicted or assessed any court costs if the ~~person~~individual produces in  
10 court, ~~to the chief of police,~~ or in the office of the arresting officer ~~and a valid~~ operator's license ~~or~~  
11 ~~permit~~ issued to that ~~person and valid and~~individual that is not under suspension, revocation, or  
12 cancellation at the time of the ~~person's~~individual's arrest.

**NOTE:** Cleanup.

13       **SECTION 25. AMENDMENT.** Section 39-06-17 of the North Dakota Century Code is  
14 amended and reenacted as follows:

1       **39-06-17. Restricted licenses - Penalty for violation.**

2       1. ~~The director, upon~~Upon issuing an operator's license or a temporary restricted  
3       operator's license pursuant to ~~under~~ section 39-06.1-11, ~~has authority to~~the director  
4       may impose restrictions suitable to ~~the~~a licensee's driving ability with respect to the  
5       type of ~~or~~motor vehicle, special mechanical control devices required on a motor  
6       vehicle ~~which~~that the licensee may operate, or ~~such~~any other restrictions applicable to  
7       the licensee as the director may determine to be appropriate to assure the safe  
8       operation of a motor vehicle by the licensee.

9       2. The director may either issue a special restricted class D license or may state the  
10      restrictions upon the usual license form. In the same manner, the director shall restrict  
11      licenses under section 39-16.1-09.

12      ~~3.2.~~ A~~The director may issue~~ restricted operator's class D license ~~or permit to operate the~~  
13      parent's, guardian's, grandparent's, sibling's, aunt's, or uncle's automobile, ~~or an~~  
14      automobile which is equipped with dual controls and while accompanied by a qualified  
15      instructor, ~~may be issued to any child~~a minor, who is at least ~~fourteen~~fifteen years of  
16      age, and otherwise qualified, upon the written recommendation of the parent or  
17      guardian. A ~~child~~minor may operate ~~an automobile~~a motor vehicle that is not the  
18      parent's or guardian's to take the ~~road~~actual ability test. ~~No operator's~~The parent,  
19      guardian, grandparent, sibling, aunt, or uncle at all times is responsible for any and all  
20      damages growing out of the negligent operation of a motor vehicle by a minor. A  
21      restricted class D license may ~~not~~not be issued ~~until the child~~to a minor unless the minor,  
22      accompanied by the parent or guardian, appears in person and satisfies the director  
23      that:

- 24      a. The ~~child~~minor is at least ~~fourteen~~fifteen years of age;:
- 25      b. The ~~child~~minor is qualified to operate an automobile safely;:
- 26      c. It is necessary for the child to drive the parent's, guardian's, grandparent's,  
27      sibling's, aunt's, or uncle's automobile without being accompanied by an adult;:
- 28      d. The ~~child~~minor has:
- 29          (1) ~~Successfully~~ successfully completed an approved driver's education course  
30              that includes a course of classroom instruction and a course of  
31              behind-the-wheel instruction acceptable to the director; or

1           (2) ~~Successfully~~has successfully completed a course at an approved  
2           commercial driver training school; and

3           e. The ~~child~~minor has accumulated a minimum of fifty hours of supervised,  
4           behind-the-wheel driving experience in various driving conditions and situations  
5           that include night driving; driving on gravel, dirt, or aggregate surface road;  
6           driving in both rural and urban conditions; and winter driving conditions.

7           ~~The parent, guardian, grandparent, sibling, aunt, or uncle at all times is responsible for~~  
8           ~~any and all damages growing out of the negligent operation of a motor vehicle by any~~  
9           ~~such child.~~

10          3. The provisions of this subsection 2 do not authorize ~~the child~~a minor to drive a  
11          commercial truck, motorbus, or taxicab except the holder of a restricted class D  
12          license, ~~fourteen or fifteen years of age~~, may drive a farm motor vehicle having a gross  
13          weight of fifty thousand pounds [22679.62 kilograms] ~~when~~while used to transport  
14          agricultural products, farm machinery, or farm supplies to or from a farm when so  
15          operated within one hundred fifty miles [241.40 kilometers] of the driver's farm.

16          4. A minor with a restricted class D license issued under subsection 2 may operate the  
17          type or class of motor vehicle specified on the restricted license under the following  
18          conditions:

19          a. A restricted licenseholder must be in possession of the license while operating  
20          the motor vehicle.

21          b. An individual holding a restricted class D license driving a motor vehicle may not  
22          carry more passengers than the vehicle manufacturer's suggested passenger  
23          capacity.

24          c. An individual holding a restricted class D license driving a motor vehicle may not  
25          operate an electronic communication device to talk, compose, read, or send an  
26          electronic message while operating a motor vehicle that is in motion unless the  
27          sole purpose of operating the device is to obtain emergency assistance, to  
28          prevent a crime about to be committed, or in the reasonable belief that an  
29          individual's life or safety is in danger.

30          d. An individual holding a restricted class D license may not operate a motor vehicle  
31          between the later of sunset or nine p.m. and five a.m. unless a parent, legal

1                    guardian, or an individual eighteen years of age or older is in the front seat of the  
2                    motor vehicle or the motor vehicle is being driven directly to or from work, an  
3                    official school activity, or a religious activity.

4            5. Upon receiving satisfactory evidence of any violation of the restrictions of a license,  
5            the director may suspend or revoke the license but the licensee is entitled to a hearing  
6            as upon a suspension or revocation under this chapter. The director may not issue a  
7            restricted license for the extended period of suspension imposed under this  
8            subsection.

9            ~~5.6.~~ It is a class B misdemeanor for ~~any person~~ an individual to operate a motor vehicle in  
10            any manner in violation of the restrictions imposed ~~in a restricted license issued to that~~  
11            ~~person other than restrictions imposed under subsection 6~~ under this section except for  
12            the restrictions in subsection 4.

13           7. If the restricted license was issued under section 39-06.1-11 and the underlying  
14           suspension was imposed for a violation of section 39-08-01 or equivalent ordinance,  
15           or is governed by chapter 39-20, punishment is as provided in subsection 2 of section  
16           39-06-42 and upon receiving notice of the conviction the director shall revoke, without  
17           opportunity for hearing, the licensee's restricted license and shall extend the  
18           underlying suspension for a like period of not more than one year. ~~The director may~~  
19           ~~not issue a restricted license for the extended period of suspension imposed under~~  
20           ~~this subsection.~~

21           8. If the conviction referred to in this section is reversed by an appellate court, the  
22           director shall restore the ~~person~~ individual to the status held by the ~~person prior~~  
23           ~~to~~ individual before the conviction, including restoration of driving privileges if  
24           appropriate.

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

29           a. ~~A restricted licenseholder must be in possession of the license while operating~~  
30           ~~the motor vehicle.~~

- 1           b. ~~An individual holding a restricted driver's license driving a motor vehicle may not~~  
2           ~~carry more passengers than the vehicle manufacturer's suggested passenger~~  
3           ~~capacity.~~
- 4           c. ~~An individual holding a restricted driver's license driving a motor vehicle may not~~  
5           ~~operate an electronic communication device to talk, compose, read, or send an~~  
6           ~~electronic message while operating a motor vehicle that is in motion unless the~~  
7           ~~sole purpose of operating the device is to obtain emergency assistance, to~~  
8           ~~prevent a crime about to be committed, or in the reasonable belief that an~~  
9           ~~individual's life or safety is in danger.~~
- 10          d. ~~An individual holding a restricted driver's license may not operate a motor vehicle~~  
11          ~~between the later of sunset or nine p.m. and five a.m. unless a parent, legal~~  
12          ~~guardian, or an individual eighteen years of age or older is in the front seat of the~~  
13          ~~motor vehicle or the motor vehicle is being driven directly to or from work, an~~  
14          ~~official school activity, or a religious activity.~~

**NOTE:** The section relates to restricted licenses for all operators, for example, restrictions on corrective lenses, adaptive equipment, specific areas of driving, and specific purposes. In addition, this section relates to minors between 15 and 16 years of age driving with a restricted Class D license. These two concepts have been separated and then combined by subject matter in the section.

The language in subsection 2 on an automobile that is equipped with dual controls while accompanied by a qualified instructor appears to be duplicative of a restricted permit under Section 39-06-05. Because of the removal of this language and a minor needing an instruction permit for one year after turning 14 years of age, the restricted Class D license is only available to a minor 15 years of age. At 16 years of age, the minor may receive a Class D license.

The language in subsection 2 on operation of any motor vehicle no matter how owned is moved to Section 39-06-13.

The language removed in the new subsection 7 is moved to the new subsection 5.

Related NDAC rules:

**37-03-04-01. Restricted licenses - When issued.**

The director may issue a restricted license to a person depending upon the facts and circumstances of each individual case as follows:

1. When written certification is received from an insurance carrier indicating that a policy or policies of insurance limiting a person to operation of motor vehicles described in the policy or to designated times and locations and not insuring such person when operating other motor vehicles.
2. When the director has suspended a license for the accumulation of more than twelve points or has revoked a license for refusal to submit to a test or tests for intoxication, the director after a showing of good cause by the person may issue a temporary restricted license valid, after seven days of the suspension period have passed, for the remainder of the suspension period, authorizing the use of a motor vehicle only during the time and places specified.
3. When the director has good cause to believe that a person has physical disabilities that require special equipment on a motor vehicle to enable such person to safely operate the motor vehicle, the director may impose restrictions with respect to the type of motor vehicle the licensee may operate.

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4. When the director has good cause to believe that the imposition of restrictions applicable to a person would be appropriate to assure the safe operation of a motor vehicle by that person.

**37-03-04-02. Restricted license or permit for child fourteen years or older - Approved class or driver training school.**

When issuing a restricted driver's license or permit to a child who is at least fourteen years of age, in determining whether the child has completed a course of classroom instruction and course of behind-the-wheel instruction, or, in the alternative, has successfully completed a course at an approved commercial driver training school, the child must complete at least six hours of behind-the-wheel instruction, and thirty hours of classroom training by an instructor certified by the department of public instruction. For the purpose of this determination four hours of instruction with a driving simulator approved for use in driver training by the director shall be equivalent to one hour of behind-the-wheel instruction and two hours of instruction on a multiple car driving range approved by the director shall be equivalent to one hour of behind-the-wheel instruction.

1       **SECTION 26. AMENDMENT.** Section 39-06-18 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3       **39-06-18. ~~Duplicate certificates~~Substitute operator's license.**

4       ~~In the event that a permit or~~If an operator's license or nondriver photo identification card  
5 issued under this chapter is lost, mutilated, or destroyed, or contains erroneous information due  
6 to a change in name, address, or for any other reason, the ~~person~~individual to whom the  
7 ~~same~~operator's license or identification card was issued may obtain a ~~duplicate, or substitute,~~  
8 ~~upon~~by furnishing proof satisfactory to the director that the ~~permit or operator's license or~~  
9 identification card has been lost, mutilated, or destroyed, or is erroneous, and upon payment of  
10 a fee listed in section 39-06-49. ~~The fee is eight dollars for a duplicate or substitute permit or~~  
11 ~~license for a license or permit that was lost, mutilated, or destroyed, or is being replaced for any~~  
12 ~~other reason, except the fee is three dollars for a duplicate or substitute permit or license for a~~  
13 ~~license or permit that contains erroneous information due to a change in name or address.~~If an  
14 individual has a name change, the individual shall obtain a substitute license or identification  
15 card with the correct name.

**NOTE:** Adds nondriver photo identification cards to the substitute license section so similar provisions may be removed from Section 39-06-03.1.

The new language on name changes was moved from Section 39-06-20.

16       **SECTION 27. AMENDMENT.** Section 39-06-19 of the North Dakota Century Code is  
17 amended and reenacted as follows:

18       **39-06-19. Expiration of license - Renewal.**

- 19       1. Every operator's license issued under this chapter or chapter 39-06.1 expires and is  
20 renewed according to this section.
- 21       2. The expiration date of a noncommercial operator's license for ~~a person~~an individual  
22 whose birth occurred in a year ending in an odd numeral is twelve midnight on the



1 anniversary of the birthday in the third subsequent year ending in an odd numeral,  
2 except for an individual who, at the time of renewal, is seventy-eight years of age or  
3 older is twelve midnight on the anniversary of the birthday in the second subsequent  
4 year ending in an odd numeral. The expiration date of a noncommercial operator's  
5 license for ~~a person~~ an individual whose birth occurred in a year ending in an even  
6 numeral is twelve midnight on the anniversary of the birthday in the third subsequent  
7 year ending in an even numeral, except for an individual who, at the time of renewal, is  
8 seventy-eight years of age or older is twelve midnight on the anniversary of the  
9 birthday in the second subsequent year ending in an even numeral.

10 3. The expiration date of a commercial operator's license for ~~a person~~ an individual  
11 whose birth occurred in a year ending in an odd numeral is twelve midnight on the  
12 anniversary of the birthday in the second subsequent year ending in an odd numeral.  
13 The expiration date of a commercial operator's license for ~~a person~~ an individual  
14 whose birth occurred in a year ending in an even numeral is twelve midnight on the  
15 anniversary of the birthday in the second subsequent year ending in an even numeral.  
16 ~~A person~~

17 4. An individual who has a valid, unexpired nonimmigrant visa or nonimmigrant visa  
18 status for entry into the United States, a pending application for asylum in the United  
19 States, a pending or approved application for temporary protected status in the United  
20 States, approved deferred action status, or a pending application for adjustment of  
21 status to that of an alien lawfully admitted for permanent residence or conditional  
22 permanent residence status in the United States will be issued a temporary operator's  
23 license or nondriver photo identification card. The temporary operator's license or  
24 identification card is valid only during the period of time of the applicant's authorized  
25 stay in the United States or, if there is no definite end to the period of authorized stay,  
26 a period of one year. The license or card may be renewed only upon presentation of  
27 valid documentary evidence that the status has been extended.

28 ~~2.~~ ~~If the licensee has reached the age of eighteen, and desires reissuance of a license~~  
29 ~~with the distinctive background for licensees at least the age of eighteen and under the~~  
30 ~~age of twenty one, the applicant may apply at any time for a replacement license. If~~  
31 ~~the licensee has reached the age of twenty one and desires reissuance of a license~~

1 without the distinctive color background required by section 39-06-14, the applicant  
2 may apply at any time for a replacement license.

3 ~~3-5.~~ An applicant for renewal must present the application with the fee for renewal of  
4 license to the director not before ten months before the expiration date of the  
5 operator's license. The director may require an examination of an applicant as upon  
6 an original application. The director may require an applicant for renewal,  
7 replacement, or a substitute to provide a social security card and proof of residence  
8 address. The director may not issue a distinguishing number that is, contains, can be  
9 converted to, or is an encrypted version of the applicant's social security number.

10 6. The director may not renew an operator's license if the license has been suspended  
11 under section 14-08.1-07. Upon the recommendation of the court, the director may  
12 issue a temporary permit to the licensee under section 39-06.1-11 if the temporary  
13 permit is necessary for the licensee to work and the court has determined the licensee  
14 is making a good-faith effort to comply with the child support order.

15 ~~4-7.~~ Every application An applicant for renewal of aan operator's license by an applicant  
16 must be accompanied by provide a certificate of examination from either the driver  
17 licensing or examining authorities or a statement as to the corrected and uncorrected  
18 vision of the applicant from a licensed physician or an optometrist, ~~licensed in this or~~  
19 ~~another state,~~ containing a statement as to the corrected and uncorrected vision of the  
20 applicant. The director shall provide visual examination equipment at each location  
21 where a license may be renewed. ~~The initial application for a motor vehicle operator's~~  
22 ~~license may be accompanied by a statement of examination from a licensed physician~~  
23 ~~or an optometrist, stating the corrected and uncorrected vision of the applicant, in lieu~~  
24 ~~of the department examination. This examination must be within six months of the~~  
25 ~~driver's license application.~~

26 ~~5-8.~~ Every person An individual submitting an application and the fee for renewal of license  
27 one year or more after the expiration of a license, except an applicant whose military  
28 service has terminated less than thirty days prior to ~~such~~ the application, must be  
29 treated as ~~a new driver~~ an initial applicant.

30 6. The fee for renewal or replacement of an operator's license is ten dollars.

**NOTE:** The removed language in subsection 7 was moved to Section 39-16-13(3).

Subsection 6 was removed because of fee consolidation under Section 39-06-49.

1       **SECTION 28. AMENDMENT.** Section 39-06-19.1 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3       **39-06-19.1. Extended term of license held by members of the armed forces -**  
4 **Limitations.**

5       A valid operator's license issued under ~~the provisions of~~ this chapter to a resident of ~~North~~  
6 ~~Dakota~~this state who enters or is in the United States armed forces and serving ~~upon~~on active  
7 duty ~~with such forces~~ continues in full force and effect so long as the active service continues  
8 and the licensee remains absent from this state, and for not to exceed thirty days following the  
9 date on which the holder of ~~such~~this license is honorably separated from ~~such~~this service or  
10 returns to this state, unless the license is sooner suspended, canceled, or revoked for cause ~~as~~  
11 ~~provided by law~~. The license is valid only ~~when~~if in the immediate possession of the licensee  
12 while driving and the licensee has the licensee's discharge or separation papers, if the licensee  
13 has been discharged or separated from the service, or has documentation authorizing the  
14 licensee to be absent from the licensee's duty station in the licensee's immediate possession.

**NOTE:** Cleanup.

15       **SECTION 29. AMENDMENT.** Section 39-06-20 of the North Dakota Century Code is  
16 amended and reenacted as follows:

17       **39-06-20. Notice of change of address or name.**

18       ~~Whenever a person~~If an individual after applying for or receiving an operator's license ~~or~~  
19 ~~permit~~ moves from the address named in the application or ~~in~~on the license or ~~permit issued to~~  
20 ~~that person or when~~if the name of a licensee is changed by marriage or otherwise, that ~~person~~  
21 ~~shall~~individual within ten days ~~thereafter~~after moving or the name change shall notify the  
22 director in writing or in person of that ~~person's~~individual's old and new addresses or of ~~such~~the  
23 individual's former and new names and of the number of any operator's license ~~or permit~~ then  
24 held by that person. ~~A person~~An individual may obtain a corrected operator's license ~~or permit~~  
25 by making an application as provided for in section 39-06-18. ~~In the event of a name change, a~~  
26 ~~corrected license must be obtained~~. The department may change the address based on  
27 information received from any authorized address correction service of the United States postal  
28 service. The department may also develop procedures for receiving notification of address  
29 changes by telephone or electronic means.

**NOTE:** The language on name change was moved to Section 39-06-18.

1       **SECTION 30. AMENDMENT.** Section 39-06-21 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3       **39-06-21. Filing application records.**

4       The director shall file ~~every~~and maintain each application for a license and ~~shall maintain~~  
5 ~~each application for a license received and shall maintain~~with suitable indexes containing:

- 6       1. All applications denied and on each ~~such~~denied application note the reason for the  
7       denial;
- 8       2. All applications granted; and
- 9       3. The name of every licensee whose operator's license has been suspended, revoked,  
10       canceled, or restricted by the department and after each ~~such~~ name state the reasons  
11       for such actions.

**NOTE:** Cleanup.

12       **SECTION 31. AMENDMENT.** Section 39-06-22 of the North Dakota Century Code is  
13 amended and reenacted as follows:

14       **39-06-22. Driving records of licensees.**

15       The director shall file all accident reports and abstracts of court records of convictions  
16 received by the director under the laws of this state and ~~in connection therewith~~ maintain  
17 convenient records or make suitable notations in order that ~~an individual~~each record of each  
18 licensee showing the convictions of ~~such~~the licensee and the traffic accidents in which the  
19 licensee has been involved ~~shall be~~is readily ascertainable and available for the consideration  
20 of the director ~~upon any application for renewal of license and at other suitable times.~~

**NOTE:** Cleanup.

21       **SECTION 32. AMENDMENT.** Section 39-06-24 of the North Dakota Century Code is  
22 amended and reenacted as follows:

23       **39-06-24. Authority to cancel licenses.**

- 24       1. The director shall cancel any operator's license, ~~permit~~, or nondriver photo  
25       identification card upon determining that the ~~person~~individual is not entitled to the  
26       issuance of the document ~~under the laws of this state~~ or that ~~said person~~the individual  
27       failed to give the required or correct information on the application or the fee was  
28       invalid. Invalid fees include being in the form of an insufficient fund or no-account  
29       check or a credit or debit card in which the transaction was canceled by the applicant

1 before the department received correct payment. The making of a false statement in  
2 any application for an operator's license, ~~permit~~, or nondriver photo identification card,  
3 concerning the applicant's age or the prior loss of driving privileges through a  
4 cancellation, suspension, revocation, or similar sanction in any state, is grounds for  
5 the director to cancel any document or privilege issued on the basis of the application.  
6 2. Upon cancellation, the holder shall surrender the nondriver photo identification card to  
7 the director or any police officer may take custody of the card.

**NOTE:** The language in subsection 2 was moved from Section 39-06-03.1.

Related NDAC rule:

**37-03-03-02. Examination of licensee - Grounds - Revocation, suspension, or restriction of driving privileges.**

If the director has good cause to believe that a licensee is physically or mentally incompetent to safely operate a motor vehicle, or otherwise not qualified to be licensed, the director may upon written notice of at least five days require such licensee to submit to such physical, mental, or driver's examination which the director may deem necessary to determine such licensee's fitness to safely operate a motor vehicle upon the highways of this state. The director may require physical or mental examinations by licensed medical doctors or psychiatrists and a report thereof to be submitted to the director. Expenses of such examinations shall be borne by the licensee whose fitness to safely operate a motor vehicle is in question. If the director determines from the results of such examinations that such licensee is unfit to safely operate a motor vehicle, the director may suspend or revoke a licensee's privileges to operate a motor vehicle in this state, or may issue a license subject to such restrictions as are authorized to be imposed by North Dakota Century Code section 39-06-17. Refusal or neglect of the licensee to submit to such examination shall be grounds for license suspension or revocation.

8 **SECTION 33. AMENDMENT.** Section 39-06-25 of the North Dakota Century Code is  
9 amended and reenacted as follows:

10 **39-06-25. Suspending privileges of nonresidents.**

11 The privilege of driving a motor vehicle on the highways of this state given to a nonresident  
12 ~~hereunder~~ is subject to suspension or revocation by the director in like manner and for like  
13 cause as an operator's license issued ~~hereunder~~ in this title may be suspended or revoked.

**NOTE:** Cleanup.

14 **SECTION 34. AMENDMENT.** Section 39-06-26 of the North Dakota Century Code is  
15 amended and reenacted as follows:

16 **39-06-26. Reporting convictions, suspensions, or revocations of nonresidents.**

17 1. The director may, upon Upon receiving a record of the conviction or adjudication in this  
18 state of a nonresident driver of a motor vehicle of any offense under the motor vehicle  
19 laws of this state, or an equivalent ordinances ~~of any of its political-~~  
20 ~~subdivisions~~ ordinance, the director may notify the licensing authority in the state  
21 wherein the person so convicted ~~in which the nonresident resides~~ or is licensed.

1        2.    ~~When~~ If a nonresident's operating privilege is suspended or revoked pursuant to  
2                    ~~any~~ under the law of this state, the director shall notify the licensing authority in the  
3                    state ~~wherein such~~ in which the nonresident resides or is licensed.

**NOTE:** Cleanup.

4        **SECTION 35. AMENDMENT.** Section 39-06-27 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6        **39-06-27. Suspending licenses upon conviction, suspension, or revocation in another**  
7 **jurisdiction.**

8        1.    The director may suspend or revoke the operator's license of any resident of this state  
9                    or the privilege of a nonresident to ~~drive~~ operate a motor vehicle in this state upon  
10                   receiving notice of the conviction of that ~~person~~ individual in a tribal court or in another  
11                   state of an offense ~~therein which,~~ which if committed in this state, would be grounds  
12                   for the suspension or revocation of ~~the~~ an operator's license of an operator. The  
13                   director may act on a report of a conviction in tribal court received from any tribal law  
14                   enforcement agency. This section may not be construed as authorizing the  
15                   assessment of points against a ~~resident driver's~~ resident's driving record in accordance  
16                   with chapter 39-06.1, except upon conviction of a resident driver for a criminal offense  
17                   in a tribal court or in another state which is equivalent to one of those offenses defined  
18                   in section 39-06.1-05. A suspension or revocation may not be imposed for convictions  
19                   for driving under suspension or revocation on an Indian reservation or in another state  
20                   if a valid ~~North Dakota license or permit~~ operator's license from this state was in effect  
21                   at the time of the violation. For purposes of this section, originals, photostatic copies,  
22                   ~~or~~ and electronic transmissions of the records of the driver's licensing or other authority  
23                   of the other jurisdiction are sufficient evidence ~~whether or not they are~~ even if not  
24                   certified copies.

25        2.    Upon receipt of a certification that the operating privileges of a resident of this state  
26                   have been suspended or revoked on an Indian reservation or in any other state  
27                   ~~pursuant to~~ under a law providing for the suspension or revocation for failure to deposit  
28                   security for the payment of judgments arising out of a motor vehicle accident, if under  
29                   circumstances that would require the director to suspend a nonresident's operating  
30                   privileges had the accident occurred in this state, the director shall suspend the

1 license of the resident if the resident was the driver of a motor vehicle involved in the  
2 accident. The suspension continues until the resident furnishes evidence satisfactory  
3 to the director of the ~~person's~~resident's compliance with the laws of the Indian  
4 reservation or the other state relating to the deposit of security or payment of a  
5 judgment arising out of a motor vehicle accident, to the extent that compliance would  
6 be required if the accident had occurred in this state.

**NOTE:** Cleanup.

7 **SECTION 36. AMENDMENT.** Section 39-06-28 of the North Dakota Century Code is  
8 amended and reenacted as follows:

9 **39-06-28. Courts to forward license to director upon certain convictions.**

10 ~~Whenever any person~~If an individual is convicted of any offense for which this chapter  
11 ~~makes mandatory~~requires the revocation of the operator's license of such ~~person~~that individual  
12 by the director, the court in ~~which such~~of the conviction is ~~had~~ shall require the surrender to ~~it~~the  
13 court of any operator's license then held by the ~~person so convicted and the~~convicted individual.  
14 ~~The court shall thereupon~~then forward the ~~same together with~~operator's license and a record of  
15 ~~such~~the conviction to the director.

**NOTE:** Cleanup.

16 **SECTION 37. AMENDMENT.** Section 39-06-31 of the North Dakota Century Code is  
17 amended and reenacted as follows:

18 **39-06-31. ~~Mandatory revocation~~Revocation of licenses.**

- 19 1. A period of revocation is at least thirty days and not more than one year, unless  
20 otherwise provided by law.
- 21 2. The director shall revoke ~~forthwith,~~ for a period of one year; or for ~~such~~a period as may  
22 be recommended by the trial court, the operator's license of ~~any operator~~an individual  
23 upon receiving a record of ~~such operator's~~the individual's conviction of any of the  
24 following offenses:
- 25 1. a. Any ~~A~~ felony, ~~including a violation of chapter 12.1-16, in which a motor vehicle~~  
26 was used in the commission of ~~which a motor vehicle is used~~the felony.
- 27 2. b. Any ~~A~~ misdemeanor resulting from the operation of a motor vehicle and causing  
28 serious bodily injury, as defined in section 12.1-01-04, to another  
29 ~~person~~individual.

1       ~~3.~~    c.    The making of a false affidavit or statement under oath to the director under this  
2                   chapter or under any other law relating to the ownership or operation of motor  
3                   vehicles.

4       3.    The revocation of the license under this section may be beyond any time of  
5                   imprisonment or court-ordered addiction treatment.

**NOTE:** Cleanup.

6        **SECTION 38. AMENDMENT.** Section 39-06-32 of the North Dakota Century Code is  
7 amended and reenacted as follows:

8        **39-06-32. Authority to suspend licenses.**

9        1.    The director may suspend the operator's license of an ~~operator~~individual, after  
10            hearing, upon proof by a fair preponderance of the evidence, that any of the following  
11            apply to the licensee:

12        ~~1.~~    a.    Commission of an offense for which mandatory revocation of license is required  
13            upon conviction.

14        ~~2.~~    b.    Incompetence to drive a motor vehicle.

15        ~~3.~~    c.    Unlawful or fraudulent use of an operator's license.

16        ~~4.~~    d.    Refusal to submit to an implied consent chemical test on an Indian reservation or  
17            in another state. For purposes of this subsection, the specific requirements for  
18            establishing a refusal used on the Indian reservation or in the other state may not  
19            be considered, and photostatic copies of the records of the other jurisdiction's  
20            driver's licensing authority are sufficient evidence of the refusal whether ~~or not~~  
21            those copies are certified. The suspension must be for the same length of time as  
22            the revocation in section 39-20-04. If the refusal arose out of an arrest or stop of  
23            ~~a person~~an individual while operating a commercial motor vehicle, the period of  
24            suspension must be the same as the period of revocation provided in section  
25            39-06.2-10.

26        ~~5.~~2.    Failure, as shown by the certificate of the court, to pay a fine or serve any other  
27            sentence as ordered by a court upon conviction for any criminal traffic offense.

28        ~~6.~~3.    Failure, as shown by the certificate of the court, to appear in court or post and forfeit  
29            bond after signing a promise to appear, if signing is required by law, in violation of  
30            section 39-06.1-04, willful violation of a written promise to appear in court, in violation



1 of section 39-07-08, or violation of equivalent ordinances or laws in another  
2 jurisdiction. Upon resolution by the operator of the underlying cause for a suspension  
3 under this subsection, as shown by the certificate of the court, the director shall record  
4 the suspension separately on the driving record. This separate record is not available  
5 to the public.

6 7.4. An administrative decision on an Indian reservation or in another state that the  
7 licensee's privilege to drive on that Indian reservation or in that state is suspended or  
8 revoked because of a violation of that Indian reservation's or state's law forbidding  
9 motor vehicle operation with an alcohol concentration of at least eight one-hundredths  
10 of one percent by weight or, with respect to a person under twenty-one years of age,  
11 an alcohol concentration of at least two one-hundredths of one percent by weight, or  
12 because of a violation of that Indian reservation's or state's law forbidding the driving  
13 or being in actual physical control of a commercial motor vehicle while having an  
14 alcohol concentration of at least four one-hundredths of one percent by weight. The  
15 specific requirements for establishing the violation on the Indian reservation or in the  
16 other state may not be considered and certified copies of the records of the Indian  
17 reservation's or other state's driver's licensing authority are sufficient evidence of the  
18 violation. The suspension must be for the same duration as the suspension in section  
19 39-20-04.1, if the violation does not involve a commercial motor vehicle. If the violation  
20 involves a commercial motor vehicle, the period of suspension must be the same as  
21 the period of suspension provided in section 39-06.2-10. For purposes of this section,  
22 originals, photostatic copies, or electronic transmissions of the records of the driver's  
23 licensing or other authority of the other jurisdiction are sufficient evidence whether or  
24 not they are certified copies.

25 8.5. Conviction of an offense under this title and it appears from the director's records that  
26 the offense contributed to causing an accident which resulted in death or serious  
27 personal injury or serious property damage. ~~No~~A suspension may not be imposed if  
28 the ~~person~~individual has been sanctioned for the same offense under section  
29 39-06-31.

**NOTE:** Cleanup.

1       **SECTION 39. AMENDMENT.** Section 39-06-32.1 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3       **39-06-32.1. Juvenile delinquent's suspension of driving privileges.**

4       Upon receipt of a copy of an order of a juvenile court ordering the suspension of a juvenile's  
5 ~~driving privileges~~child operator's license, the director shall suspend the juvenile's  
6 ~~driver's~~operator's license or permit and make notation of the length of time of the suspension of  
7 ~~driving privileges~~. During the time of the juvenile's suspension of ~~driving privileges~~, ~~no~~an  
8 application for a driver's class D instruction permit may not be accepted from the juvenile~~child~~.  
9 For purposes of this section, "child" is defined by section 27-20-02.

**NOTE:** Child is usually not a favored term but is used as defined in the Uniform Juvenile Court Act.

10       **SECTION 40. AMENDMENT.** Section 39-06-33 of the North Dakota Century Code is  
11 amended and reenacted as follows:

12       **39-06-33. Hearings on suspension or revocation.**

- 13       1. ~~In matters of driver's~~If an operator's license suspension or revocation ~~arising is~~  
14 suspended or revoked under ~~sections~~section 39-06-32 ~~and~~or 39-06.1-10 ~~and~~  
15 ~~chapters~~or chapter 39-16 ~~and~~or 39-16.1, the director shall give notice of intention to  
16 suspend to the licensee by mailing the notice to the licensee at the address of record  
17 in the department under section 39-06-20. Actual notice of the opportunity for a  
18 hearing under this section must be deemed to have occurred seventy-two hours after  
19 the notice is mailed by regular mail. The licensee has ten days after the date of mailing  
20 of the notice to request, in writing or by other means authorized by the director, a  
21 hearing on the intended suspension or revocation.
- 22       2. Any hearing conducted under this section and any appeal from the decision of the  
23 hearing must be conducted under chapter 28-32, except the hearing must be heard  
24 within sixty days of the receipt of the request for hearing and in the county of the  
25 licensee's residence, unless the parties agree to a different time and place for the  
26 hearing. At the hearing, the regularly kept records of the director may be introduced  
27 and are prima facie evidence of their content without further foundation.
- 28       3. The mailing of the decision and the resulting order by regular mail to the address  
29 recorded in the files of the director under section 39-06-20 is sufficient notice. If a  
30 suspension is ordered, a reexamination of the licensee may be required.

- 1        4.    If a suspension is ordered under subdivision b subsection 21 of section 39-06-32, the  
2        notice must include a specific description of the conditions which led to the conclusion  
3        that the licensee is incompetent to drive a motor vehicle. If during the suspension  
4        those conditions dissipate, the licensee may request another hearing on the issue of  
5        competence to drive a motor vehicle. The hearing must be held in the manner required  
6        under subsections 2 and 3 for the original suspension.

**NOTE:** Cleanup.

Related NDAC rules:

**37-03.1-01-02. Applicability.**

The procedures in this chapter apply to administrative hearings arising under North Dakota Century Code section 39-06-33, and North Dakota Administrative Code chapters 37-03-03 and 37-03-05. Any rule in chapter 37-03-03 or 37-03-05 pertaining to the administrative hearing process prevails if in conflict with a provision of this chapter.

**37-03.1-01-03. Informal disposition of administrative appeal.**

When not prohibited by statute or rule, an administrative appeal may be disposed of, in whole or in part, by stipulation, settlement, waiver of the hearing, default, or consent.

**37-03.1-01-04. Director to conduct hearing.**

The director may designate a hearing officer to conduct the hearing. The director or the director's hearing officer has the authority to call and examine witnesses, to examine records and other evidence, and to administer oaths to witnesses. The director and the director's hearing officers have the authority to issue subpoenas on behalf of the department or upon the request of a party to the hearing, compelling the attendance and testimony of witnesses or the production of documents or other items described in the subpoena. The issuance of a subpoena for the production of documents will be made only upon the submission of written justification for such documents. Witness fees, mileage, and related costs are payable at the rate payable in district court. The witness fees, mileage, and related costs are to be paid by the party requesting the witness's appearance, or the department if it requests the appearance.

**37-03.1-01-05. Evidence.**

Evidence will be admitted pursuant to the North Dakota Rules of Evidence. Such rules may be waived by the department, the director, or the director's hearing officers; however, only relevant evidence is admissible. The petitioner must be informed of the waiver prior to or at the hearing. All objections must be noted in the record of the hearing. Only information and evidence offered, admitted, and made part of the official record of the hearing may be considered by the department, except as otherwise provided in this chapter or by statute.

**37-03.1-01-06. Testimony.**

All testimony at the hearing must be given under oath or affirmation. At the time of administering the oath or affirmation, the hearing officer shall advise the witness of the provisions of subsection 1 of North Dakota Century Code section 12.1-11-01 and of the maximum penalty for perjury.

**37-03.1-01-07. Consideration of information not presented at formal hearing.**

The department may avail itself of competent and relevant information or evidence in its possession or furnished by members of its staff, or secured from any person in the course of an independent investigation conducted by it, in addition to the evidence presented at the hearing. It may do so after providing a copy of such information or evidence to the petitioner, and, upon written request, the petitioner must be given the opportunity to present additional information or evidence and to cross-examine the person furnishing the additional information or evidence. The request to present information or evidence by the petitioner must be made in writing within ten

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days of the mailing of the evidence to the petitioner. Any further testimony must be taken at a hearing noticed in accordance with North Dakota Century Code section 39-06-33.

**37-03.1-01-08. Record.**

A record must be made of all evidence presented at the hearing. Oral testimony may be taken by a court stenographer or by an electronic recording device. All evidence presented at the hearing must be maintained by the department. A copy of the electronic recording of the hearing will be furnished to the party requesting the hearing upon written request and upon payment of the uniform charge therefor.

1. For one cassette \$10.00
2. Handling and postage 1.00
3. Exhibits, 8 1/2 x 11 .05 per page
4. Exhibits, others, at cost

If the oral testimony is taken by a court stenographer, the transcript fee will be that charged by the court stenographer.

**37-03.1-01-09. Findings of fact, conclusions of law, and decision - Notice.**

Within thirty days after the evidence has been received, briefs filed, and final statements made, the hearing officer must make recommended findings of fact, conclusions of law, and decision to the director. Within fifteen days after the receipt of the recommended findings of fact, conclusions of law, and decision, the director or the director's hearing officer shall by order adopt the recommendation of the hearing officer or make separate findings of fact, conclusions of law, and decision, including therein the reason for rejecting the recommendations of the hearing officer. Upon final disposition of the matter, the department must furnish a copy of the decision to the petitioner in accordance with subsection 3 of North Dakota Century Code section 39-06-33.

**37-03.1-01-10. Petition for reconsideration.**

The petitioner, within fifteen days of the mailing of an adverse decision, may request reconsideration of the matter. The petition must specifically state the grounds for relief or a statement of any further showing to be made in the matter. The petition must state if a rehearing is requested. The petition constitutes a part of the record. The department may deny such petition or grant a rehearing upon such terms as it may prescribe. This section does not limit the department's right to reopen any proceeding under any continuing jurisdiction granted to it by law. Any rehearing granted on a petition for reconsideration must be conducted pursuant to this chapter. If the petition for reconsideration is denied, notice of the denial must be given pursuant to North Dakota Century Code section 39-06-33.

**37-03.1-01-11. Who may take appeal.**

The petitioner may appeal the department's final decision as provided in North Dakota Century Code section 28-32-15, except the time for the appeal is based upon the notice given under North Dakota Century Code section 39-06-33, and section 37-03.1-01-09.

**37-03.1-01-12. Certified record on appeal.**

The certified record must consist of:

1. A facsimile of the order giving rise to the hearing and a printout of the electronic data supporting the order.
2. The request for hearing.
3. Notices of all proceedings.
4. All prehearing notices and documents.
5. Any motions, briefs, petitions, or requests.
6. A statement of matters officially noticed.
7. The transcript of the hearing prepared by the person presiding at the hearing, including all testimony taken, and any written statements, exhibits, reports, memoranda, documents, or other information or evidence considered before final disposition of proceedings.

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8. Any recommended findings of fact, conclusions of law, and decision or final findings of fact, conclusions of law, and decision.
9. Any information considered pursuant to section 37-03.1-01-07.

**37-03.1-01-13. Transmittal of record on appeal.**

The department will prepare and transmit the record on appeal to the district court as provided for in North Dakota Century Code section 28-32-17, without cost to the party filing the appeal.

1       **SECTION 41. AMENDMENT.** Section 39-06-34 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3       **39-06-34. Director may require reexamination.**

4       In addition to ~~any other powers set forth in this chapter~~power, the director, having good  
5 cause to believe that ~~a licensed operator~~an individual with an operator's license is incompetent  
6 or otherwise not qualified ~~to be licensed~~for the operator's license, may upon written notice of at  
7 least five days to the ~~licensee~~individual require the ~~licensee~~individual to submit to such physical,  
8 mental, or driver's examination as may be deemed necessary by the director. If the director has  
9 good cause to believe that the ~~licensed operator~~individual presents an immediate danger to the  
10 motoring public, the director may immediately, and without prior notice, suspend the operator's  
11 license of the individual pending the examination. The notice of suspension must provide the  
12 ~~operator~~individual with the opportunity for a hearing within five days of the receipt of the notice  
13 of suspension. When a hearing is requested ~~it~~, the hearing must be conducted under section  
14 39-06-33 and the hearing officer's recommended decision must be rendered within two days of  
15 the conclusion of ~~such~~the examination, the director shall  
16 take action as may be appropriate and may suspend or revoke the license of ~~such person~~the  
17 individual or permit the ~~licensee~~individual to retain the license, or may issue a license subject to  
18 restrictions as permitted under section 39-06-17. ~~Refusal~~The director may suspend or revoke  
19 the operator's license of the individual for refusal or neglect of the ~~licensee~~individual to submit to  
20 ~~such an~~ examination shall be grounds for suspension or revocation of the license.

**NOTE:** Cleanup.

21       **SECTION 42. AMENDMENT.** Section 39-06-34.1 of the North Dakota Century Code is  
22 amended and reenacted as follows:

23       **39-06-34.1. Court may require reexamination.**

24       In addition to ~~any other powers set forth in this chapter~~, the court, upon finding of a moving  
25 motor vehicle violation which leads the court to believe ~~the licensed operator~~an individual with  
26 an operator's license is not qualified ~~to be licensed~~for the operator's license, may direct the

1 director ~~or director's duly authorized agent~~ to require the licensee individual to submit to  
2 reexamination pursuant to section 39-06-13. Written notice of at least five days must be  
3 given to the licensee individual by the director of ~~such~~ the reexamination. Upon the conclusion of  
4 ~~such~~ the examination, the director shall take action as may be appropriate and may suspend or  
5 revoke the license of ~~such person~~ the individual or permit the ~~person~~ individual to retain the  
6 ~~person's operator's~~ license, or may issue a license subject to restrictions as permitted under  
7 section 39-06-17. ~~Refusal~~ The director may suspend or revoke the operator's license of the  
8 individual for refusal or neglect of the licensee individual to submit to ~~such~~ the examination shall  
9 be grounds for suspension or revocation of the licensee's license.

**NOTE:** The terms director's agent or designee has been removed because the director may delegate most duties. In addition, NDAC Section 37-03-01-01 provides that the term director means the commissioner's duly appointed and acting director of the Drivers License Division, or the director's duly authorized agent or licensing authority.

10 **SECTION 43. AMENDMENT.** Section 39-06-35 of the North Dakota Century Code is  
11 amended and reenacted as follows:

12 **39-06-35. Period of suspension.**

13 ~~When~~

- 14 1. ~~After~~ After the period of suspension imposed under this title ceases, the operator's license  
15 ~~or driving privilege of an individual that has been suspended remains suspended and~~  
16 ~~may not be returned or reinstated, and remains under suspension, until the~~  
17 ~~operator individual pays to the director a reinstatement fee of fifty dollars, or twenty-five~~  
18 ~~dollars if the suspension was the result of a suspension under subsection 4, 5, or 7 of~~  
19 ~~section 39-06-03 or subsection 2 of section 39-06-32, or one hundred dollars if the~~  
20 ~~suspension was the result of a violation under section 39-08-01 or chapter 39-20, and,~~  
21 ~~if as listed in section 39-06-49. If applicable, the operator's license may not be returned~~  
22 ~~until compliance with subsection 3.1 of section 39-06.1-10. Upon payment of the~~  
23 ~~reinstatement fee the license must be returned to the operator. If payment of the~~  
24 ~~reinstatement fee is submitted with a check or a credit or debit card and the operator~~  
25 ~~stops payment on the transaction, the suspension will be reimposed until proper~~  
26 ~~payment has been made to the director.~~
- 27 2. A reinstatement fee is not required for a license to be returned to the operator if the  
28 return of the license is due to the findings of a hearing, reexamination of hearing, or  
29 court or judicial review under chapter 39-06, 39-06.1, or 39-20.

**NOTE:** Fees are moved to Section 39-06-49.

The invalid payment provisions are consolidated in Section 39-06-24.

1       **SECTION 44. AMENDMENT.** Section 39-06-36 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3       **39-06-36. Restoration of revoked licenses.**

4       ~~Any person~~An individual whose operator's license or ~~privilege to drive a motor vehicle on~~  
5 ~~the public highways~~ has been revoked is not entitled to have such license or ~~privilege~~the  
6 operator's license renewed or restored unless the revocation was for a cause which has been  
7 removed, except that after the expiration of the revocation period ~~such person~~the individual may  
8 make application for a new license ~~as provided by law~~, but the director may not then issue a  
9 new license unless ~~and until~~ the director is satisfied after investigation of the individual's driving  
10 records, driving habits, and driving ability of ~~such person~~the individual that it will be safe to grant  
11 ~~the privilege of driving a motor vehicle on the public highways~~an operator's license to that  
12 individual. ~~A person~~An individual whose operator's license or ~~privilege to drive a motor vehicle~~  
13 has been revoked must pay to the director a revocation reinstatement fee of ~~fifty dollars, or one~~  
14 ~~hundred dollars if the revocation was imposed for violation of subsection 5 of section 39-06-17,~~  
15 ~~section 39-06-31, 39-06-43, or 39-20-04~~as listed in section 39-06-49, in addition to any license  
16 renewal fee, for issuance of a new license. ~~If payment of a reinstatement fee is submitted with a~~  
17 ~~check or a credit or debit card and the operator stops payment on the transaction, the~~  
18 ~~suspension will be reimposed until proper payment has been made to the director. Until the~~  
19 ~~reinstatement fee is paid the license and privilege to drive a motor vehicle remain under~~  
20 ~~revocation.~~ A reinstatement fee is not required if a revoked license is reinstated due to the  
21 findings of a hearing, reexamination of hearing, or court or judicial review as provided under  
22 chapter 39-06, 39-06.1, or 39-20.

**NOTE:** Fees are moved to Section 39-06-49.

The invalid payment provisions are consolidated in Section 39-06-24.

Related NDAC rule:

**37-03-03-04. Restoration of revoked driving privileges.**

Any person whose driving privileges were revoked shall be treated as a new driver. Such persons shall be required to contact an office of the designated agency or body administering driver's license tests and pass all examinations before a license will be issued.

23       **SECTION 45. AMENDMENT.** Section 39-06-37 of the North Dakota Century Code is  
24 amended and reenacted as follows:

1           **39-06-37. Surrender and return of license - Duration of multiple suspensions and**  
2 **revocations for separate violations.**

- 3           1. The director upon canceling or revoking ~~aan operator's~~ license shall require that  
4           such~~the~~ license must be surrendered to and be retained by the director.
- 5           2. If ~~any person~~ an individual fails immediately to return to the director ~~any~~ an operator's  
6           license ~~or permit~~ which has been canceled or revoked, the order of the director shall  
7           authorize any peace officer or the ~~director's designated agent~~ director to secure  
8           possession thereof~~the operator's license~~ and return the ~~same~~ license to the director. A  
9           suspension, revocation, or cancellation ordered under this title must be deemed to  
10          have commenced when the order is delivered to the licensee at the address of record  
11          in the department ~~pursuant to~~ under section 39-06-20. Constructive delivery under this  
12          section must be considered as occurring forty-eight hours after the order is mailed to  
13          the person by regular mail.
- 14          3. Unless otherwise specifically provided in this title, any suspension, revocation,  
15          cancellation, or denial of licensing ordered under ~~any provision~~ of this title must be in  
16          addition to, and run consecutive to, any other or existing suspension, revocation,  
17          cancellation, or denial of licensing ordered for a separate violation.

**NOTE:** Cleanup.

18          **SECTION 46. AMENDMENT.** Section 39-06-38 of the North Dakota Century Code is  
19          amended and reenacted as follows:

20          **39-06-38. No operation under foreign license during suspension or revocation in this**  
21 **state.**

22          Any resident or nonresident whose operator's license ~~or right or privilege to operate a motor~~  
23          vehicle in this state has been suspended or revoked ~~as provided in~~ under this title may not  
24          operate a motor vehicle in this state under a license, permit, or registration certificate issued by  
25          any other jurisdiction or otherwise during ~~such~~ the suspension or after ~~such~~ the revocation until a  
26          new operator's license is obtained when and as permitted under this title.

**NOTE:** Cleanup.

27          **SECTION 47. AMENDMENT.** Section 39-06-40 of the North Dakota Century Code is  
28          amended and reenacted as follows:



1       **39-06-40. Unlawful use of license - Penalty.**

2       1. It is a class B misdemeanor for ~~any person~~ an individual:

3       4. a. To display or cause or permit to be displayed or have in possession any  
4               canceled, revoked, fictitious, or fraudulently altered operator's license, ~~permit~~, or  
5               nondriver photo identification card;

6       2. b. To lend ~~one's~~ that individual's operator's license, ~~permit~~, or nondriver photo  
7               identification card to any other ~~person~~ individual or knowingly permit the use  
8               thereof of that individual's operator's license or nondriver photo identification card  
9               by another individual;

10      3. c. To display or represent as ~~one's~~ an individual's own any operator's license, ~~permit~~,  
11              or nondriver photo identification card not issued to that ~~person~~ individual;

12      4. d. To fail or refuse to surrender to the director upon demand any operator's license,  
13              ~~permit~~, or nondriver photo identification card ~~which~~ that has been suspended,  
14              revoked, or canceled;

15      5. e. To permit any unlawful use of an operator's license, ~~permit~~, or nondriver photo  
16              identification card issued to that ~~person~~ individual; or

17      6. f. To use a false or fictitious name in any application for an operator's license,  
18              ~~permit~~, or nondriver photo identification card or to knowingly make a false  
19              statement or to conceal a material fact or otherwise commit a fraud in the  
20              application.

21      2. The director upon receiving a record of conviction or other satisfactory evidence of the  
22              violation of this section shall revoke within five days, the ~~person's~~ individual's operator's  
23              license, ~~driving privileges~~, ~~permit~~, or nondriver photo identification card. The director  
24              may set the period of revocation is at the discretion of the director, not to exceed six  
25              months.

**NOTE:** Cleanup.

26      **SECTION 48. AMENDMENT.** Section 39-06-40.1 of the North Dakota Century Code is  
27      amended and reenacted as follows:

28      **39-06-40.1. Reproducing operator's ~~or driver's~~ license ~~or permit~~ - Penalty.**

29      1. It is unlawful for ~~any person~~ an individual to print, photograph, photostat, duplicate,  
30              alter, or in any way reproduce any operator's license, ~~permit~~, nondriver photo

- 1 identification card, or facsimile thereof ~~of an operator's license or card~~, or to print,  
2 photograph, photostat, duplicate, alter, or in any way reproduce any document used in  
3 the production of any operator's ~~or driver's~~ license or ~~permit~~ card or facsimile thereof  
4 an operator's license or card, in such a manner that it would be mistaken for a valid  
5 license or document containing valid information, or to display or have in possession  
6 any ~~such~~ print, photograph, photostat, duplicate, reproduction, or facsimile unless  
7 authorized by law.
- 8 2. It is unlawful for ~~any person~~ an individual to alter in any manner any operator's license,  
9 ~~permit~~, or nondriver photo identification card or to display or have in possession ~~any~~  
10 ~~such document~~ an altered operator's license or nondriver photo identification card.
- 11 3. ~~Every person~~ An individual violating the ~~provisions of~~ this section is guilty of a class B  
12 misdemeanor.
- 13 4. The director upon receiving a record of conviction or other satisfactory evidence of the  
14 violation of this section shall immediately revoke the operator's license, ~~driving~~  
15 ~~privileges, or permit~~ of the ~~person~~ individual. In like manner, a nondriver photo  
16 identification card shall be canceled. The director may set the period of revocation ~~is at~~  
17 ~~the discretion of the director~~, not to exceed six months.

**NOTE:** Cleanup.

18 **SECTION 49. AMENDMENT.** Section 39-06-42 of the North Dakota Century Code is  
19 amended and reenacted as follows:

20 **39-06-42. Penalty for driving while license suspended or revoked - Impoundment of**  
21 **vehicle number plates - Authority of cities.**

- 22 1. Except as provided in section 39-06.1-11, ~~any person~~ an individual who ~~drives~~ operates  
23 a motor vehicle on a highway or on public or private areas to which the public has a  
24 right of access for vehicular use in this state while that ~~person's~~ an individual's  
25 operator's license ~~or privilege so to do~~ is suspended or revoked in any jurisdiction is  
26 guilty of a class B misdemeanor for the first, second, or third offense within a five-year  
27 period. Any subsequent offense within the same five-year period is a class A  
28 misdemeanor.
- 29 2. If the suspension or revocation was imposed for violation of section 39-08-01 or  
30 equivalent ordinance or was governed by section 39-06-31 or chapter 39-20, the

- 1 sentence must be at least four consecutive days' imprisonment and such a fine as the  
2 court deems proper. The execution of sentence may not be suspended or the  
3 imposition of sentence deferred under subsection 3 or 4 of section 12.1-32-02.  
4 Forfeiture of bail is not permitted in lieu of the defendant's personal appearance in  
5 open court for arraignment on a charge under this subsection.
- 6 3. In addition to any other punishment imposed, the court may order the number plates of  
7 the motor vehicle owned and operated by the offender at the time of the offense to be  
8 impounded by the sheriff for the duration of the period of suspension or revocation.  
9 ~~When~~If a period of suspension has been extended under subsection ~~56~~ of section  
10 39-06-17, the court may order the number plates to be impounded ~~in accordance~~  
11 ~~with~~under this subsection. The impounded number plates may be released, upon  
12 order of the court, to a bona fide purchaser of the offender's motor vehicle, if that  
13 purchaser produces a new certificate of title to the motor vehicle issued by the director.
- 14 4. A city may, by ordinance, authorize its municipal judge to order impoundment of motor  
15 vehicle number plates in the manner provided in subsection 3.

NOTE: Cleanup.

16 **SECTION 50. AMENDMENT.** Section 39-06-43 of the North Dakota Century Code is  
17 amended and reenacted as follows:

18 **39-06-43. Extension of license suspension or revocation.**

- 19 1. The director upon receiving a record of the conviction of ~~any person~~an individual upon  
20 a charge of driving a vehicle while the operator's license ~~or driving privileges~~ of the  
21 ~~person~~individual were suspended shall extend the period of that suspension for an  
22 additional:
- 23 ~~1.~~ a. Like period not to exceed ninety days if the operator's record for the three years  
24 preceding the most recent violation of section 39-06-42 or equivalent ordinance  
25 shows the ~~person's~~individual's operator's license or privilege has not been  
26 suspended, revoked, or denied for a prior violation of section 39-06-42 or  
27 equivalent ordinance;
- 28 ~~2.~~ b. One hundred eighty days if the operator's record for the three years preceding  
29 the most recent violation of section 39-06-42 or equivalent ordinance shows the  
30 ~~person's~~individual's operator's license or privilege has been once suspended,

1                   revoked, or denied for a prior violation of section 39-06-42 or equivalent  
2                   ordinance; or

3       ~~3.~~   c.   One year if the operator's record for the three-year period preceding the most  
4                   recent violation of section 39-06-42 or equivalent ordinance shows the  
5                   ~~person's~~individual's operator's license or privilege has been at least twice  
6                   suspended, revoked, or denied for a prior violation of section 39-06-42 or  
7                   equivalent ordinance.

8       2.   If the original suspension was imposed for violation of section 39-08-01 or equivalent  
9                   ordinance, the director shall extend the period of that suspension for at least six  
10                  months. If the suspension of ~~driving privileges~~the operator's license resulted solely  
11                  from failure to appear in court or to post and forfeit bond on noncriminal traffic  
12                  violations, there may be no additional period of suspension. Suspension periods for  
13                  failure to appear or to post and forfeit bond on noncriminal traffic violations may be for  
14                  an indefinite duration. If the conviction was upon a charge of driving while ~~aan~~  
15                  operator's license ~~or driving privileges~~ were revoked, the director may not issue a new  
16                  operator's license for an additional period of one year from and after the date the  
17                  ~~person~~individual would otherwise have been entitled to apply for a new license. Upon  
18                  a conviction of ~~a person~~an individual for violating a restricted license issued under  
19                  section 39-06.1-11 and in which the underlying suspension was imposed for violating  
20                  section 39-08-01 or equivalent ordinance or is governed by chapter 39-20, the director  
21                  shall extend the period of the underlying suspension in accordance with subsection ~~56~~  
22                  of section 39-06-17.

**NOTE:** Cleanup.

23       **SECTION 51. AMENDMENT.** Section 39-06-44 of the North Dakota Century Code is  
24       amended and reenacted as follows:

25       **39-06-44. Permitting unauthorized minor to drive.**

26       ~~No person~~An individual may not cause or knowingly permit the ~~person's~~individual's minor  
27       child or ward ~~under the age of eighteen years to drive~~operate a motor vehicle upon any highway  
28       ~~when such~~if the minor is not authorized ~~hereunder~~under this chapter or in violation of ~~any of the~~  
29       ~~provisions of this chapter.~~

**NOTE:** Cleanup.

1       **SECTION 52. AMENDMENT.** Section 39-06-45 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3       **39-06-45. Permitting unauthorized ~~person~~individual to drive.**

4       ~~No person~~An individual may not authorize or knowingly permit a motor vehicle owned by  
5 the ~~person~~individual or under the ~~person's~~individual's control to be ~~driven~~operated upon any  
6 highway by any ~~person~~individual who is not authorized ~~hereunder~~under this chapter or in  
7 violation of any of the provisions of this chapter.

NOTE: Cleanup.

8       **SECTION 53. AMENDMENT.** Section 39-06-46 of the North Dakota Century Code is  
9 amended and reenacted as follows:

10       **39-06-46. Renting motor vehicles - License of renter.**

11       ~~No~~A person may not rent a motor vehicle to any other ~~person~~an individual unless the latter-  
12 ~~person is then duly licensed hereunder~~individual has an operator's license or, in the case of a  
13 nonresident, ~~then duly licensed~~the individual has an operator's license under the laws of the  
14 state or country of the nonresident's residence except a nonresident whose home state or  
15 country does not require that an operator be licensed, or unless the renter certifies that the  
16 vehicle ~~shall~~will be driven by a ~~duly licensed driver~~an individual with an operator's license.

NOTE: Cleanup.

17       **SECTION 54. AMENDMENT.** Section 39-06-47 of the North Dakota Century Code is  
18 amended and reenacted as follows:

19       **39-06-47. Renting motor vehicle - License inspection.**

20       ~~No~~A person may not rent a motor vehicle to another individual until the lessor has inspected  
21 the operator's or chauffeur's license of the ~~person~~individual to whom the vehicle is to be rented,  
22 or of the ~~person~~individual by whom the vehicle shall be driven, and compared and verified the  
23 signature ~~thereon~~on the operator's license with the signature of ~~such person~~the individual  
24 written in the lessor's presence.

NOTE: Cleanup.

25       **SECTION 55. AMENDMENT.** Section 39-06-48 of the North Dakota Century Code is  
26 amended and reenacted as follows:

1       **39-06-48. Renting motor vehicle - Records.**

2       EveryA person renting a motor vehicle to another person shall keep a record of the  
3 registration number of the motor vehicle so rented, the name and address of the lessee to  
4 whom the vehicle is rented, the number of the license of the lessee or the lessee's certified  
5 driver, and the date and place when and where said license was issued. ~~Such~~This record must  
6 be open to inspection by any police officer or ~~officer or employee~~ of the director.

**NOTE:** Cleanup.

7       **SECTION 56. AMENDMENT.** Section 39-06-49 of the North Dakota Century Code is  
8 amended and reenacted as follows:

9       **39-06-49. Fees collected to be paid into state treasury - Deposit.**

- 10       1. All money received under ~~the provisions of~~ this chapter must be paid monthly into the  
11 highway fund in the state treasury.
- 12       2. The fee for:
- 13           a. An application for a nondriver photo identification card is eight dollars.
- 14           b. Written testing for an application for an operator's license is five dollars.
- 15           c. Actual ability testing for an application for an operator's license is five dollars.
- 16           d. An application for an operator's license is fifteen dollars.
- 17           e. An application for a motorized bicycle operator's permit is ten dollars.
- 18           f. A substitute operator's license is eight dollars unless the substitute is for  
19 erroneous information due to a change in name or address, then the fee is three  
20 dollars, or unless the substitute is for a change in distinctive background, then the  
21 fee is ten dollars.
- 22           g. An operator's license renewal is ten dollars.
- 23           h. Reinstatement after suspension is fifty dollars unless the suspension was the  
24 result of a suspension under subsection 4, 5, or 7 of section 39-06-03 or  
25 subdivision b of subsection 1 of section 39-06-32, then the fee is twenty dollars,  
26 or unless the suspension was a result of a violation under section 39-08-01 or  
27 chapter 39-20, then the fee is one hundred dollars.
- 28           i. Reinstatement after revocation is fifty dollars, unless the revocation was imposed  
29 for a violation of subsection 6 of section 39-06-17 or section 39-06-31, 39-06-43,  
30 or 39-20-04, then the fee is one hundred dollars.

1        3. Any application for which there is a fee must be accompanied by the proper fee.

**NOTE:** This section creates a new consolidated fee schedule. The fee for a substitute license, commonly called a duplicate license, under Section 39-04-19 is \$8 unless the substitute is a replacement for an operator's license under Section 39-06-19(6), then the fee is \$10. These fees are moved to Section 39-06-49(2)(f). Because the only fee language relating to a replacement license in Section 39-06-18 or 39-06-19 relates to the change in the distinctive background, the \$10 fee is limited to that instance and is \$2 more than most substitute licenses.

2        **SECTION 57. AMENDMENT.** Section 39-06.1-08 of the North Dakota Century Code is  
3 amended and reenacted as follows:

4        **39-06.1-08. Nonmoving violation defined.**

5        For the purposes of section 39-06.1-06, a "nonmoving violation" means:

- 6        1. A violation of section 39-04-11, subsection 1 of section 39-04-37 by an individual by  
7            becoming a resident of this state, subsection 64 of section 39-06-17, and section  
8            39-06-44, 39-06-45, 39-10-47, 39-10-49, 39-10-50, 39-10-51, 39-10-54.1, 39-21-08,  
9            39-21-10, 39-21-11, or 39-21-14, or a violation of any municipal ordinance equivalent  
10           to the foregoing sections.
- 11        2. A violation, discovered at a time when the vehicle is not actually being operated, of  
12           section 39-21-03, 39-21-05, 39-21-13, 39-21-19, 39-21-32, 39-21-37, 39-21-39, or  
13           39-21-44.2, or a violation of any municipal ordinance equivalent to the foregoing  
14           sections.

**NOTE:** This section changes a cross-reference.

15        **SECTION 58. AMENDMENT.** Section 39-06.1-09 of the North Dakota Century Code is  
16 amended and reenacted as follows:

17        **39-06.1-09. Moving violation defined.**

18        For the purposes of sections 39-06.1-06 and 39-06.1-13, a "moving violation" means a  
19 violation of section 39-04-22, subsection 1 of section 39-04-37, section 39-04-55, 39-06-01,  
20 39-06-14, 39-06-14.1, 39-06-16, 39-08-23, 39-08-24, 39-09-04.1, or 39-09-09, subsection 1 of  
21 section 39-12-02, section 39-12-04, 39-12-05, 39-12-06, 39-12-09, 39-24-02, or 39-24-09,  
22 except subdivisions b and c of subsection 5 of section 39-24-09, or equivalent ordinances; or a  
23 violation of the provisions of chapter 39-10, 39-10.2, or 39-21, or equivalent ordinances, except  
24 subsection 5 of section 39-10-26, sections 39-21-44 and 39-21-45.1, subsections 2 and 3 of  
25 section 39-21-46, and those sections within those chapters which are specifically listed in  
26 subsection 1 of section 39-06.1-08.

**NOTE:** This section adds a cross-reference to the new section on motorcycle licenses.

1       **SECTION 59. AMENDMENT.** Subsection 3 of section 39-06.1-11 of the North Dakota  
2 Century Code is amended and reenacted as follows:

3       3. The director may not issue a temporary restricted license for a period of license  
4 revocation or suspension imposed under subsection ~~56~~ of section 39-06-17 or section  
5 39-06-31. A temporary restricted license may be issued for suspensions ordered under  
6 subsection 7 of section 39-06-32 if it could have been issued had the suspension  
7 resulted from in-state conduct.

**NOTE:** This section changes a cross-reference.

8       **SECTION 60.** A new subsection to section 39-06.2-09 of the North Dakota Century Code is  
9 created and enacted as follows:

10       A class A, B, or C license may not be issued to an individual under eighteen years of  
11 age, except a class A, B, or C type license specially restricted to use for custom  
12 harvest purposes must be issued to an individual at least sixteen years of age who  
13 satisfactorily completes the appropriate examinations.

14       **SECTION 61. AMENDMENT.** Section 39-16-03 of the North Dakota Century Code is  
15 amended and reenacted as follows:

16       **39-16-03. Driving records - Not admissible in evidence - Fee.**

17       1. The director upon request shall furnish any person a certified abstract of the operating  
18 record of any ~~person~~individual, source document ~~therefor~~for the abstract entry, or  
19 record of clearance, subject to this title. The abstract must include the convictions,  
20 adjudications, and admissions of commission of traffic offenses of any driver and  
21 suspensions, revocations, and restrictions of ~~a person's driving privileges~~an  
22 individual's operator's license. Any person, except the subject of the record ~~and, a law~~  
23 ~~enforcement agency, a judicial officer~~officer, or another licensing jurisdiction  
24 ~~functioning in their~~that person's official capacity, requesting the abstract, source  
25 documents in aggregate form, or record of clearance shall indicate in writing the  
26 reason for the request and shall identify the person ~~or firm~~ for whom or which the  
27 request is made and the intended recipient of the record.

28       2. Copies of abstracts are not admissible as evidence in any civil or criminal trial arising  
29 out of a motor vehicle accident. Upon request and subject to the provisions of this title,



1 the director shall furnish an operating record or complete operating record to the  
2 subject of the record or to law enforcement or judicial officers.

3 ~~2.3.~~ A fee of three dollars must be paid for each abstract of any operating record, operating  
4 record, complete operating record, or record of clearance, ~~and a.~~ A reasonable fee  
5 must be paid for each source document, ~~except no.~~ The director may not assess a fee  
6 may be assessed to a law enforcement agencies or agency, a judicial officers officer, or  
7 another licensing jurisdiction. The director shall send an additional copy of the  
8 abstract, source document if requested in aggregate form, or record of clearance to  
9 the driver whose record was requested, accompanied by a statement identifying the  
10 person making the request, identifying the person ~~or firm~~ for whom or which the  
11 request is made, identifying the intended recipient of the record, and providing the  
12 reason for the request. ~~No~~ An additional copy of the abstract or record of clearance  
13 may not be sent to a driver if the request for the record was made by the federal  
14 bureau of investigation or the United States central intelligence agency, or ~~their~~  
15 agents, or by any law enforcement agency or judicial officer.

16 ~~3.4.~~ A requester may provide the department with a list of names of drivers and may  
17 request any source documents from the department relating to the listed drivers for a  
18 set time period. The department shall provide this information in hard copy or  
19 electronic format. If in order to provide the information by electronic format the  
20 department sets up a computer program, the department may charge a requester a  
21 reasonable charge for a setup fee. This charge may not exceed the actual cost to set  
22 up the computer program. A requester of source documents in aggregate form shall  
23 pay the director a reasonable fee for making and mailing to the driver whose record  
24 was requested an additional copy of the document as it relates to that driver.

**NOTE:** Add another jurisdiction to the group that receives driving records at no charge. This was moved from  
Section 39-06-07(4).

25 **SECTION 62. REPEAL.** Sections 39-06-23, 39-06-30, 39-06-50, 39-06-52, and 39-16.1-02  
26 of the North Dakota Century Code are repealed.

**NOTE:** This section repeals sections of law moved into other sections previously in this bill draft.