

Introduced by

1 A BILL for an Act to amend and reenact sections 39-06-35, 39-06.1-01, 39-06.1-02, 39-06.1-03,
2 39-06.1-04, 39-06.1-06, 39-06.1-07, 39-06.1-09, 39-06.1-10, 39-06.1-10.1, 39-06.1-11,
3 39-06.1-12, 39-06.1-13, 39-06.1-14, and 39-06.1-15 of the North Dakota Century Code, relating
4 to traffic offense administration.

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

6 **SECTION 1. AMENDMENT.** Section 39-06-35 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **39-06-35. Period of suspension.**

9 ~~When the~~After a period of suspension imposed under this title ceases, the operator's
10 license ~~or driving privilege~~ that has been suspended may not be returned or reinstated, and
11 remains under suspension, until the operator pays to the director a reinstatement fee of fifty
12 dollars, or twenty-five dollars if the suspension was the result of a suspension under
13 subsection 4, 5, or 7 of section 39-06-03 or subsection 2 of section 39-06-32, or one hundred
14 dollars if the suspension was the result of a violation under section 39-08-01 or chapter 39-20,
15 and, if applicable, until compliance with subsection ~~3.14~~14 of section 39-06.1-10. ~~Upon~~The
16 director shall return the operator's license upon payment of the reinstatement fee ~~the license-~~
17 ~~must be returned to the operator.~~ If payment of the reinstatement fee is submitted with a check
18 or a credit or debit card and the operator stops payment on the transaction, the suspension will
19 be reimposed until proper payment has been made to the director. A reinstatement fee is not
20 required for a license to be returned to the operator if the return of the license is due to the
21 findings of a hearing, reexamination of hearing, or court or judicial review under chapter 39-06,
22 39-06.1, or 39-20.

NOTE: Cross-reference change.

1 **SECTION 2. AMENDMENT.** Section 39-06.1-01 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **39-06.1-01. Definitions.**

4 As used in this title:

- 5 1. "Adjudication" and "admission" means an official determination, in the manner
6 provided by law, that a traffic violation has been committed by a named driver.
- 7 2. "Equivalent ordinance" or "~~equivalent ordinances~~" means an ordinance of a city, state,
8 or other jurisdiction ~~ordinances~~ which ~~are~~is comparable to the cited statute; and
9 ~~defined~~defines essentially the same offense, ~~despite the fact that even if~~ the language of
10 the ordinance ~~may differ,~~differs or differing procedural points or methods of proof ~~may~~
11 ~~be provided~~differ.
- 12 3. "~~Halting officer~~" means a law enforcement officer ~~charged with and acting under the~~
13 officer's authority to halt and, if appropriate, arrest persons suspected or known to be
14 violating statutes or ordinances regulating the operation or equipment of vehicles, or
15 the regulation of traffic.
- 16 4. "~~Licensing authority~~" means the state agency authorized to issue operators' licenses.
- 17 5. "~~Point~~" or "~~points~~" refers to "Official" means a municipal judge or a magistrate or other
18 qualified individual appointed by the presiding judge of the judicial district to serve for
19 all or part of the judicial district.
- 20 4. "Points" means the number of demerits assigned to particular types of traffic
21 violations, the accumulation of which will, at a stated level, result in suspension of the
22 offender's operator's license.

NOTE: The term "halting officer" was used once in the chapter, and the term was changed
to "citing police officer" to be more descriptive.

The term "licensing authority" was changed to "director."

The term "official" was defined in North Dakota Century Code (NDCC) Section
39-06.1-03(7), and the definition was moved to this section.

23 **SECTION 3. AMENDMENT.** Section 39-06.1-02 of the North Dakota Century Code is
24 amended and reenacted as follows:

25 **39-06.1-02. Traffic violations noncriminal - Exceptions - Procedures.**

- 26 1. ~~Any person~~An individual cited, in accordance with sections 39-07-07 and 39-07-08, for
27 a traffic violation under state law or municipal ordinance, other than an offense listed in
28 section 39-06.1-05, is deemed to be charged with a noncriminal offense.

- 1 a. The ~~person~~individual may appear before the designated official and pay the
2 statutory fee for the violation charged at or before the time scheduled for a
3 hearing.
- 4 b. If the ~~person~~individual has posted bond ~~in person or by mail~~, the ~~person~~individual
5 may forfeit bond by not appearing at the designated time.
- 6 2. If the ~~person~~individual is cited for a traffic violation under state law and posts bond by
7 mail, the bond must be submitted within fourteen days of the date of the citation—
8 ~~When posting bond by mail, and~~ the ~~person~~individual cited shall indicate on the
9 envelope or citation whether a hearing is requested. If the ~~person~~individual does not
10 request a hearing within fourteen days of the date of the citation, the bond is deemed
11 forfeited and the violation admitted. If the ~~person~~individual requests a hearing, the
12 court for the county in which the citation is issued shall issue a summons to the
13 ~~person~~individual requesting the hearing notifying the ~~person~~individual of the date of
14 the hearing before the designated official in accordance with section 39-06.1-03.
- 15 3. Upon appearing at the hearing scheduled in the citation or otherwise scheduled at the
16 ~~person's~~individual's request, the ~~person~~individual may make a statement in
17 explanation of the ~~person's~~individual's action. The official may at that time waive,
18 reduce, or suspend the statutory fee or bond, or both. If the ~~person~~individual cited
19 follows the foregoing procedures, the ~~person~~individual is deemed to have admitted the
20 violation and to have waived the right to a hearing on the issue of commission of the
21 violation.
- 22 4. The bond required to secure appearance must be identical to the statutory fee
23 established by section 39-06.1-06.
- 24 5. Within ten days after forfeiture of bond or payment of the statutory fee, the official
25 having jurisdiction over the violation shall certify to the ~~licensing authority~~director:
- 26 1- a. Admission of the violation; and
27 2- b. In speeding violations, whether the speed charged was in excess of the lawful
28 speed limit by more than nine miles [14.48 kilometers] per hour and the miles
29 [kilometers] per hour by which the speed limit was exceeded.

30 This

- 1 6. ~~Under this section does not allow a halting a citing police officer to may not~~ receive the
2 statutory fee or bond, ~~unless the officer is otherwise authorized by law to do so.~~

NOTE: This section was reorganized to more easily draw a distinction between a violation of state law or municipal ordinance and solely a violation of state law.

- 3 **SECTION 4. AMENDMENT.** Section 39-06.1-03 of the North Dakota Century Code is
4 amended and reenacted as follows:

5 **39-06.1-03. Administrative hearing - Procedures - Appeals - Stay orders.**

- 6 1. ~~A person~~An individual cited for a traffic violation, other than an offense listed in section
7 39-06.1-05, who does not follow one of the procedures set forth in section 39-06.1-02,
8 may request a hearing on the issue of commission of the charged violation ~~charged~~.
9 The hearing must be held at the time scheduled in the citation, at the time scheduled
10 in response to the ~~person's~~individual's request, or at some future time, not to exceed
11 ninety days later, set at that first appearance.
- 12 2. At the time of a request for a hearing on the issue of commission of the violation, the
13 ~~person~~individual charged shall deposit with the official having jurisdiction an
14 appearance bond equal to the statutory fee for the charged violation ~~charged~~.
- 15 3. If ~~a person~~an individual cited for a traffic violation, other than an offense listed in
16 section 39-06.1-05, has requested a hearing on the issue of the commission of the
17 charged violation ~~charged~~ and appears at the time scheduled for the hearing, and the
18 ~~state or city, as the case may be~~prosecution, does not appear or is not ready to prove
19 the commission of a charged violation at the hearing, the official shall dismiss the
20 charge.
- 21 4. If the official finds that the ~~person~~individual had committed the traffic violation, the
22 official shall notify the ~~licensing authority~~director of that fact, and whether the
23 ~~person~~individual was driving more than nine miles [14.48 kilometers] per hour in
24 excess of the lawful limit, stating specifically the miles [kilometers] per hour in excess
25 of the lawful limit, if charged with a speeding violation, within ten days of the date of
26 the hearing. The fact that ~~a person~~an individual has admitted a violation, or has, in any
27 proceeding, been found to have committed a violation, may not be referred to in any
28 way, nor be admissible as evidence in any court, civil, equity, or criminal, except in an
29 action or proceeding involving that ~~person's driving~~individual's operator's license or
30 privilege.

1 5. a. ~~A person~~An individual may not appeal a finding from a district judge or magistrate
2 that the ~~person~~individual committed the violation. If a ~~person~~an individual is
3 aggrieved by a finding in the municipal court that the ~~person~~individual committed
4 the violation, the ~~person~~individual may, without payment of a filing fee, appeal
5 that finding to the district court for trial anew. If, after trial in the appellate court,
6 the ~~person~~individual is again found to have committed the violation, there ~~may~~
7 ~~be~~is no further appeal. Notice of appeal under this subsection must be given
8 within thirty days after a finding of commission of a violation is entered by the
9 official. Oral notice of appeal may be given to the official at the time that the
10 official adjudges that a violation has been committed. Otherwise, notice of appeal
11 must be in writing and filed with the official, and a copy of the notice must be
12 served upon the prosecuting attorney. An appeal taken under this subsection may
13 not operate to stay the reporting requirement of subsection 4, nor to stay
14 appropriate action by the ~~licensing authority~~director upon receipt of that report.

- 15 b. The appellate court upon application by the appellant may:
- 16 (1) Order a stay of any action by the ~~licensing authority~~director during pendency
17 of the appeal, but not to exceed a period of one hundred twenty days;
- 18 (2) Order a stay and that the appellant be issued a temporary restricted driving
19 certificate by the ~~licensing authority~~director to be effective for no more than
20 one hundred twenty days; or
- 21 (3) Deny the application.

22 An application for a stay or temporary certificate under this subdivision must be
23 accompanied by a certified copy of the appellant's driving record, for the
24 furnishing of which the ~~licensing authority~~director may charge a fee of three
25 dollars. Any order granting a stay or a temporary certificate must be immediately
26 forwarded ~~forthwith~~ by the clerk of court to the ~~licensing authority~~director,
27 ~~which~~who immediately shall issue a temporary certificate in accordance with the
28 order in the manner provided by law. A court may not make a determination on an
29 application under this subdivision without notice to the appropriate prosecuting
30 attorney. ~~A person~~An individual who violates or exceeds the restrictions contained
31 in any temporary restricted driving certificate issued ~~pursuant to~~under this

1 subdivision is guilty of a traffic violation and must be assessed a fee of twenty
2 dollars.

3 c. If the ~~person~~individual charged is found not to have committed the violation by
4 the appellate court, the clerk of court shall report that fact to the ~~licensing-~~
5 ~~authority~~director immediately. Unless the appropriate state's attorney consents to
6 prosecute the appeal, if an appeal under this subsection is from a violation of a
7 city ordinance, the city attorney for the city wherein the alleged violation occurred
8 shall prosecute the appeal. In all other cases, the appropriate state's attorney
9 shall prosecute the appeal.

10 6. The state or the city, as ~~the case may be~~appropriate, must prove the commission of a
11 charged violation at the hearing or appeal under this section by a fair preponderance
12 of the evidence. Upon an appeal under subsection 5, the court and parties shall follow,
13 to the extent applicable, the North Dakota Rules of Civil Procedure. If on the appeal
14 from the finding of the official the finding is affirmed, costs may be assessed at the
15 discretion of the trial judge.

16 7. ~~As used in sections 39-06.1-02, 39-06.1-03, and 39-06.1-04, the word "official" means-~~
17 ~~a municipal judge, or a magistrate or other qualified person appointed by the presiding~~
18 ~~judge of the judicial district, to serve as such official for all or a specified part of the~~
19 ~~judicial district.~~

NOTE: Mainly cleanup except for moving the definition of "official" to NDCC Section
39-06.1-01.

20 **SECTION 5. AMENDMENT.** Section 39-06.1-04 of the North Dakota Century Code is
21 amended and reenacted as follows:

22 **39-06.1-04. Failure to appear, pay statutory fee, post bond - Procedure - Penalty.**

23 If a ~~person~~an individual fails to choose one of the methods of proceeding set forth in section
24 39-06.1-02 or 39-06.1-03, the ~~person must be~~individual is deemed to have admitted to
25 commission of the charged violation ~~charged~~, and the official having jurisdiction shall report
26 ~~such fact~~the admission to the ~~licensing authority~~director within ten days after the date set for the
27 hearing. Failure to appear at the time designated, after signing a promise to appear, if signing is
28 required by law, or failure to appear without paying the statutory fee or posting and forfeiting
29 bond is a class B misdemeanor. Failure to appear without just cause at the hearing ~~must also~~
30 ~~be~~is deemed an admission of commission of the charged violation ~~charged~~.

NOTE: Cleanup.

1 **SECTION 6. AMENDMENT.** Section 39-06.1-06 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **39-06.1-06. Amount of statutory fees.**

4 The fees required for a noncriminal disposition ~~pursuant to either~~under section 39-06.1-02
5 or 39-06.1-03 must be as follows:

- 6 1. For a nonmoving violation as defined in section 39-06.1-08, a fee of ~~any amount not to~~
7 ~~exceed~~ twenty dollars except for a violation of any traffic parking regulation on any
8 state charitable or penal institution property or on the state capitol grounds, a fee in
9 the amount of five dollars, excluding a violation of subsection 10 of section 39-01-15.
- 10 2. For a moving violation as defined in section 39-06.1-09, a fee of twenty dollars, except
11 for:
- 12 a. A violation of section 39-10-26, 39-10-26.2, 39-10-41, 39-10-42, 39-10-46, or
13 39-10-46.1, a fee of fifty dollars.
- 14 b. A violation of section 39-10-05 involving failure to yield to a pedestrian or
15 subsection 1 of section 39-10-28, a fee of fifty dollars.
- 16 c. A violation of section 39-21-41.2, a fee of twenty-five dollars.
- 17 d. A violation of subsection 1 of section 39-12-02 or section 39-08-23, a fee of one
18 hundred dollars.
- 19 e. A violation of subdivision d of subsection 1 of section 39-12-04, a fee of one
20 hundred dollars.
- 21 f. A violation of subsection 1 of section 39-04-37 by an individual by becoming a
22 resident of this state, a fee of one hundred dollars.
- 23 g. A violation of subsection 2 of section 39-10-21.1, a fee of two hundred fifty
24 dollars.
- 25 h. A violation of section 39-10-59, a fee of one hundred dollars.
- 26 i. A violation of section 39-09-01, a fee of thirty dollars.
- 27 j. A violation of section 39-09-01.1, a fee of thirty dollars.
- 28 3. For a violation of section 39-21-44 or a rule adopted under that section, a fee of two
29 hundred fifty dollars.
- 30 4. Except as provided in subsections 7 and 11, for a violation of section 39-09-02, or an
31 equivalent ordinance, a fee established as follows:

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	Miles per hour over lawful speed limit	Fee
1		
2		
3	1 - 5	\$ 5
4	6 - 10	\$ 5 plus \$1/each mph over 5 mph over limit
5	11 - 15	\$ 10 plus \$1/each mph over 10 mph over limit
6	16 - 20	\$ 15 plus \$2/each mph over 15 mph over limit
7	21 - 25	\$ 25 plus \$3/each mph over 20 mph over limit
8	26 - 35	\$ 40 plus \$3/each mph over 25 mph over limit
9	36 - 45	\$ 70 plus \$3/each mph over 35 mph over limit
10	46 +	\$100 plus \$5/each mph over 45 mph over limit

- 11 ~~4. For a violation of section 39-09-01, or an ordinance defining careless driving, a fee of~~
12 ~~thirty dollars.~~
- 13 ~~5. For a violation of section 39-09-01.1, or an ordinance defining care required in driving,~~
14 ~~a fee of not less than ten dollars nor more than thirty dollars.~~
- 15 ~~6. For a violation of any traffic parking regulations, except a violation of subsection 10 of~~
16 ~~section 39-01-15, on any state charitable or penal institution property or on the state~~
17 ~~capitol grounds, a fee in the amount of five dollars.~~
- 18 7.5. On a highway on which the speed limit is a speed higher than fifty-five miles [88.51
19 kilometers] an hour, for a violation of section 39-09-02, or an equivalent ordinance, a
20 fee established as follows:

	Miles per hour over lawful speed limit	Fee
21		
22		
23	1 - 10	\$2/each mph over limit
24	11 +	\$20 plus \$5/each mph over 10 mph over limit

- 25 ~~8. For a violation of section 39-21-41.4, a fee not to exceed twenty dollars.~~
- 26 ~~9. For a violation of section 39-21-44 or a rule adopted under that section, a fee of two~~
27 ~~hundred fifty dollars.~~
- 28 10.6. For a violation of subsection 3 of section 39-21-46, a fee established as follows:
29 a. Driving more than eleven hours since the last ten hours off duty, driving after
30 fourteen hours on duty since the last ten hours off duty, driving after sixty hours
31 on duty in seven days or seventy hours in eight days, no record of duty status or

- 1 log book in possession, failing to retain previous seven-day record of duty status
2 or log book, or operating a vehicle with four to six out-of-service defects, one
3 hundred dollars;
- 4 b. False record of duty status or log book or operating a vehicle with seven to nine
5 out-of-service defects, two hundred fifty dollars;
- 6 c. Operating a vehicle after driver placed out of service, operating a vehicle with ten
7 or more out-of-service defects, or operating a vehicle that has been placed out of
8 service prior to its repair, five hundred dollars; and
- 9 d. All other violations of motor carrier safety rules adopted under subsection 3 of
10 section 39-21-46, fifty dollars.
- 11 ~~41.7.~~ On a highway on which the speed limit is posted in excess of sixty-five miles [104.61
12 kilometers] an hour, for a violation of section 39-09-02, or equivalent ordinance, a fee
13 of five dollars for each mile per hour over the limit.
- 14 ~~42.8.~~ For a violation of a school zone speed limit under subdivision b of subsection 1 of
15 section 39-09-02, ~~or, notwithstanding subsection 2 of section 40-05-06 or section~~
16 ~~40-05.1-06, of an ordinance in a city or home rule city for a violation of a speed limit~~
17 ~~dependent upon being on or near a school, fees for a noncriminal disposition area fee~~
18 ~~of~~ forty dollars for one through ten miles per hour over the posted speed; and forty
19 dollars, plus one dollar for each additional mile per hour over ten miles per hour over
20 the limit unless a greater fee would be applicable under this section.
- 21 ~~43.9.~~ For a violation of a highway construction zone speed limit under subsection 2 of
22 section 39-09-02, a fee of eighty dollars for one through ten miles per hour over the
23 posted speed; and eighty dollars plus two dollars for each mile per hour over ten miles
24 per hour over the limit, unless a greater fee would be applicable under this section.
- 25 The fee in this subsection does not apply to a highway construction zone unless
26 individuals engaged in construction are present at the time and place of the violation
27 and the posted speed limit sign states "Minimum Fee \$80".

NOTE: This section was reorganized to move offenses with penalties greater than \$20 to a list of exceptions under nonmoving or moving violations. This reorganization results in the speeding fees to be located together. Ranges of fees and references to ordinances were removed. This results in the fee for NDCC Section 39-21-41.4 being removed because the fee is otherwise \$20 as a moving violation.

1 **SECTION 7. AMENDMENT.** Section 39-06.1-07 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **39-06.1-07. Notification to offenders - Duties of licensing authoritydirector.**

4 The ~~licensing authority~~director shall prepare notification forms and a temporary operator's
5 permit as ~~provided in~~under section 39-20-03.1 or 39-20-03.2 to be delivered to ~~persons charged~~
6 ~~along~~the charged individual with the uniform traffic summons and complaint as ~~provided in~~under
7 section 29-05-31. The notification forms must contain language, approved by the attorney
8 general, informing ~~persons~~an individual charged with a traffic ~~violations~~violation, other than
9 offenses listed in section 39-06.1-05, of the procedures available to ~~them~~that individual under
10 sections 39-06.1-02 and 39-06.1-03 and informing ~~persons~~an individual who ~~refuse~~refuses a
11 chemical test or onsite screening test under chapter 39-20 or who, on taking a chemical test,
12 ~~are~~is found to be in violation of subdivision a of subsection 1 of section 39-08-01, of the
13 procedures available under chapter 39-20. The notification must ~~also~~ contain a schedule of
14 points to be charged against a ~~person's~~an individual's driving record or other operator's license
15 penalties as provided by law and a schedule of statutory fees and bond amounts as determined
16 in accordance with ~~sections 39-06.1-06 and 39-06.1-02~~this chapter. A notification form separate
17 from the uniform traffic summons and complaint may be delivered to a ~~person~~an individual
18 charged with a violation of subsection 3 of section 39-21-46.

NOTE: Cleanup.

19 **SECTION 8. AMENDMENT.** Section 39-06.1-09 of the North Dakota Century Code is
20 amended and reenacted as follows:

21 **39-06.1-09. Moving violation defined.**

22 For the purposes of sections 39-06.1-06 and 39-06.1-13, a "moving violation" means a
23 violation of section 39-04-22, subsection 1 of section 39-04-37, section 39-04-55, 39-06-01,
24 39-06-14, 39-06-16, 39-08-23, 39-08-24, 39-09-01, 39-09-01.1, 39-09-04.1, or 39-09-09,
25 subsection 1 of section 39-12-02, section 39-12-04, 39-12-05, 39-12-06, 39-12-09, 39-24-02, or
26 39-24-09, except subdivisions b and c of subsection 5, or equivalent ordinances; or a violation
27 of the provisions of chapter 39-10, 39-10.2, or 39-21, or equivalent ordinances, except
28 subsection 5 of section 39-10-26, sections 39-21-44 and 39-21-45.1, subsections 2 and 3 of
29 section 39-21-46, and those sections within those chapters which are specifically listed in
30 subsection 1 of section 39-06.1-08.

NOTE: Adds careless driving and care required to the list of moving violations.

1 **SECTION 9. AMENDMENT.** Section 39-06.1-10 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **39-06.1-10. Entries against driving record - Licensing authority**~~Director~~ **duties -**
4 **Hearings - Demerit schedule - Suspension.**

5 1. ~~When~~If a report of a conviction of a traffic offense, or admission or adjudication of a
6 traffic violation is received by the ~~licensing authority~~director, the ~~licensing~~
7 ~~authority~~director shall proceed to enter the proper ~~number~~ of points on the licensee's
8 driving record, unless the ~~number~~ points assigned to the violation are two or less. If
9 the ~~number~~ points assigned to the violation are two or less, the violation and points
10 may not be entered on the driving record but must be recorded separately, and the
11 separate record ~~shall~~is not be available to the public. Points from ~~violations~~a violation
12 in which the assigned ~~number~~ points are two or less shall ~~be~~are considered a part of
13 the driving record ~~only for purposes~~the sole purpose of point reduction ~~pursuant~~
14 ~~to~~under section 39-06.1-13 and for purposes of license suspension. ~~When~~If the driving
15 record shows that the licensee has an accumulated ~~points~~total of twelve or more
16 points, assigned on the basis of the schedule contained in subsection 3, the
17 ~~authority~~director shall notify the licensee of ~~its~~the director's intention to suspend the
18 operator's license ~~according to the provisions of~~under section 39-06-33. For the
19 purposes of this chapter, the ~~licensing authority~~may~~director~~ also may receive and act
20 on reports of traffic offense convictions forwarded by federal, military, and tribal courts
21 in this state.

22 2. If the ~~licensing authority~~director confirms, after hearing or opportunity for hearing, that
23 the licensee's driving record has an accumulated point total of twelve or more points,
24 the ~~licensing authority~~director shall suspend the licensee's operator's license
25 according to the following schedule:

Accumulated Point Total:	Period of Suspension:
26 a. Twelve	7 days
27 b. Thirteen and above	28 7 days for each point 29 over eleven

30 Surrender and return of ~~licenses~~a license suspended ~~pursuant to~~under this section
31 ~~must be~~is governed by the ~~provisions of~~ section 39-06-37.

1 3. Points must be assigned and accumulated on the basis of the following schedule:

2 a. Noncriminal Violations

3 Noncriminal Adjudication or Admission of: Points Assigned:

4 (1) Overtime and double parking in violation of city 0 points
5 ordinances

6 (2) Failure to display license plates 1 point

7 (3) Permitting unauthorized minor to drive 2 points

8 (4) Permitting unauthorized ~~person~~individual to drive 2 points

9 (5) Unlawful stopping, standing, or parking on open 2 points
10 highway in violation of section 39-10-47

11 (6) Unlawful parking in prohibited place 1 point

12 (7) Leaving motor vehicle improperly unattended on 1 point
13 an open highway

14 (8) Opening or leaving motor vehicle doors open when 1 point
15 unsafe to do so

16 (9) Except as provided in sections 39-21-44 and 2 points
17 39-21-45.1, knowingly driving with defective,
18 nonexistent, or unlawful equipment in violation of
19 section 39-21-46, or equivalent ordinances

20 (10) Careless driving in violation of section 39-09-01, or 6 points
21 equivalent ordinance

22 (11) Violating or exceeding restrictions contained in 4 points
23 a restricted certificate issued ~~pursuant to~~under section
24 39-06.1-03

25 (12) Racing or drag racing motor vehicles in violation 10 points
26 of section 39-08-03.1, or equivalent ordinance

27 (13) Exhibition driving in violation of section 39-08-03.1, or 3 points
28 equivalent ordinance

29 (14) Failing to yield right of way in violation of 2 points
30 section 39-10-20, 39-10-22 through 39-10-26,

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- | | | |
|----|---|----------|
| 1 | 39-10-28, 39-10-33.3, 39-10-44, or 39-10-72, or | |
| 2 | equivalent ordinances | |
| 3 | (15) Disobeying an official traffic-control device | 2 points |
| 4 | in violation of section 39-10-04, 39-10-05, or | |
| 5 | 39-10-07, or equivalent ordinances | |
| 6 | (16) Driving on wrong side of road in violation of | 2 points |
| 7 | section 39-10-08, 39-10-14, or 39-10-16, or | |
| 8 | equivalent ordinances | |
| 9 | (17) Failing to dim headlights in violation of section | 1 point |
| 10 | 39-21-21, or equivalent ordinance | |
| 11 | (18) Failing to stop at railroad crossing in violation of section | 3 points |
| 12 | 39-10-41 or 39-10-42, or equivalent ordinances | |
| 13 | (19) Knowingly driving with defective brakes in violation of | 2 points |
| 14 | section 39-21-32 or 39-21-33, or equivalent ordinances | |
| 15 | (20) Disregarding the lawful commands of a police officer in | 2 points |
| 16 | violation of section 39-10-02, or equivalent ordinance | |
| 17 | (21) Overtaking where prohibited or in an unsafe manner in | 2 points |
| 18 | violation of section 39-10-11, 39-10-12, 39-10-13, or | |
| 19 | 39-10-15, or equivalent ordinances | |
| 20 | (22) Overtaking and passing a schoolbus in violation of | 6 points |
| 21 | section 39-10-46, or equivalent ordinance | |
| 22 | (23) Operating a motor vehicle without a license in | 4 points |
| 23 | violation of section 39-06-01, or equivalent ordinance | |
| 24 | (24) Improperly operating or unlawfully carrying | 2 points |
| 25 | passengers or packages on a motorcycle in violation | |
| 26 | of section 39-10.2-02, or equivalent ordinance | |
| 27 | (25) Improperly operating a motorcycle in laned traffic in | 2 points |
| 28 | violation of section 39-10.2-03, or equivalent ordinance | |
| 29 | (26) Clinging to other vehicles while riding a motorcycle in | 4 points |
| 30 | violation of section 39-10.2-04, or equivalent ordinance | |

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1	(27) Carrying a passenger on a motorcycle not equipped	2 points
2	with passenger footrests in violation of section	
3	39-10.2-05, or equivalent ordinance	
4	(28) Operating a motorcycle without protective headgear	2 points
5	in violation of subsection 1 of section 39-10.2-06, or	
6	equivalent ordinance	
7	(29) Failing to use the care required in section 39-09-01.1,	2 points
8	or equivalent ordinance	
9	(30) Except as provided in paragraph 33, operating a motor	
10	vehicle in excess of speed limit in violation of section	
11	39-09-02, or equivalent ordinance	
12	6 - 10 mph over limit	0 points
13	11 - 15 mph over limit	1 point
14	16 - 20 mph over limit	3 points
15	21 - 25 mph over limit	5 points
16	26 - 35 mph over limit	9 points
17	36 - 45 mph over limit	12 points
18	46 + mph over limit	15 points
19	(31) Driving in violation of section 39-08-18	2 points
20	(32) Driving in violation of section 39-08-09	6 points
21	(33) On a highway on which the speed limit is posted in	
22	excess of sixty-five miles [104.61 kilometers] an hour,	
23	operating a motor vehicle in excess of the speed limit	
24	in violation of section 39-09-02, or equivalent ordinance	
25	Miles per hour over lawful speed limit	Points
26	1 - 5	0
27	6 - 10	1
28	11 - 15	3
29	16 - 20	5
30	21 - 25	7
31	26 - 30	10

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1	31 - 35	12
2	36 +	15
3	(34) Failing to have a minor in a child restraint system	1 point
4	or seatbelt in violation of section 39-21-41.2	
5	(35) Failure or refusal to comply with rules of the	0 points
6	superintendent of the highway patrol in violation	
7	of subsection 3 of section 39-21-46	
8	(36) Violation of section 39-21-44 or any rule adopted	2 points
9	under that section	
10	b. Criminal Violations	
11	Conviction of:	Points Assigned:
12	(1) Reckless driving in violation of section 39-08-03, or	8 points
13	equivalent ordinance	
14	(2) Aggravated reckless driving in violation of section	12 points
15	39-08-03, or equivalent ordinance	
16	(3) Leaving the scene of an accident involving property	14 points
17	damage in violation of section 39-08-05, 39-08-07,	
18	or 39-08-08, or equivalent ordinances	
19	(4) Leaving the scene of an accident involving personal	18 points
20	injury or death in violation of section 39-08-04, or	
21	equivalent ordinance	
22	(5) Violating restrictions in a restricted license issued	3 points
23	under section 39-06-17 and relating to the use of	
24	eyeglasses or contact lenses while driving	
25	(6) Violating any restrictions other than those listed in	4 points
26	paragraph 5, contained in a restricted license issued	
27	under section 39-06-17 or 39-06.1-11	
28	(7) Except as provided in paragraph 9, operating	6 points
29	a motor vehicle without liability insurance,	
30	in violation of section 39-08-20	

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- 1 (8) Knowingly driving a modified motor vehicle in violation 2 points
2 of section 39-21-45.1, or equivalent ordinance
- 3 (9) Operating a motor vehicle without liability insurance, 14 points
4 in violation of section 39-08-20, if the violation was
5 discovered as the result of investigation of an accident
6 in which the driver is the owner
- 7 (10) Except as provided in paragraph 9 of subdivision a, 2 points
8 knowingly operating an unsafe vehicle in violation of
9 section 39-21-46, or equivalent ordinance
- 10 (11) Fleeing in a motor vehicle from a peace officer in 24 points
11 violation of section 39-10-71, or equivalent ordinance
- 12 (12) Except as provided in paragraph 9, operating a motor 12 points
13 vehicle without liability insurance, in violation of section
14 39-08-20, if the driving record shows that the licensee has
15 within the eighteen months preceding the violation previously
16 violated section 39-08-20
- 17 (13) Causing an accident with an authorized emergency 2 points
18 vehicle or a vehicle operated by or under the control
19 of the director used for maintaining the state highway
20 system in violation of subsection 5 of section 39-10-26,
21 or equivalent ordinance
- 22 (14) Driving in violation of the conditions of an instruction 2 points
23 permit
- 24 3.1.4. a. If the director is informed by a court that a ~~person~~an individual has been
25 convicted of violating section 39-08-01, or equivalent ordinance, the director,
26 subject to the offender's opportunity for hearing under subsection 1, shall
27 suspend that ~~person's driving privileges~~individual's operator's license until the
28 offender furnishes to the director the written statement of the counselor or
29 instructor of an appropriate licensed addiction treatment program that the
30 offender does not require either an education or treatment program or that the
31 offender has physically attended the prescribed program and has complied with

1 the attendance rules. The director shall send notice to the offender informing the
2 offender of the provisions of this subsection.

3 b. If within the seven years preceding the most recent violation of section 39-08-01,
4 or equivalent ordinance, the offender has previously violated section 39-08-01, or
5 equivalent ordinance, at least three times, the driving privileges ~~shall~~must be
6 suspended and ~~can~~may be restored only after that ~~person~~individual has
7 completed addiction treatment through an appropriate licensed addiction
8 treatment program and has had no alcohol-related or drug-related offense for two
9 consecutive years after completion of treatment.

10 ~~4.5.~~ If judicial disposition of a traffic violation includes an order or recommendation of
11 suspension or revocation of an operator's license, the suspension or revocation runs
12 concurrently with any suspension ordered under this section. After a conviction of a
13 ~~person~~an individual for violating section 39-08-01, the director ~~shall~~, in suspending the
14 ~~person's~~individual's operator's license, shall give credit for the time in which license
15 suspension or revocation has been or is being imposed under chapter 39-20 in
16 connection with the same offense.

17 ~~5.6.~~ A suspension must be deemed to have commenced twenty days after the order of
18 suspension is delivered to the licensee at the licensee's address of record in the
19 department. Constructive delivery under this section must be considered as occurring
20 seventy-two hours after proper deposit in the mails.

21 ~~6.7.~~ Points assigned ~~pursuant to~~under this section must be recorded against an operator's
22 driving record regardless of whether the operator has ever had an operator's license
23 issued in this state, and the ~~licensing authority~~director shall maintain records on all
24 violators regardless of ~~whether they are licensed~~licensure. Upon the assignment of
25 twelve or more points, any unlicensed operator must be deemed to be driving under
26 suspension if the operator has never had an operator's license or if the operator has
27 failed to renew the operator's license.

28 ~~7.8.~~ The period of suspension imposed for a violation of section 39-08-01 or equivalent
29 ordinance is:

- 1 a. Ninety-one days if the operator's record shows the ~~person~~individual has not
2 violated section 39-08-01 or equivalent ordinance within the five years preceding
3 the last violation.
- 4 b. One hundred eighty days if the operator's record shows the ~~person~~individual has
5 not violated section 39-08-01 or equivalent ordinance within five years preceding
6 the last violation and the violation was for an alcohol concentration of at least
7 eighteen one-hundredths of one percent by weight.
- 8 c. Three hundred sixty-five days if the operator's record shows the ~~person~~individual
9 has once violated section 39-08-01 or equivalent ordinance within the five years
10 preceding the last violation.
- 11 d. Two years if the operator's record shows the ~~person~~individual has at least once
12 violated section 39-08-01 or equivalent ordinance within the five years preceding
13 the last violation and the violation was for an alcohol concentration of at least
14 eighteen one-hundredths of one percent by weight.
- 15 e. Two years if the operator's record shows the ~~person~~individual has at least twice
16 violated section 39-08-01 or equivalent ordinance within the five years preceding
17 the last violation.
- 18 f. Three years if the operator's record shows the ~~person~~individual has at least twice
19 violated section 39-08-01 or equivalent ordinance within the five years preceding
20 the last violation and the violation is for an alcohol concentration of at least
21 eighteen one-hundredths of one percent by weight.

NOTE: Cleanup

Related North Dakota Administrative (NDAC) rules:

37-03-03-05. Suspension of license for point violation - Notice - Hearing.

When the director has good cause to believe that a licensee has been convicted of a traffic offense or there has been an official determination that a traffic violation has been committed, the director shall enter the proper number of points on the driving record of the licensee based on the schedule contained in subsection 3 of North Dakota Century Code section 39-06.1-10. When the driving record of the licensee indicates a point total of twelve or more, or when the licensee is convicted of a violation of North Dakota Century Code section 39-08-01, the director shall send to said licensee a notice of intention to suspend license and opportunity for hearing.

1. If the notice results from a point total of twelve or more, the notice shall specify the number of points assessed against the driving record of the licensee, the number of days of suspension based on seven days for each point over eleven and advise the licensee that the licensee has ten days from the date of said notice to make a written request for a hearing on the matter.

2. If the notice results from a violation of North Dakota Century Code section 39-08-01, the notice shall specify the number of days of suspension based on subsection 7 of North Dakota Century Code section 39-06.1-10 and advise the licensee that the licensee has ten days from the date of said notice to make a written request for a hearing on the matter.

37-03-03-06. Notice of hearing - Matters considered at hearing.

If the licensee makes a written request for a hearing as specified in section 37-03-03-05, the director shall send a notice of hearing to the licensee specifying the time, date, and place for such hearing. The notice shall further specify that the matters considered at the hearing will be confined to the following:

1. If the licensee requests a hearing based on a point total of twelve or more:
 - a. Whether the proper number of points have been assigned to the convictions, adjudications, or admissions of the licensee;
 - b. Whether the proper period of suspension has been computed based upon the number of points assigned against the driving record of the licensee;
 - c. Whether there was any failure to reduce the point total on the licensee's driving record; or
 - d. Any other material matter relating to the suspension of the license deemed appropriate by the licensee.
2. If the licensee requests a hearing based on a violation of North Dakota Century Code section 39-08-01:
 - a. Whether the information in the department records pertaining to the licensee is correct;
 - b. Whether the proposed period of suspension is in accord with subsection 7 of North Dakota Century Code section 39-06.1-10.

At the hearing, the director shall not consider the substantive merits of any conviction, adjudication, or admission entered against the driving record of the licensee.

37-03-03-11. Notice of alcohol addiction treatment - Procedure.

The notice required by North Dakota Century Code section 39-06.1-10 relating to alcohol addiction treatment will inform the person of the requirements for completing alcohol addiction treatment found in North Dakota Century Code section 39-06.1-10 and will require that the addiction counselor at the licensed addiction treatment facility provide prompt written notification to the director of the enrollment of the person in the treatment program, and of the person's completion of the program or the person's failure to complete the program.

It is the person's responsibility to ensure that the appropriate addiction counselor makes the prompt written notification of enrollment required by this section.

1 **SECTION 10. AMENDMENT.** Section 39-06.1-10.1 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **39-06.1-10.1. Alternative disposition - Driver training course - Exceptions.**

4 ~~A person~~

- 5 1. An individual issued a summons or notice to appear under section 39-07-07 may
6 appear before the court and elect to attend a driver training course approved by the
7 director in lieu of entry of points on the licensee's driving record. ~~A person~~An individual
8 who elects to attend the course must so notify the court at the time of posting the

1 bond, which is forfeited even though an election is made under this section. The
2 ~~person~~individual who makes the election shall pay the driver training course fee to the
3 driver training course sponsor. ~~When a person~~If an individual elects to attend the
4 course, the point penalty of five points or fewer ~~as provided~~ for the violation by section
5 39-06.1-10 may not be assessed; ~~provided, that if~~ proof of completion of the course is
6 presented to the department within thirty days after the ~~person~~individual notifies the
7 court of the election. ~~A person~~An individual may not make an election under this
8 section if:

- 9 1. ~~a.~~ a. That ~~person~~individual has made an election under this section within the twelve
10 months preceding the date of issuance of the summons or notice to appear;
- 11 2. ~~b.~~ b. The offense is assigned six or more points; or
- 12 3. ~~c.~~ c. The offense is an offense listed in section 39-06.1-05.

13 ~~A person~~

- 14 2. An individual making an election under this section forfeits any point reduction option
15 under section 39-06.1-13.

NOTE: Cleanup.

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

18 **39-06.1-11. Temporary restricted license - Ignition interlock device.**

- 19 1. Except as provided under subsection 2 or 3, if the director has suspended a license
20 under section 39-06.1-10 or has extended a suspension or revocation under section
21 39-06-43, upon receiving written application from the offender affected, the director
22 may for good cause issue a temporary restricted operator's license valid for the
23 remainder of the suspension period after seven days of the suspension period have
24 passed.
- 25 2. If the director has suspended a license under chapter 39-20, or after a violation of
26 section 39-08-01 or equivalent ordinance, upon written application of the offender the
27 director may issue for good cause a temporary restricted license that takes effect after
28 thirty days of the suspension have been served after a first offense under section
29 39-08-01 or chapter 39-20.
- 30 3. The director may not issue a temporary restricted license to any offender whose
31 operator's license has been revoked under section 39-20-04 or suspended upon a

1 second or subsequent offense under section 39-08-01 or chapter 39-20, except that a
2 temporary restricted license may be issued for good cause if the offender has not
3 committed an offense for a period of two years before the date of the filing of a written
4 application that must be accompanied by a report from an appropriate licensed
5 addiction treatment program or if the offender is participating in the drug court program
6 and has not committed an offense for a period of three hundred sixty-five days before
7 the date of the filing of a written application that must be accompanied by a
8 recommendation from the district court. ~~The~~

9 4. For a temporary restricted license under subsection 3, the director may conduct a
10 hearing for the purposes of obtaining information, reports, and evaluations from courts,
11 law enforcement, and citizens to determine the offender's conduct and driving
12 behavior during the prerequisite period of time. The director may also require that an
13 ignition interlock device be installed in the offender's vehicle.

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

19 4-6. A temporary restricted license issued under this section is solely for the use of a motor
20 vehicle during the licensee's normal working hours and may contain any other
21 restrictions authorized by section 39-06-17. Violation of a restriction imposed
22 according to this section is deemed a violation of section 39-06-17.

23 5-7. If an offender has been charged with, or convicted of, a second or subsequent
24 violation of section 39-08-01 or equivalent ordinance and the offender's
25 ~~driver's operator's~~ license is not subject to an unrelated suspension or revocation, the
26 director shall issue a temporary restricted ~~driver's permit~~ license to the offender ~~only~~ for
27 the sole purpose of participation in the twenty-four seven sobriety program upon
28 submission of proof of financial responsibility and proof of participation in the program
29 by the offender. If a court or the parole board finds that an offender has violated a
30 condition of the twenty-four seven sobriety program, the court or parole board may
31 order the temporary restricted ~~driver's permit~~ license be revoked and take possession

1 of the temporary restricted driver's ~~permit~~license. The court or the parole board shall
2 send a copy of the order to the director who shall record the revocation of the
3 temporary restricted driver's ~~permit~~license. Revocation of a temporary restricted
4 driver's ~~permit~~license for violation of a condition of the twenty-four seven sobriety
5 program does not preclude the offender's eligibility for a temporary restricted driver's
6 license under any other provisions of this section.

NOTE: Cleanup

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.
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.

37-03-04-01.1. Temporary restricted operator's license - Criteria and procedure for issuance.

1. When authorized by North Dakota Century Code section 39-06.1-11, a temporary restricted operator's license may be issued by the director according to the criteria in this section. In reviewing the person's record for the nature, frequency, and severity of violations and convictions entered thereon, the criteria considered will include:
 - a. Availability of other transportation.
 - b. Number of drivers in the household.
 - c. The nature of the driver's employment.
 - d. Total number of moving violations for the last three years.
 - e. Driving under suspension, revocation, or cancellation convictions.
 - f. Number of previous temporary restricted licenses issued.

A temporary restricted operator's license will be issued only to allow driving to, from, or during the person's employment, to and from an alcohol education or treatment program, to and from school when the need is shown or for normal life maintenance needs if extenuating circumstances are shown.

2. The applicant for a temporary restricted operator's license shall make application only on the form provided by the director. The application form shall be completed,

providing all of the information requested. Any incomplete application forms will be returned to the applicant for completion. The application shall:

- a. Explain the need for the temporary restricted operator's license.
 - b. Provide a written statement from the applicant's employer, if any, or school authority, verifying the need for the temporary restricted operator's license.
 - c. Identify the vehicles to be driven under the temporary restricted operator's license.
 - d. Include any other information deemed necessary by the director.
3. The temporary restricted operator's license will contain all limitations and restrictions deemed necessary by the director, including the days of the week, hours of the day, geographical area for driving, and the vehicles to be driven. The holder of the temporary restricted operator's license must notify the director of any changes in circumstances under which the temporary restricted operator's license was issued, and of any change in the vehicles desired to be driven.
 4. If a temporary restricted operator's license has been denied, a reapplication may be made after thirty days have elapsed from the date of denial, if additional or changed information required for issuance becomes available.
 5. No temporary restricted operator's license will be issued to an alcohol-impaired or drug-impaired driver who has contributed to the cause of death or serious bodily injury of another person.
 6. No temporary restricted operator's license will be issued to anyone under the age of eighteen.

1 **SECTION 12. AMENDMENT.** Section 39-06.1-12 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **39-06.1-12. Completion of suspension - Reduction of point total.**

4 ~~When~~If a licensee completes a period of suspension ordered ~~pursuant to~~under section
5 39-06.1-10 or as ordered or recommended by a court of competent jurisdiction, the ~~licensing~~
6 ~~authority~~director shall reduce the point total shown on the licensee's driving record to eleven
7 points. ~~Thereafter,~~A suspension must be ordered ~~when~~if that licensee's point total again
8 reaches twelve or more points.

NOTE: Cleanup.

9 **SECTION 13. AMENDMENT.** Section 39-06.1-13 of the North Dakota Century Code is
10 amended and reenacted as follows:

11 **39-06.1-13. Reduction of point total - Other methods.**

12 1. The ~~licensing authority~~director shall reduce the point total shown on any licensee's
13 driving record by one point for each three-month period during which ~~no~~ points are not
14 recorded against the licensee's driving record for a moving violation or a violation
15 listed in paragraphs 12 through 16 of subdivision a of subsection 3 of section
16 39-06.1-10. The three-month period must be calculated from the date of entry of the
17 last points against that licensee's driving record.

1 2. The point total shown on a licensee's driving record must, during any twelve-month
2 period, be reduced by three points when the licensee mails or delivers a certificate to
3 the ~~licensing authority~~director indicating successful completion of instruction in a driver
4 training course approved by the ~~licensing authority~~director. Successful completion of
5 instruction must be certified to by the sponsoring agency or organization of the driver
6 training course. The reduction in points ~~authorized by~~under this subsection must ~~only~~
7 be solely from a point total accumulated ~~prior to~~before completion of the necessary
8 hours of driver training instruction, and may not exceed nine points during any
9 three-year period commencing on the date of entry of the last points against the
10 ~~person's~~individual's driving record. If on the date the ~~licensing authority~~director
11 receives the certificate of completion of the driver training course from the licensee,
12 that licensee's driving record contains twelve or more points or, as a minor, the
13 licensee's driving record contains six points or more, the point reduction ~~authorized~~
14 ~~by~~under this subsection must be applied ~~only~~ after -serving the period of suspension or
15 cancellation required by the number of points ~~then~~ on the driver's~~licensee's~~ record has
16 ~~been served~~.

NOTE: Cleanup.

17 **SECTION 14. AMENDMENT.** Section 39-06.1-14 of the North Dakota Century Code is
18 amended and reenacted as follows:

19 **39-06.1-14. Failure to surrender license.**

20 The director shall extend the period of revocation in all cases that involve a time period,
21 within this title, ~~when~~if the ~~person~~individual whose operator's license ~~or permit~~ has been
22 revoked fails to surrender ~~such~~the operator's license ~~or permit~~ within forty-eight hours after
23 delivery of the order of revocation. ~~Such~~The period of revocation must be extended by one day
24 for each day ~~such person~~the individual fails to surrender ~~such~~the operator's license. Delivery of
25 the order ~~must be~~is deemed to have occurred seventy-two hours after the order is mailed by
26 regular mail to the address of record in the department under section 39-06-20.

NOTE: Cleanup.

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

1 **39-06.1-15. Diplomatic immunities and privileges.**

2 1. This section applies only to an individual who displays a ~~driver's~~operator's license
3 issued by the United States department of state to a ~~law enforcement~~police officer or
4 who otherwise claims immunities or privileges under chapter 6 of title 22 of the United
5 States Code with respect to the individual's violation of any law or ordinance that
6 relates to the operation of a motor vehicle.

7 2. If a driver who is subject to this section is stopped by a ~~law enforcement~~police officer
8 who has probable cause to believe that the driver has committed a violation, the ~~law-~~
9 ~~enforcement~~police officer shall record all relevant information from any
10 ~~driver's~~operator's license or identification card, including a ~~driver's~~an operator's license
11 or identification card issued by the United States department of state; as soon as
12 practicable contact the United States department of state office in order to verify the
13 driver's status and immunity, if any; and forward the following to the bureau of
14 diplomatic security office of foreign missions of the United States department of state:

- 15 a. A vehicle accident report, if the driver was involved in a vehicle accident;
16 b. A copy of the citation or other charging document if a citation or other charging
17 document was issued to the driver; and
18 c. A written report of the incident if a citation or other charging document was not
19 issued to the driver.

20 3. This section does not prohibit or limit the application of any law to a criminal or motor
21 vehicle violation by an individual who has or claims immunities or privileges under
22 title 22 of the United States Code.

NOTE: Cleanup.