

HOUSE BILL NO. 1168

Introduced by

Representatives Toman, Bosch, Ertelt, Kading, Mock

Senator Schaible

1 A BILL for an Act to create and enact a new section to chapter 39-06 of the North Dakota
2 Century Code, relating to electronic operator's licenses; and to amend and reenact sections
3 39-06-13 and 39-06-19 of the North Dakota Century Code, relating to operator's license
4 examinations and the renewal of operator's licenses.

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

6 **SECTION 1.** A new section to chapter 39-06 of the North Dakota Century Code is created
7 and enacted as follows:

8 **Electronic operator's license.**

- 9 1. The department shall implement a computerized licensing system that allows a
10 licensed motor vehicle operator to provide electronic proof of valid licensing on an
11 electronic communications device.
- 12 2. The electronic proof of valid licensing may be used:
13 a. Upon being stopped by a law enforcement officer for the purpose of enforcing or
14 investigating the possible violation of an ordinance or state law; or
15 b. For identification purposes.
- 16 3. A law enforcement officer may not scan, retrieve, or in any other manner request
17 electronic possession of any information contained on a electronic operator's license
18 without permission from the licensed motor vehicle operator.
- 19 4. If a law enforcement officer requests identification via electronic method, the
20 computerized licensing system must display to the licensed motor vehicle operator
21 whether the officer has reasonable suspicion the licensed motor vehicle operator is in
22 violation of the law.
- 23 5. The director may adopt rules necessary for the effective implementation of an
24 electronic operator's licensing system.

1 **SECTION 2. 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 1. Unless otherwise provided in this chapter, the director shall examine every applicant
5 for an operator's license. The examination must include a test of the applicant's
6 eyesight; ability to read and understand highway signs regulating, warning, and
7 directing traffic; and knowledge of the traffic laws of this state. The director shall make
8 any written portion of the examination, except writing on illustrations of signs, available
9 to an applicant in any widely practiced language. The director may waive the written
10 portion of the examination for an applicant who has successfully passed a written
11 examination in another state and has an operator's license that is not or in the process
12 of being revoked, suspended, or canceled.
- 13 2. The director shall establish a process to administer the written portion of an
14 examination for an operator's license through an online electronic medium. The
15 director may not charge an applicant a fee to access the online written examination.
16 The online examination must:
- 17 a. Use personal questions about the applicant before the examination which the
18 applicant is required to answer during the examination, to strengthen test security
19 to deter fraud; and
- 20 b. Require the applicant's parent or legal guardian to certify to the department the
21 parent or legal guardian monitored the applicant during the online written
22 examination, before issuance by the department of a class D instruction permit to
23 an applicant who has passed the online examination.
- 24 3. The examination must include an actual demonstration of ability to exercise ordinary
25 and reasonable control in the operation of a motor vehicle unless waived for an
26 applicant who has successfully passed an actual ability test in this or another state
27 conducted by a state licensing authority or by a commercial driver training school
28 meeting the driver education requirements prescribed by the director under chapter
29 39-25. A minor may operate a motor vehicle no matter how owned for the actual ability
30 test.

1 ~~3.4.~~ In lieu of an eyesight test, the applicant may provide a statement of examination from
2 a licensed physician or an optometrist stating the corrected and uncorrected vision of
3 the applicant, if the examination was within six months of the application.

4 4.5. The director may require any other physical or mental examination.

5 **SECTION 3. AMENDMENT.** Section 39-06-19 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **39-06-19. Expiration of license - Renewal.**

8 1. Every operator's license issued under this chapter or chapter 39-06.2 expires and is
9 renewed according to this section.

10 2. The expiration date of a noncommercial operator's license for an individual whose
11 birth occurred in a year ending in an odd numeral is twelve midnight on the
12 anniversary of the birthday in the third subsequent year ending in an odd numeral,
13 except for an individual who, at the time of renewal, is seventy-eight years of age or
14 older is twelve midnight on the anniversary of the birthday in the second subsequent
15 year ending in an odd numeral. The expiration date of a noncommercial operator's
16 license for an individual whose birth occurred in a year ending in an even numeral is
17 twelve midnight on the anniversary of the birthday in the third subsequent year ending
18 in an even numeral, except for an individual who, at the time of renewal, is
19 seventy-eight years of age or older is twelve midnight on the anniversary of the
20 birthday in the second subsequent year ending in an even numeral.

21 3. The expiration date of a commercial operator's license for an individual whose birth
22 occurred in a year ending in an odd numeral is twelve midnight on the anniversary of
23 the birthday in the second subsequent year ending in an odd numeral. The expiration
24 date of a commercial operator's license for an individual whose birth occurred in a
25 year ending in an even numeral is twelve midnight on the anniversary of the birthday
26 in the second subsequent year ending in an even numeral.

27 4. An individual who has a valid, unexpired nonimmigrant visa or nonimmigrant visa
28 status for entry into the United States, a pending application for asylum in the United
29 States, a pending or approved application for temporary protected status in the United
30 States, approved deferred action status, or a pending application for adjustment of
31 status to that of an alien lawfully admitted for permanent residence or conditional

1 permanent residence status in the United States will be issued a temporary operator's
2 license or nondriver photo identification card. The temporary operator's license or
3 identification card is valid only during the period of time of the applicant's authorized
4 stay in the United States or, if there is no definite end to the period of authorized stay,
5 a period of one year. The license or card may be renewed only upon presentation of
6 valid documentary evidence that the status has been extended.

7 5. An applicant for renewal must present the application with the fee for renewal of
8 license to the director not before ten months prior to the expiration date of the
9 operator's license. The director may require an examination of an applicant as upon
10 an original application. The director may require an applicant for renewal or a
11 substitute to provide documentation that confirms to the satisfaction of the director the
12 true identity, date of birth, and legal presence of the applicant and provide a social
13 security card or other satisfactory evidence of a social security number and proof of
14 residence address, if not previously completed or if there are changes to the
15 information already on file. The director may not issue a distinguishing number that is,
16 contains, can be converted to, or is an encrypted version of the applicant's social
17 security number.

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

23 7. An applicant for renewal of an operator's license must provide a certificate of
24 examination from the driver licensing or examining authorities or a statement as to the
25 corrected and uncorrected vision of the applicant from a licensed physician or an
26 optometrist, except as required under subsection 9. The director shall provide visual
27 examination equipment at each location where a license may be renewed.

28 8. An individual submitting an application and the fee for renewal of license one year or
29 more after the expiration of a license, except an applicant whose military service has
30 terminated less than thirty days prior to the application, must be treated as an initial
31 applicant.

- 1 9. A noncommercial applicant may apply by mail or electronically for renewal of a license
2 during every other renewal cycle, except as otherwise provided by subsection 10. The
3 director may use vision information provided by the applicant to meet vision
4 requirements for applicants under sixty-five years of age and adopt procedures
5 necessary to implement this subsection.
- 6 10. A noncommercial applicant for an operator's license may not renew by mail or
7 electronically if the applicant is seeking a new photo or changes to the information on
8 the face of the physical operator's license.