

Sixty-seventh
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1072

Introduced by

Transportation Committee

(At the request of the Department of Transportation)

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 motor vehicle operator's licenses; and to amend and
3 reenact section 39-06-16 of the North Dakota Century Code, relating to carrying an operator's
4 license and exhibiting the license on demand.

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. When 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. The electronic operator's license must be designed so that there is no need for the
17 credential holder to relinquish possession of the device in which the electronic
18 credential system is installed in order to present the credential, or for the individual to
19 whom the credential is presented to access the verification system to confirm the
20 validity of the credential.
- 21 4. Subject to section 39-06-16, a law enforcement officer may not scan, retrieve, or in
22 any other manner request electronic possession of any information contained on an
23 electronic operator's license without permission from the licensed motor vehicle
24 operator.

- 1 5. In case of a discrepancy between a physical and electronic credential, the electronic
2 credential takes priority and is considered to provide the current information.
- 3 6. The electronic credential and verification systems must be designed to protect the
4 credential holder's privacy, including the use of privacy enhancing technology or other
5 appropriate methods. If the department enters an agreement with a third-party
6 electronic credential system provider, the agreement must require the third-party
7 electronic credential system provider to take appropriate measures to protect the
8 credential holder's privacy.
- 9 7. The director may adopt rules necessary for the effective implementation of an
10 electronic operator's licensing system.

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

13 **39-06-16. License to be carried and exhibited on demand.**

14 An individual licensed to operate a motor vehicle shall have ~~thea~~ a physical or electronic
15 operator's license in the individual's immediate possession at all times when operating a motor
16 vehicle and shall physically surrender ~~theor~~ electronically provide an operator's license, upon
17 demand of any court, police officer, or a field deputy or inspector of the department. However,
18 an individual charged with violating this section may not be convicted or assessed any court
19 costs if the individual produces in court or in the office of the arresting officer a valid operator's
20 license issued to that individual that is not under suspension, revocation, or cancellation at the
21 time of the individual's arrest.