

**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 and subsection 2 of section 39-06-49 of the North Dakota Century  
4 Code, relating to operator's license examinations ~~and the renewal of operator's licenses,~~  
5 renewals, and fees.

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

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

9 **Electronic operator's license.**

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

1        5. The director may adopt rules necessary for the effective implementation of an  
2        electronic operator's licensing system.

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

5        **39-06-13. Examination of applicants.**

6        1. Unless otherwise provided in this chapter, the director shall examine every applicant  
7        for an operator's license. The examination must include a test of the applicant's  
8        eyesight; ability to read and understand highway signs regulating, warning, and  
9        directing traffic; and knowledge of the traffic laws of this state. The director shall make  
10       any written portion of the examination, except writing on illustrations of signs, available  
11       to 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 process  
14       of being revoked, suspended, or canceled.

15       2. The director shall establish a process to administer the written portion of an  
16       examination for an operator's license through an online electronic medium. The  
17       director ~~may not~~ shall charge an applicant a fee of ten dollars to access the online  
18       written examination. The online examination must:

19       a. Use personal questions about the applicant before the examination which the  
20       applicant is required to answer during the examination, to strengthen test security  
21       to deter fraud; and

22       b. Require the applicant's parent or legal guardian to certify to the department the  
23       parent or legal guardian monitored the applicant during the online written  
24       examination, before issuance by the department of a class D instruction permit to  
25       an applicant who has passed the online examination.

26       3. The examination must include an actual demonstration of ability to exercise ordinary  
27       and reasonable control in the operation of a motor vehicle unless waived for an  
28       applicant who has successfully passed an actual ability test in this or another state  
29       conducted by a state licensing authority or by a commercial driver training school  
30       meeting the driver education requirements prescribed by the director under chapter

1           39-25. A minor may operate a motor vehicle no matter how owned for the actual ability  
2           test.

3     ~~3-4.~~ In lieu of an eyesight test, the applicant may provide a statement of examination from  
4           a licensed physician or an optometrist stating the corrected and uncorrected vision of  
5           the applicant, if the examination was within six months of the application.

6     4-5. The director may require any other physical or mental examination.

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

9           **39-06-19. Expiration of license - Renewal.**

- 10          1. Every operator's license issued under this chapter or chapter 39-06.2 expires and is  
11           renewed according to this section.
- 12          2. The expiration date of a noncommercial operator's license for an individual whose  
13           birth occurred in a year ending in an odd numeral is twelve midnight on the  
14           anniversary of the birthday in the third subsequent year ending in an odd numeral,  
15           except for an individual who, at the time of renewal, is seventy-eight years of age or  
16           older is twelve midnight on the anniversary of the birthday in the second subsequent  
17           year ending in an odd numeral. The expiration date of a noncommercial operator's  
18           license for an individual whose birth occurred in a year ending in an even numeral is  
19           twelve midnight on the anniversary of the birthday in the third subsequent year ending  
20           in an even numeral, except for an individual who, at the time of renewal, is  
21           seventy-eight years of age or older is twelve midnight on the anniversary of the  
22           birthday in the second subsequent year ending in an even numeral.
- 23          3. The expiration date of a commercial operator's license for an individual whose birth  
24           occurred in a year ending in an odd numeral is twelve midnight on the anniversary of  
25           the birthday in the second subsequent year ending in an odd numeral. The expiration  
26           date of a commercial operator's license for an individual whose birth occurred in a  
27           year ending in an even numeral is twelve midnight on the anniversary of the birthday  
28           in the second subsequent year ending in an even numeral.
- 29          4. An individual who has a valid, unexpired nonimmigrant visa or nonimmigrant visa  
30           status for entry into the United States, a pending application for asylum in the United  
31           States, a pending or approved application for temporary protected status in the United

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

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

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

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

30 8. An individual submitting an application and the fee for renewal of license one year or  
31 more after the expiration of a license, except an applicant whose military service has

1 terminated less than thirty days prior to the application, must be treated as an initial  
2 applicant.

3 9. A noncommercial applicant may apply by mail or electronically for renewal of a license  
4 during every other renewal cycle, except as otherwise provided by subsection 10. The  
5 director may use vision information provided by the applicant to meet vision  
6 requirements for applicants under sixty-five years of age and adopt procedures  
7 necessary to implement this subsection.

8 10. A noncommercial applicant for an operator's license may not renew by mail or  
9 electronically if the applicant is seeking a new photo or changes to the information on  
10 the face of the physical operator's license.

11 **SECTION 4. AMENDMENT.** Subsection 2 of section 39-06-49 of the North Dakota Century  
12 Code is amended and reenacted as follows:

13 2. The fee for:

14 a. An application for a nondriver photo identification card is eight dollars.

15 b. Written testing for an application for an operator's license is five dollars.

16 c. Online written testing for an application for an operator's license is ten dollars.

17 d. Actual ability testing for an application for an operator's license is five dollars.

18 ~~d.e.~~ An application for an operator's license is fifteen dollars.

19 ~~e.f.~~ An application for a motorized bicycle operator's permit is ten dollars.

20 ~~f.g.~~ A substitute operator's license is eight dollars unless the substitute is for  
21 erroneous information due to a change in name or address, then the fee is three  
22 dollars.

23 ~~g.h.~~ An operator's license renewal is fifteen dollars.

24 ~~h.i.~~ Reinstatement after suspension is fifty dollars unless the suspension was the  
25 result of a suspension under subsection 3, 4, or 6 of section 39-06-03 or  
26 subdivision b of subsection 1 of section 39-06-32, then the fee is twenty-five  
27 dollars, or unless the suspension was a result of a violation under section  
28 39-08-01 or chapter 39-20, then the fee is one hundred dollars.

29 ~~i.j.~~ Reinstatement after revocation is fifty dollars, unless the revocation was imposed  
30 for a violation of subsection 6 of section 39-06-17 or section 39-06-31, 39-06-43,  
31 or 39-20-04, then the fee is one hundred dollars.