

HOUSE BILL NO. 1422

Introduced by

Representatives Novak, Dockter, O'Brien, J. Olson, Pyle, D. Ruby, Tveit, Heinert

Senators Conley, Rummel

1 A BILL for an Act to amend and reenact sections 39-06-01 and 39-06-42 of the North Dakota
2 Century Code, relating to operating a motor vehicle while driving privileges are suspended or
3 revoked; and to provide a penalty.

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

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

7 **39-06-01. Operators must be licensed - Additional licensing - Penalty.**

- 8 1. An individual, unless exempted in this section, may not drive any motor vehicle on a
9 highway or on public or private areas to which the public has a right of access for
10 vehicular use in this state unless the individual has a valid license as an operator
11 under this chapter or a temporary operator's permit issued under chapter 39-20. An
12 individual may not receive an operator's license or a nondriver identification card until
13 that individual surrenders to the director all operator's licenses, permits, and nondriver
14 photo identification cards issued to that individual by any state or country. If a license
15 issued by another state is surrendered, the director shall notify the issuing state of the
16 surrender. An individual may be issued either a valid operator's license or a nondriver
17 identification card at any one time, but not both.
- 18 2. An individual licensed as an operator may exercise the privilege granted by the license
19 on any highway in this state and may not be required to obtain any other license to
20 exercise the privilege by any political subdivision having authority to adopt police
21 regulations, except that municipalities may regulate occupations and may regulate the
22 operation of taxicabs under subsection 27 of section 40-05-01.
- 23 3. An individual may not operate a motor vehicle on a highway or public or private areas
24 to which the public has a right of access for vehicular use in the state while an

1 individual's operators license has been disqualified as a result of a suspension or
2 revocation. An offense under this subsection may be dismissed only if the operators
3 license is reinstated within sixty days of the date of the offense and the dismissal must
4 be granted by the court upon satisfactory evidence of reinstatement of driving
5 privileges. An individual in violation of this subsection is subject to a fine of
6 one hundred dollars and three points to be charged against the individual's driving
7 record.

8 **SECTION 2. AMENDMENT.** Section 39-06-42 of the North Dakota Century Code is
9 amended and reenacted as follows:

10 **39-06-42. Penalty for driving while license suspended or revoked - Impoundment of**
11 **vehicle number plates - Authority of cities.**

- 12 1. Except as provided in section 39-06.1-11, an individual who operates a motor vehicle
13 on a highway or on public or private areas to which the public has a right of access for
14 vehicular use in this state while an individual's operator's license is suspended or
15 revoked in any jurisdiction is guilty of a class B misdemeanor for the first, second, or
16 third offense within a five-year period. Any subsequent offense within the same
17 five-year period is a class A misdemeanor.
- 18 2. If the suspension or revocation was imposed for violation of section 39-08-01 or
19 equivalent ordinance or was governed by section 39-06-31 or chapter 39-20, the
20 sentence must be at least four consecutive days' imprisonment and a fine as the court
21 deems proper. The execution of sentence may not be suspended or the imposition of
22 sentence deferred under subsection 3 or 4 of section 12.1-32-02. Forfeiture of bail is
23 not permitted in lieu of the defendant's personal appearance in open court for
24 arraignment on a charge under this subsection.
- 25 3. A court may ~~dismiss~~reduce a charge under this section to a disqualified driver upon
26 motion by the defendant if the defendant's operator's license is reinstated within sixty
27 days of the date of the offense and the defendant provides to the court satisfactory
28 evidence of the reinstatement.
- 29 4. In addition to any other punishment imposed, the court may order the number plates of
30 the motor vehicle owned and operated by the offender at the time of the offense to be
31 destroyed by the sheriff. If a period of suspension has been extended under

- 1 subsection 6 of section 39-06-17, the court may order the number plates to be
2 destroyed under this subsection. The offender shall deliver the number plates to the
3 court without delay at a time certain as ordered by the court following the conviction.
4 The court shall deliver the number plates to the sheriff and notify the department of the
5 order. An offender who does not provide the number plates to the court at the
6 appropriate time is subject to revocation of probation.
- 7 5. A city may authorize, by ordinance, its municipal judge to order destruction of motor
8 vehicle number plates by the office of the police officer that made the arrest in the
9 manner provided in subsection 4.