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Sixty-ninth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1422

Introduced by

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

Senators Conley, Rummel

A BILL for an Act to amend and reenact sections ~~39-06-01~~, and ~~39-06-42~~ 39-06.1-09, 39-06.1-06
and 39-06.1-10(3)(a)(23) of the North Dakota Century Code, relating to operating a motor vehicle while
driving privileges are suspended or revoked and without a valid license as an operator; and to provide a
penalty.

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

2 ~~SECTION 1 AMENDMENT. Section 39-06-01 of the North Dakota Century Code is amended and~~
3 ~~reenacted as follows: 39-06-01. Operators must be licensed – Additional licensing – Penalty.~~

4 ~~1. An individual, unless exempted in this section, may not drive any motor vehicle on a highway or on~~
5 ~~public or private areas to which the public has a right of access for vehicular use in this state unless the~~
6 ~~individual has a valid license as an operator under this chapter or a temporary operator's permit issued~~
7 ~~under chapter 39-20. An individual may not receive an operator's license or a nondriver identification card~~
8 ~~until that individual surrenders to the director all operator's licenses, permits, and nondriver photo-~~
9 ~~identification cards issued to that individual by any state or country. If a license issued by another state is~~
10 ~~surrendered, the director shall notify the issuing state of the surrender. An individual may be issued either~~
11 ~~a valid operator's license or a nondriver identification card at any one time, but not both.~~

12 ~~2. An individual licensed as an operator may exercise the privilege granted by the license on any~~
13 ~~highway in this state and may not be required to obtain any other license to exercise the privilege by any~~
14 ~~political subdivision having authority to adopt police regulations, except that municipalities may regulate~~
15 ~~occupations and may regulate the operation of taxicabs under subsection 27 of section 40-05-01.~~

16 ~~3. An individual may not operate a motor vehicle on a highway or public or private areas to~~
17 ~~which the public has a right of access for vehicular use in the state while an individual's~~
18 ~~operator's license has been disqualified as a result of a suspension or revocation. An offense~~
19 ~~under this subsection may be dismissed only if the operator's license is reinstated within sixty~~

~~20 — days of the date of the offense and the dismissal must be granted by the court upon~~
~~21 — satisfactory evidence of reinstatement of driving privileges. An individual in violation of this~~
~~22 — subsection is subject to a fine of one hundred dollars and three points to be charged against~~
~~23 — the individual's driving record.~~

24 **SECTION 1 AMENDMENT.** Section 39-06-42 of the North Dakota Century Code is
25 amended and reenacted as follows:

26 **Section 39-06-42 - Penalty for driving while license suspended or revoked -**
27 **Impoundment of vehicle number plates - Authority of cities**

28 1. Except as provided in section 39-06.1-11, an individual who operates a motor vehicle on a
29 highway or on public or private areas to which the public has a right of access for vehicular use in
30 this state while an individual's operator's license is suspended or revoked in any jurisdiction is
31 guilty of a class B misdemeanor for the first, second, or third offense within a five-year period. Any
32 subsequent offense within the same five-year period is a class A misdemeanor

33 2. If the suspension or revocation was imposed for violation of section 39-08-01 or
34 equivalent ordinance or was governed by section 39-06-31 or chapter 39-20, the sentence
35 must be at least four consecutive days' imprisonment and a fine as the court deems proper.
36 The execution of sentence may not be suspended or the imposition of sentence deferred
37 under subsection 3 or 4 of section 12.1-32-02. Forfeiture of bail is not permitted in lieu of the
38 defendant's personal appearance in open court for arraignment on a charge under this
39 subsection.

40 3. A court may ~~dismiss~~ ~~reduce~~ a charge under this section ~~to a disqualified driver~~ upon
41 motion by the defendant if The defendant's operator's license is reinstated within sixty days
42 of the date of the offense and the defendant provides to the court satisfactory evidence of
43 the reinstatement. Alternatively, a court may grant a motion to amend a charge under this
section to a violation of section 39-06-01.

SECTION 3. AMENDMENT: Section 39-06.1-09 is amended and reenacted as follows:
39-06.1-09. Moving violation defined.

1 For the purposes of sections 39-06.1-06 and 39-06.1-13, a "moving violation" means a
2 violation of section 39-04-11, 39-04-22, subsection 1 of section 39-04-37, section 39-
3 04-55, ~~39-06-01~~, 39-06-04, 39-06-14, 39-06-14.1, 39-06-16, 39-06.2-07, 39-08-20, 39-

4 08-23, 39-08-24, 39-08-25, 39-09-01, 39-09-01.1, 39-09-04.1, o 39-09-09, subsection 1
5 of section 39-12-02, section 39-12-04, 39-12-05, 39-12-06, 39-12-09, 39-19-03, 39-21-
6 45.1, 39-24-02, or 39-24-09, except subdivisions b and c of subsection 5 of section 39-
7 24-09, or equivalent ordinances; or a violation of the provisions of chapter 39-10, 39-
8 10.2, 39-21, or 39-27, or equivalent ordinances, except subsection 5 of section 39-10-
9 26, section 39-21-44, and subsections 2 and 3 of section 39-21-46, and those sections
10 within those chapters which are specifically listed in subsection 1 of section 39-06.1-08.

SECTION 4. AMENDMENT. Section 39-06.1-10(3)(a) is amended and reenacted as follows:

11 **39-06.1-10. Entries against driving record - Director duties - Hearings - Demerit**
12 **schedule - Suspension.**

13 1. If a report of a conviction of a traffic offense, or admission or adjudication of a traffic
14 violation is received by the director, the director shall proceed to enter the proper points
15 on the licensee's driving record. If the driving record shows that the licensee has
16 accumulated a total of twelve or more points, assigned on the basis of the schedule
17 contained in subsection 3, the director shall notify the licensee of the director's intention
18 to suspend the operator's license under section 39-06-33. For the purposes of this
19 chapter, the director also may receive and act on reports of traffic offense convictions
20 forwarded by federal, military, and tribal courts in this state.

21 2. If the director confirms, after hearing or opportunity for hearing, that the licensee's
22 driving record has an accumulated point total of twelve or more points, the director shall
23 Accumulated Point Total: Period of Suspension: a. Twelve 7 days b. Thirteen and
24 above 7 days for each point over eleven

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

27 a. Noncriminal Violations Noncriminal Adjudication or Admission of:

28 Points Assigned:

29 (23) Operating a motor vehicle without a license in 4 0 points
30 violation of section 39-06-01, or equivalent ordinance

SECTION 5 AMENDMENT. Section 39-06.1-06 is amended with a new sub-section added and reenacted as follows:

The fees required for a noncriminal disposition under section 39-06.1-02, 39-06-01 or 39-06.1-03 must be as follows:

10. For a violation of operating a motor vehicle while not being licensed under section 39-06-01, a fee of one hundred fifty dollars.