

## **CHAPTER 39-06 OPERATORS' LICENSES**

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

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

### **39-06-01.1. Special provisions for minor operators.**

1. The director shall cancel the operator's license of an individual who has committed acts resulting in an accumulated point total in excess of five points as provided for a violation under section 39-06.1-10 if:
  - a. The acts or offenses were committed while the individual was a minor; and
  - b. The individual admitted the violation, was found to have committed the violation by the official having jurisdiction, or pled guilty to, was found guilty of, or adjudicated to have committed the offense.
2. The director shall cancel the operator's license of an individual who has committed an alcohol-related offense or a drug-related offense while operating a motor vehicle if:
  - a. The offense was committed while the individual was a minor;
  - b. The individual was found to have committed the offense by the official having jurisdiction, or pled guilty to, was found guilty of, or adjudicated to have committed the offense;
  - c. The offense created an imminent risk of injury to another individual;
  - d. A lesser penalty would be ineffective to prevent future risk to another individual; and
  - e. The official having jurisdiction orders the director to cancel the operator's license.
3. If an individual has had that individual's license to operate a motor vehicle canceled under subsection 1 or 2, the director shall deem that individual to have never have had any license to operate a motor vehicle and may not issue any license to operate a motor vehicle other than an instruction permit or a restricted instruction permit after the completion of any period of suspension or revocation. After the issuance of an instruction permit or restricted instruction permit, the director may not issue any other operator's license to that individual until that individual:
  - a. Meets the requirements of section 39-06-17. The driver education requirement may be met through either an internet course or successfully completing a course at an approved commercial driver training school meeting the requirements of chapter 39-25; and
  - b. Satisfies all other requirements that apply to that individual for that operator's license.

### **39-06-01.2. Anatomical gifting.**

The application for nondriver photo identification cards and operator's licenses must include a statement making an anatomical gift and provide for the voluntary identification of the

applicant as a donor under chapter 23-06.6. In addition, identification of the applicant as a donor under chapter 23-06.6 may be completed by an online registry approved by the director. If the applicant's donor intention is made by the online registry, the intention must be recorded on the applicant's record. The intention is not required on the identification card or license unless a duplicate card is obtained or at the time of renewal. The department may not be held civilly or criminally liable for any act or omission in implementing and maintaining the online registration of donors.

**39-06-01.3. Compliance with federal selective service requirement.**

1. Upon submission of an application for an initial, renewal, or duplicate instruction permit, operator's license, or a nondriver identification card by a man at least eighteen years of age and under the age of twenty-six, the department shall provide for the registration of the applicant with the selective service system.
2. The department shall provide language on the application informing the applicant his signature on the application serves as an acknowledgment the applicant already has registered with the selective service system or the applicant consents to registration.
3. An applicant who objects to registration for conscientious, religious, or other grounds may contact the selective service system for alternative options.
4. The department shall forward the applicant's necessary personal information to the selective service system for registration.

**39-06-02. Individuals who are exempt from having an operator's license - Resident defined.**

1. The following individuals are exempt from having an operator's license:
  - a. An employee of the United States government while operating a motor vehicle owned by or leased to that government and being operated on official business.
  - b. A nonresident who is at least sixteen years of age, who has in that individual's immediate possession a valid operator's license issued to that individual in that individual's home state or country.
  - c. A member of the armed forces of the United States while that individual is stationed in North Dakota, if that individual has a valid current operator's license from another state.
  - d. An individual over sixteen years of age who becomes a resident of this state and who has in possession a valid operator's license issued to that individual under the laws of some other state or country or by military authorities of the United States for a period of not more than sixty days after becoming a resident of this state.
  - e. A member of the North Dakota national guard operating any military vehicles as authorized by a national guard operator's license while on duty.
2. For purposes of this chapter, an individual is deemed a resident of this state when the individual has lived in the state for ninety consecutive days, unless the individual is a nonresident student, a tourist, or a member of the armed forces.

**39-06-03. No operator's license to certain individuals.**

The director may not issue an operator's license:

1. To an individual who is under the age of sixteen years, except that the director may issue an instructional permit under section 39-06-04, a restricted permit under section 39-06-05, or a license under section 39-06-17.
2. To an individual whose license has been suspended or revoked in this state or in any other state during the suspension, except under section 39-06.1-03 or 39-06.1-11, or to any person whose license has been revoked, except under sections 39-06-35, 39-06-36, and 39-06.1-11.
3. To an individual who has previously been adjudged to be afflicted with or suffering from any mental disability or disease and who has not at the time of application been restored to competency by the methods provided by law.

4. To an individual who is required by this chapter to take an examination, unless the individual has successfully passed such examination.
5. To an individual who is required under the laws of this state to deposit security or file proof of financial responsibility and who has not deposited the security or filed the proof.
6. To an individual if the director has good cause to believe that the individual by reason of physical or mental disability would not be able to operate a motor vehicle with safety.
7. To an individual when the director has good cause to believe that the operation of a motor vehicle on the highways by that individual would be inimical to public safety or welfare.

**39-06-03.1. Nondriver photo identification card issued by director - Release of information - Penalty - Public awareness.**

1. The director shall issue a nondriver color photo identification card to any resident of this state who fulfills the requirements of this section. An application for an identification card must be made on a form furnished by the director. Within thirty days from receipt of a complete application that includes the applicant's social security number, unless the applicant is a nonimmigrant who is not eligible for a social security number, the director shall determine whether to issue and, if appropriate, issue a nondriver photo identification card to an applicant. The director may not withhold the issuance of a nondriver color photo identification card without reasonable cause. If the applicant is under the age of eighteen or at least the age of eighteen and under the age of twenty-one, the photo must be against the same color background required on a motor vehicle operator's license for an operator of that age. Subject to section 39-06-19, identification cards expire eight years from the date of issue and may be renewed. The application must contain other information as the director may require to improve identity security.
2. The director shall issue a nondriver color photo identification card to any resident who at the time of application is not a citizen of the United States and who fulfills the requirements of this section. The identification card must be designed in a manner to clearly make the card distinguishable from a similar card issued to a citizen of the United States and resident of this state. Upon the issuance of an identification card, the department of transportation shall provide a written notice that indicates the naturalized individual shall contact the department of transportation to update the individual's citizenship status. The individual shall update the citizenship status within forty-five days following naturalization. The director shall replace the card with a card issued to a citizen of this country and resident of this state only when proof of United States citizenship is provided by the individual and any applicable replacement fee listed in section 39-06-49 is paid. For identification cards issued under this subsection before August 1, 2023, the department of transportation shall provide by mail to each cardholder a written notice that indicates within the forty-five days following naturalization, the naturalized individual shall contact the department of transportation to update the individual's citizenship status.
3. To confirm the identity, date of birth, and legal presence of the applicant, the director or examining officer shall require satisfactory evidence be provided by the applicant. Satisfactory evidence includes a certified copy of the applicant's birth certificate or other evidence reasonably calculated to permit the determination of the date of birth, identification, and legal presence of the applicant by the director or examining officer. The director may require an applicant for an identification card to provide a social security card and proof of residence address.
4. The application fee is listed in section 39-06-49. Except for a duplicate or replacement card, the director may not charge a fee to provide a nondriver photo identification card to an eligible applicant.

5. Any information obtained by the director from an applicant for the issuance, renewal, or replacement of an identification card may not be released unless allowed under section 39-16-03.
6. The director may advertise the availability and the use of the card.
7. Identification cards issued under this section are sufficient identification for all identification purposes.

**39-06-04. Class D instruction permit.**

1. Any resident of this state who is at least fourteen years of age may apply to the director for a class D instruction permit.
2. The director may issue a class D instruction permit that entitles the applicant while having the permit in the permittee's immediate possession to drive a motor vehicle upon the public highways, if the individual:
  - a. Has successfully passed a standard written rules of the road knowledge test prescribed by the director;
  - b. Has successfully passed a vision examination; and
  - c. Has the written approval of the individual's parent or legal guardian.
3. The permittee must be accompanied by an individual with a class A, B, C, or D license in a vehicle allowed to be operated with a class D license, who is at least eighteen years of age, who has had at least three years of driving experience, and who is occupying a seat beside the driver. An individual other than the supervising driver and the permitholder may not be in the front seat unless the vehicle has only a front seat, in which case, the supervising driver must be seated next to the permitholder.
4. An individual who is not yet eighteen years of age is not eligible for a class D license until that individual has had an instruction permit issued for at least six months or at least twelve months if under the age of sixteen. The director may recognize an instruction permit issued by another jurisdiction in computing the six-month or twelve-month instructional period.
5. The permittee may not operate an electronic communication device to talk, compose, read, or send an electronic message while operating a motor vehicle that is in motion unless the sole purpose of operating the device is to obtain emergency assistance, to prevent a crime about to be committed, or in the reasonable belief that an individual's life or safety is in danger.

**39-06-05. Restricted instruction permit - When instruction permit not required - Driver's training course.**

1. The director upon receiving proper application may issue a restricted instruction permit effective for a school year or more restricted period to an applicant who is at least fourteen years of age and enrolled in a commercial driver training course that includes practice driving and which is approved by the director of the highway patrol under chapter 39-25. The restricted instruction permit entitles the permittee when the permittee has the permit in the permittee's immediate possession to operate a motor vehicle with an approved instructor occupying a seat beside the permittee and on a designated highway or within a designated area.
2.
  - a. Subject to subdivision b, any student enrolled in behind-the-wheel driver's training through a high school program approved by the superintendent of public instruction may operate a motor vehicle, under the supervision of a driver training instructor certified by the superintendent of public instruction, without a permit or license to operate a motor vehicle, if the school district sponsoring the driver's training program has an insurance policy covering any damage that may be done by a student while operating the vehicle and proof of coverage is filed with the superintendent of public instruction by the school district's insurance carrier. The insurance coverage must be in the amount required to establish proof of financial responsibility.
  - b. A student may not enroll in a driver's training course through a high school program approved by the superintendent of public instruction unless the student

will be at least fourteen years of age by the completion date of the classroom portion of the driver's training course. A student may not participate in the behind-the-wheel driver's training portion of the driver's training course until the student is at least fourteen years of age. A student must complete the driver's training course's required amount of behind-the-wheel driver's training before successfully completing the course.

**39-06-06. Temporary operator's permit.**

The director may issue a temporary operator's permit for the operation of a motor vehicle to an applicant for an operator's license pending an investigation and determination of facts relative to the applicant's right to receive an operator's license. The permit must be in the applicant's immediate possession while operating a motor vehicle and is invalid if the applicant's license has been issued or denied.

**39-06-07. Application for operator's license.**

1. An applicant for an operator's license must be made upon a form furnished by the director.
2. An applicant must state on the application the full name, date of birth, sex, social security number, unless the applicant is a nonimmigrant who is not eligible for a social security number or the applicant provides an affidavit stating the applicant was not assigned a social security number, residence and mailing address, and provide a brief description of the applicant. By signing the application the applicant is deemed to have certified that all information contained on the application is true and correct. The application must be accompanied by the fee listed in section 39-06-49. The application must contain any other information as the director may require to improve identity security. The director may require an applicant to provide a social security card and proof of residence address.
3. If an application is received from an individual previously licensed in another jurisdiction, the director may request a copy of the driver's record from the other jurisdiction. A copy of another jurisdiction's driving record becomes a part of the driving record in this state with the same force and effect as though entered on the driving record in this state in the original instance.

**39-06-07.1. Proof of name, date of birth, legal presence, and citizenship for operator's license application - License difference for citizens and noncitizens - Primary source identity documents.**

1. An applicant must verify the applicant's name, date of birth, and legal presence on any application by a certified birth certificate or any other documentary evidence that confirms to the satisfaction of the director the true identity, date of birth, legal presence, and citizenship of the applicant. The license issued to a noncitizen of the United States must be designed in a manner to distinguish the license clearly from a similar license issued to a citizen of the United States.
2. Primary source identity documents retained by the department are not public records.

**39-06-07.2. Medical advice - Use by director - Driver's duty to report certain injuries.**

1. The director is authorized to seek professional medical advice from a licensed medical care provider and to use that advice in decisions made by the director in regard to the issuance, renewal, suspension, revocation, or cancellation of an operator's license under this chapter. The director may receive advice in any manner.
2. In addition to advice sought and received under subsection 1, the director may consider information and advice received from an applicant's or motor vehicle operator's licensed health care provider. Any examination and report requested by the applicant, motor vehicle operator, or director under this chapter is at the expense of the applicant or motor vehicle operator.

3. Any licensed health care provider does not incur any liability for any opinion, recommendation, or advice provided to the director under subsection 1.
4. Advice and information received by the director under subsection 1 which relates to an individual applicant or motor vehicle operator is for the confidential use of the director in making decisions on the individual's qualifications as a driver, and the information may not be divulged to any person or used in evidence in any trial or proceeding except in matters concerning the individual's qualifications to receive or retain an operator's license.
5. In addition to other sources of information, general advice and information received by the director under this section may be used by the director in the adoption of administrative rules concerning medical criteria for driver licensing.
6. Before operating any motor vehicle the holder of an operator's license issued under this chapter who has suffered permanent loss of use of a hand, arm, foot, leg, or eye shall report the loss of use to the director who shall take reasonable action as may be proper under this chapter as to re-examination of the licensee to determine if the licensee is capable of operating vehicles for which the licensee is licensed.

#### **39-06-08. Application of minors.**

The application of any minor for an operator's license must be signed and verified before an individual authorized to administer oaths or the director, by the father, mother, or legal guardian, or if there is not a parent or legal guardian, then by another responsible adult who is willing to assume the obligation imposed under this chapter upon an individual signing the application of a minor. If the father, mother, or legal guardian is unable to appear, a father, mother, or legal guardian may designate, through a notarized document, an individual temporarily authorized to sign the application.

#### **39-06-09. Liability for negligence of minor - General.**

1. Subject to subsection 2, any negligence of a minor when driving a motor vehicle on a highway must be imputed to the individual who signed the application of the minor for an operator's license, or upon the father, mother, or legal guardian if signing authority has been temporarily transferred under section 39-06-08. This individual is jointly and severally liable with the minor for damages caused by the negligence, except as provided in section 39-06-10.
2. The negligence of a minor under subsection 1 may not be imputed to the individual who signed the application of the minor for an operator's license, or upon the father, mother, or legal guardian if signing authority temporarily has been transferred under section 39-06-08 for any injury or damage to that individual which was caused by the minor's negligence.

#### **39-06-10. Liability for negligence of minor - Proof of financial responsibility.**

If a minor provides proof of financial responsibility for the operation of a motor vehicle, then the director may accept the application of the minor.

#### **39-06-11. Cancellation of minor's license or permit upon request.**

An individual who has signed the application of a minor for a license may file with the director a verified written request to cancel the operator's license of the minor. Upon receipt of the request, the director shall cancel the operator's license of the minor and the individual who signed the application of the minor is relieved from the liability imposed under this chapter by reason of having signed the application on account of any subsequent negligence of the minor in operating a motor vehicle.

#### **39-06-12. Cancellation of an operator's license of a minor upon death of applicant.**

The director upon receipt of satisfactory evidence of the death of the individual who signed the application of a minor for an operator's license shall cancel the operator's license and may not issue a new license until a new application is made by the minor.

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

1. Unless otherwise provided in this chapter, the director shall examine every applicant for an operator's license. The examination must include a test of the applicant's eyesight; ability to read and understand highway signs regulating, warning, and directing traffic; and knowledge of the traffic laws of this state. The director shall make any written portion of the examination, except writing on illustrations of signs, available to an applicant in any widely practiced language. The director may waive the written portion of the examination for an applicant who has successfully passed a written examination in another state and has an operator's license that is not or in the process of being revoked, suspended, or canceled.
2. The director shall establish a process to administer the written portion of an examination for an operator's license through an online electronic medium. The director shall charge an applicant a fee of ten dollars to access the online written examination. The online examination must:
  - a. Use personal questions about the applicant before the examination which the applicant is required to answer during the examination, to strengthen test security to deter fraud; and
  - b. Require the applicant's parent or legal guardian to certify to the department the parent or legal guardian monitored the applicant during the online written examination, before issuance by the department of a class D instruction permit to an applicant who has passed the online examination.
3. The examination must include an actual demonstration of ability to exercise ordinary and reasonable control in the operation of a motor vehicle unless waived for an applicant who has successfully passed an actual ability test in this or another state conducted by a state licensing authority or by a commercial driver training school meeting the driver education requirements prescribed by the director under chapter 39-25. A minor may operate a motor vehicle no matter how owned for the actual ability test.
4. In lieu of an eyesight test, the applicant may provide a statement of examination from a licensed physician or an optometrist stating the corrected and uncorrected vision of the applicant, if the examination was within six months of the application.
5. The director may require any other physical or mental examination.

#### **39-06-13.1. Fee for examination of applicants.**

1. An applicant for an operator's license who is required to be tested to determine the applicant's knowledge of highway signs, regulating, warning, and directing traffic and of the traffic laws of this state shall pay a fee listed in section 39-06-49.
2. An applicant for an operator's license who is required to be tested to demonstrate the applicant's ability to exercise ordinary and reasonable control in the operation of a motor vehicle shall pay a fee listed in section 39-06-49.

### **39-06-14. Licenses issued to operators - General - Classified operator's license.**

1. Upon the payment of the application fee listed in section 39-06-49, the director shall issue to every qualified applicant an operator's license. An application for an operator's license must be made on a form furnished by the director. The operator's license must bear the full name, date of birth, residence address, and a brief description of the licensee.
2. The license must bear either a facsimile of the signature of the licensee or a space upon which the licensee shall write the licensee's usual signature. An operator's license is not valid unless signed by the licensee with the licensee's usual signature. For purposes of verification, the director may require the licensee to write the licensee's signature in the presence of the director.
3. The operator's license must bear a distinguishing number assigned to the licensee. The director may not issue a distinguishing number that is, contains, can be converted to, or is an encrypted version of the applicant's social security number.

4. The operator's license must bear a color photograph of the licensee. The director may adopt rules relating to the manner in which photographs are to be obtained and placed on an operator's license. The photograph may be produced by digital imaging or other electronic means and is not a public record. If the licensee is under the age of eighteen, the photograph must be against a color border or background that is different from the color used for other licensees. If the licensee is at least the age of eighteen and is under the age of twenty-one, the photograph must be against a color border or background that is different from the color used for other licensees.
5. The director shall issue an operator's license to any resident who at the time of application is not a citizen of the United States and who fulfills the requirements of this section. The license must be designed in a manner to distinguish the license clearly from a similar license issued to a citizen of the United States and resident of this state. Upon the issuance of a license, the department of transportation shall provide a written notice that indicates the naturalized individual shall contact the department of transportation to update the individual's citizenship status. The individual shall update the citizenship status within forty-five days following naturalization. The director shall replace the license with a card issued to a citizen of this country and resident of this state only when proof of United States citizenship is provided by the individual and the replacement fee listed in section 39-06-49 is paid. For licenses issued under this subsection before August 1, 2023, the department of transportation shall provide by mail to each licenseholder a written notice that indicates within the forty-five days following naturalization, the naturalized individual shall contact the department of transportation to update the individual's citizenship status.
6. Upon request and with adequate documentation, the director shall place an indicator on the face of an operator's license of a veteran. The veteran may make the request through the department of veterans' affairs.
7. An applicant holding a valid operator's license issued by this state and making application for renewal must be issued a class D license without being subjected to a written or actual ability examination. The director shall issue to any other applicant applying for issuance of an operator's license a classified license after a successful examination in the type of motor vehicle or combination of vehicles for the particular class of license and the particular license authorizes the holder to drive the particular class of vehicles as designated in section 39-06.2-09 or this chapter.
8. An individual with a class D license may operate:
  - a. A single vehicle with a gross vehicle weight rating of twenty-six thousand pounds [11793.40 kilograms] or less or this vehicle towing a vehicle with a gross vehicle weight rating not in excess of ten thousand pounds [4535.92 kilograms] or a combination of vehicles with a gross combination weight or a gross combination weight rating in excess of twenty-six thousand pounds [11793.40 kilograms] if the individual is eighteen years of age or older, unless the individual is driving a farm vehicle and meets the requirements of subdivision e of subsection 7 of this section and subsection 3 of section 39-06.2-06.
  - b. A farm tractor towing another vehicle having a gross weight in excess of ten thousand pounds [4535.92 kilograms].
  - c. A truck towing a trailer in excess of ten thousand pounds [4535.92 kilograms] if the combined weight does not exceed twenty-six thousand pounds [11793.40 kilograms] gross combination weight rating.
  - d. A house car or a vehicle towing a travel trailer being used solely for personal purposes.
  - e. A two-axle or tandem-axle motor vehicle, a triple-axle motor vehicle, and a truck or truck tractor towing a trailer, semitrailer, or farm trailer if the individual is exempted from a commercial driver's license under subsection 3 of section 39-06.2-06, except the individual may not operate a double trailer or triple trailer and an individual under eighteen years of age may not operate a truck tractor or a bus designed to carry sixteen or more passengers, including the driver.

9. Any holder of a classified license who drives a motor vehicle otherwise than as permitted by the class of license issued to the holder is deemed to be driving a motor vehicle without being duly licensed. The holder of a classified license who desires to obtain a different class license must exchange or renew the license. The director may adopt rules on renewals or exchanges for the proper administration of this chapter.

#### **39-06-14.1. Motorcycle operator's licenses and motorized bicycles.**

1. A resident of this state who is at least fourteen years of age may apply to the director for a class M learner's permit. An individual holding a class M learner's permit for the operation of a motorcycle may not operate the motorcycle during the hours when the use of headlights are required under section 39-21-01 or carry or transport any passenger. Any learner's permit may be renewed or a new permit issued for an additional period.
2. An individual with a class M license may operate any motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding motorized bicycles and tractors.
  - a. The holder of a class A, B, C, or D license may receive a class M endorsement upon successful completion of an examination. The director may waive the skill portion of the examination if the applicant has successfully completed a motorcycle safety course approved by the director.
  - b. An applicant sixteen years of age and older, who does not hold a current valid operator's license, may be issued a class M learner's permit after successful completion of a written examination. The class M license must be issued after the applicant has successfully completed a driver's examination. The director may waive the skill portion of the examination if the applicant has successfully completed a motorcycle safety course approved by the director.
  - c. Applicants fourteen or fifteen years of age may be issued a motorcycle learner's permit if the applicant is enrolled in or has completed an approved motorcycle safety course. Applicants for a motorcycle operator's license who are under sixteen years of age must hold an initial learner's permit for at least two months before applying for a class M operator's license, must have completed an approved motorcycle safety course, and must hold a valid motorcycle learner's permit at the time of application. The director may waive the skill portion of the examination if the applicant has successfully completed a motorcycle safety course approved by the director. Any person under sixteen years of age who holds a permit or license may not operate a motorcycle powered with an engine in excess of five hundred ten cubic centimeters displacement. Evidence that the applicant has satisfactorily completed a motorcycle safety course which meets the minimum requirements of the motorcycle safety foundation must accompany the application.
3. The director may issue a motorized bicycle operator's permit to an applicant who is at least fourteen years of age. To obtain a permit, the applicant shall pay a fee as listed in section 39-06-49 and take a written examination of the applicant's knowledge of traffic laws and general rules of the road. If the applicant passes the written examination and the director is satisfied that the applicant has adequate eyesight, the director may issue the applicant a motorized bicycle operator's permit, even if the applicant does not have an operator's license. The permit expires in the same manner as an operator's license. A person who has an operator's license, a temporary permit, an instruction permit, or a motorcycle permit is not required to obtain a motorized bicycle operator's permit.

#### **39-06-14.2. Driver license central identity management.**

1. The director shall provide central identity management for all state agencies for citizens who possess a nondriver photo identification card or driver's license using driver record data. Upon an individual's change in citizenship status under section

- 39-06-03.1 or 39-06-14, the director shall report to the secretary of state the individual's updated information as required under section 16.1-02-09.
2. The director will provide access for identity verification. The director may not allow entities to transfer or collect identification data from the driver's license database, but shall create processes and procedures that enable verification of data without direct release of the data, except as authorized in chapter 39-33.
  3. The director shall develop procedures to comply with this section.

**39-06-14.3. Electronic operator's license.**

1. The department shall implement a computerized licensing system that allows a licensed motor vehicle operator to provide electronic proof of valid licensing on an electronic communications device.
2. The electronic proof of valid licensing may be used:
  - a. When being stopped by a law enforcement officer for the purpose of enforcing or investigating the possible violation of an ordinance or state law; or
  - b. For identification purposes.
3. The electronic operator's license must be designed so that there is no need for the credential holder to relinquish possession of the device in which the electronic credential system is installed in order to present the credential, or for the individual to whom the credential is presented to access the verification system to confirm the validity of the credential.
4. The computerized licensing system may not transmit or transfer any information contained on an electronic operator's license without authorization from the licensed motor vehicle operator.
5. In case of a discrepancy between a physical and electronic credential, the electronic credential takes priority and is considered to provide the current information.
6. The electronic credential and verification systems must be designed to protect the credential holder's privacy, including the use of privacy enhancing technology or other appropriate methods. If the department enters an agreement with a third-party electronic credential system provider, the agreement must require the third-party electronic credential system provider to take appropriate measures to protect the credential holder's privacy.
7. In addition to the fees required by section 39-06-49 for an operator's license, a substitute operator's license, and an operator's license renewal:
  - a. An initial fee of five dollars is required from a licensed motor vehicle operator seeking to possess an electronic operator's license; and
  - b. The fee for an electronic operator's license renewal is five dollars.
8. The director may adopt rules necessary for the effective implementation of an electronic operator's licensing system.

**39-06-15. Commissioner may appoint agents to issue licenses - Fees.**

Repealed by S.L. 1967, ch. 292, § 21.

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

An individual licensed to operate a motor vehicle shall have a physical or electronic operator's license in the individual's immediate possession at all times when operating a motor vehicle and shall physically surrender or electronically provide an operator's license, upon demand of any court, police officer, or a field deputy or inspector of the department. However, an individual charged with violating this section may not be convicted or assessed any court costs if the individual produces within fourteen days to the office of the prosecutor where the matter is pending, a valid operator's license issued to that individual that is not under suspension, revocation, or cancellation at the time of the individual's arrest.

### **39-06-17. Restricted licenses - Penalty for violation.**

1. Upon issuing an operator's license or a temporary restricted operator's license under section 39-06.1-11, the director may impose restrictions suitable to a licensee's driving ability with respect to the type of motor vehicle, special mechanical control devices required on a motor vehicle that the licensee may operate, or any other restrictions applicable to the licensee as the director may determine to be appropriate to assure the safe operation of a motor vehicle by the licensee. The director may either issue a special restricted class D license or may state the restrictions upon the usual license form. In the same manner, the director shall restrict licenses under section 39-16.1-09.
2. The director may issue a restricted class D license to operate the parent's, guardian's, grandparent's, sibling's, aunt's, or uncle's automobile to a minor, who is at least fifteen years of age, and otherwise qualified, upon the written recommendation of the parent or guardian. A minor may operate a motor vehicle that is not the parent's or guardian's to take the actual ability test. The parent, guardian, grandparent, sibling, aunt, or uncle at all times is responsible for any and all damages growing out of the negligent operation of a motor vehicle by a minor. A restricted class D license may not be issued to a minor unless the minor, accompanied by the parent or guardian, appears in person and satisfies the director that:
  - a. The minor is at least fifteen years of age;
  - b. The minor is qualified to operate an automobile safely;
  - c. It is necessary for the child to drive the parent's, guardian's, grandparent's, sibling's, aunt's, or uncle's automobile without being accompanied by an adult;
  - d. The minor has successfully completed an approved driver's education course that includes a course of classroom instruction and a course of behind-the-wheel instruction acceptable to the director or has successfully completed a course at an approved commercial driver training school; and
  - e. The minor has accumulated a minimum of fifty hours of supervised, behind-the-wheel driving experience in various driving conditions and situations that include night driving; driving on gravel, dirt, or aggregate surface road; driving in both rural and urban conditions; and winter driving conditions.
3. The provisions of subsection 2 do not authorize a minor to drive a commercial truck, motorbus, or taxicab except the holder of a restricted class D license may drive a farm motor vehicle having a gross weight of fifty thousand pounds [22679.62 kilograms] while used to transport agricultural products, farm machinery, or farm supplies to or from a farm when so operated within one hundred fifty miles [241.40 kilometers] of the driver's farm.
4. A minor with a restricted class D license issued under subsection 2 may operate the type or class of motor vehicle specified on the restricted license under the following conditions:
  - a. A restricted licenseholder must be in possession of the license while operating the motor vehicle.
  - b. An individual holding a restricted class D license driving a motor vehicle may not carry more passengers than the vehicle manufacturer's suggested passenger capacity.
  - c. An individual holding a restricted class D license driving a motor vehicle may not operate an electronic communication device to talk, compose, read, or send an electronic message while operating a motor vehicle that is in motion unless the sole purpose of operating the device is to obtain emergency assistance, to prevent a crime about to be committed, or in the reasonable belief that an individual's life or safety is in danger.
  - d. An individual holding a restricted class D license may not operate a motor vehicle between the later of sunset or nine p.m. and five a.m. unless a parent, legal guardian, or an individual eighteen years of age or older is in the front seat of the motor vehicle or the motor vehicle is being driven directly to or from work, an official school activity, or a religious activity.

5. Upon receiving satisfactory evidence of any violation of the restrictions of a license, the director may suspend or revoke the license but the licensee is entitled to a hearing as upon a suspension or revocation under this chapter.
6. It is a class B misdemeanor for an individual to operate a motor vehicle in any manner in violation of the restrictions imposed under this section except for the restrictions in subsection 4.
7. If a temporary restricted license is issued under section 39-06.1-11 and the underlying suspension was imposed for a violation of section 39-08-01 or equivalent ordinance, or is governed by chapter 39-20, punishment is as provided in subsection 2 of section 39-06-42. Upon receiving notice of the conviction the director shall revoke, without opportunity for hearing, the licensee's temporary restricted license and shall extend the underlying suspension for a like period of not more than one year.
8. If the conviction referred to in this section is reversed by an appellate court, the director shall restore the individual to the status held by the individual before the conviction, including restoration of driving privileges if appropriate.

**39-06-18. Substitute operator's license.**

If an operator's license or nondriver photo identification card issued under this chapter is lost, mutilated, or destroyed, or contains erroneous information due to a change in name, address, or for any other reason, the individual to whom the operator's license or identification card was issued may obtain a substitute, by providing documentation that confirms to the satisfaction of the director the true identity, date of birth, and legal presence of the applicant and provide a social security card or other satisfactory evidence of a social security number and proof of residence address, if not previously completed or if there are changes to the information already on file, and upon payment of a fee listed in section 39-06-49.

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

1. Every operator's license issued under this chapter or chapter 39-06.2 expires and is renewed according to this section.
2. The expiration date of a noncommercial operator's license for an individual whose birth occurred in a year ending in an odd numeral is twelve midnight on the anniversary of the birthday in the third subsequent year ending in an odd numeral, except for an individual who, at the time of renewal, is seventy-eight years of age or older is twelve midnight on the anniversary of the birthday in the second subsequent year ending in an odd numeral. The expiration date of a noncommercial operator's license for an individual whose birth occurred in a year ending in an even numeral is twelve midnight on the anniversary of the birthday in the third subsequent year ending in an even numeral, except for an individual who, at the time of renewal, is seventy-eight years of age or older is twelve midnight on the anniversary of the birthday in the second subsequent year ending in an even numeral.
3. The expiration date of a commercial operator's license for an individual whose birth occurred in a year ending in an odd numeral is twelve midnight on the anniversary of the birthday in the second subsequent year ending in an odd numeral. The expiration date of a commercial operator's license for an individual whose birth occurred in a year ending in an even numeral is twelve midnight on the anniversary of the birthday in the second subsequent year ending in an even numeral.
4. An individual who has a valid, unexpired nonimmigrant visa or nonimmigrant visa status for entry into the United States, a pending application for asylum in the United States, a pending or approved application for temporary protected status in the United States, approved deferred action status, or a pending application for adjustment of status to that of an alien lawfully admitted for permanent residence or conditional permanent residence status in the United States will be issued a temporary operator's license or nondriver photo identification card. The temporary operator's license or identification card is valid only during the period of time of the applicant's authorized stay in the United States or, if there is no definite end to the period of authorized stay,

a period of one year. The license or card may be renewed only upon presentation of valid documentary evidence that the status has been extended.

5. An applicant for renewal must present the application with the fee for renewal of license to the director not before ten months prior to the expiration date of the operator's license. The director may require an examination of an applicant as upon an original application. The director may require an applicant for renewal or a substitute to provide documentation that confirms to the satisfaction of the director the true identity, date of birth, and legal presence of the applicant and provide a social security card or other satisfactory evidence of a social security number and proof of residence address, if not previously completed or if there are changes to the information already on file. The director may not issue a distinguishing number that is, contains, can be converted to, or is an encrypted version of the applicant's social security number.
6. The director may not renew an operator's license if the license has been suspended under section 14-08.1-07. Upon the recommendation of the court, the director may issue a temporary permit to the licensee under section 39-06.1-11 if the temporary permit is necessary for the licensee to work and the court has determined the licensee is making a good-faith effort to comply with the child support order.
7. An applicant for renewal of an operator's license must provide a certificate of examination from the driver licensing or examining authorities or a statement as to the corrected and uncorrected vision of the applicant from a licensed physician or an optometrist, except as required under subsection 9. The director shall provide visual examination equipment at each location where a license may be renewed.
8. An individual submitting an application and the fee for renewal of license one year or more after the expiration of a license, except an applicant whose military service has terminated less than thirty days prior to the application, must be treated as an initial applicant.
9. A noncommercial applicant may apply by mail or electronically for renewal of a license during every other renewal cycle, except as otherwise provided by subsection 10. The director may use vision information provided by the applicant to meet vision requirements for applicants under seventy years of age and adopt procedures necessary to implement this subsection.
10. A noncommercial applicant for an operator's license may not renew by mail or electronically if the applicant is seeking a new photo or changes to the information on the face of the physical operator's license.

**39-06-19.1. Extended term of license held by members of the armed forces - Limitations.**

A valid operator's license issued under this chapter to a resident of this state who enters or is in the United States armed forces and serving on active duty continues in full force and effect so long as the active service continues and the licensee remains absent from this state, and for not to exceed thirty days following the date on which the holder of this license is honorably separated from this service or returns to this state, unless the license is sooner suspended, canceled, or revoked for cause. The license is valid only if in the immediate possession of the licensee while driving and the licensee has the licensee's discharge or separation papers, if the licensee has been discharged or separated from the service, or has documentation authorizing the licensee to be absent from the licensee's duty station in the licensee's immediate possession.

**39-06-19.2. Renewal of license held by out-of-state individual.**

The director may renew an operator's license issued to an individual who is a resident of this state or to a spouse who is a resident of this state, if the individual or spouse is out of state as a result of the employment of the individual or the other spouse with a governmental entity or a business organization, including the United States armed forces or foreign service. The director shall develop procedures and requirements for a renewal under this section.

### **39-06-20. Notice of change of address or name.**

If an individual after applying for or receiving an operator's license or identification card moves from the address named on the license or identification card, or if the name is changed by marriage or otherwise, that individual within ten days after moving or the name change shall notify the director in writing or in person of that individual's old and new addresses or of the individual's former and new names and of the number of any operator's license or identification card then held by that person. An individual may obtain a corrected operator's license or identification card for address only changes, but must obtain a new operator's license or identification card for a name change, by making an application as provided for in section 39-06-18. The department may change the address based on information received from any authorized address correction service of the United States postal service. The department may also develop procedures for receiving notification of address changes by electronic means.

### **39-06-21. Filing application records.**

The director shall file and maintain each application for a license with suitable indexes containing:

1. All applications denied and on each denied application note the reason for the denial;
2. All applications granted; and
3. The name of every licensee whose operator's license has been suspended, revoked, canceled, or restricted by the department and after each name state the reasons for such actions.

### **39-06-22. Driving records of licensees.**

The director shall file all accident reports and abstracts of court records of convictions received by the director under the laws of this state and maintain convenient records or make suitable notations in order that each record of each licensee showing the convictions of the licensee and the traffic accidents in which the licensee has been involved is readily ascertainable and available for the consideration of the director.

### **39-06-23. Definition of suspension, revocation, and cancellation.**

Repealed by S.L. 2013, ch. 291, § 62.

### **39-06-24. Authority to cancel licenses.**

1. The director shall cancel any operator's license or nondriver photo identification card upon determining that the individual is not entitled to the issuance of the document or that the individual failed to give the required or correct information on the application or the fee was invalid. Invalid fees include being in the form of an insufficient fund or no-account check or a credit or debit card in which the transaction was canceled by the applicant before the department received correct payment. The making of a false statement in any application for an operator's license or nondriver photo identification card, concerning the applicant's age or the prior loss of driving privileges through a cancellation, suspension, revocation, or similar sanction in any state, is grounds for the director to cancel any document or privilege issued on the basis of the application.
2. Upon cancellation, the holder shall surrender the nondriver photo identification card to the director or any police officer may take custody of the card.

### **39-06-25. Suspending privileges of nonresidents.**

The privilege of driving a motor vehicle on the highways of this state given to a nonresident is subject to suspension or revocation by the director in like manner and for like cause as an operator's license issued in this title may be suspended or revoked.

### **39-06-26. Reporting convictions, suspensions, or revocations of nonresidents.**

1. Upon receiving a record of the conviction or adjudication in this state of a nonresident driver of a motor vehicle of any offense under the motor vehicle laws of this state, or

an equivalent ordinance, the director may notify the licensing authority in the state in which the nonresident resides or is licensed.

2. If a nonresident's operating privilege is suspended or revoked under the law of this state, the director shall notify the licensing authority in the state in which the nonresident resides or is licensed.

**39-06-27. Suspending licenses upon conviction, suspension, or revocation in another jurisdiction.**

1. The director may suspend or revoke the operator's license of any resident of this state or the privilege of a nonresident to operate a motor vehicle in this state upon receiving notice of the conviction of that individual in a tribal court or in another state of an offense, which if committed in this state would be grounds for the suspension or revocation of an operator's license of an operator. The director may act on a report of a conviction in tribal court received from any tribal law enforcement agency. This section may not be construed as authorizing the assessment of points against a resident's driving record in accordance with chapter 39-06.1, except upon conviction of a resident driver for a criminal offense in a tribal court or in another state which is equivalent to one of those offenses defined in section 39-06.1-05. A suspension or revocation may not be imposed for convictions for driving under suspension or revocation on an Indian reservation or in another state if a valid operator's license from this state was in effect at the time of the violation. For purposes of this section, originals, photostatic copies, and electronic transmissions of the records of the driver's licensing or other authority of the other jurisdiction are sufficient evidence even if not certified copies.
2. Upon receipt of a certification that the operating privileges of a resident of this state have been suspended or revoked on an Indian reservation or in any other state under a law providing for the suspension or revocation for failure to deposit security for the payment of judgments arising out of a motor vehicle accident if under circumstances that would require the director to suspend a nonresident's operating privileges had the accident occurred in this state, the director shall suspend the license of the resident if the resident was the driver of a motor vehicle involved in the accident. The suspension continues until the resident furnishes evidence satisfactory to the director of the resident's compliance with the laws of the Indian reservation or the other state relating to the deposit of security or payment of a judgment arising out of a motor vehicle accident, to the extent that compliance would be required if the accident had occurred in this state.

**39-06-28. Courts to forward license to director upon certain convictions.**

If an individual is convicted of any offense for which this chapter requires the revocation of the operator's license of that individual by the director, the court of the conviction shall require the surrender to the court of any operator's license then held by the convicted individual. The court shall then forward the operator's license and a record of the conviction to the director.

**39-06-29. Courts to report records of certain convictions.**

Repealed by S.L. 1981, ch. 386, § 3.

**39-06-29.1. Authority to suspend licenses of juveniles.**

Repealed by S.L. 1983, ch. 415, § 39.

**39-06-30. Conviction - Meaning and effect.**

Repealed by S.L. 2013, ch. 291, § 62.

**39-06-31. Revocation of licenses.**

1. A period of revocation is at least thirty days and not more than one year, unless otherwise provided by law.

2. The director shall revoke for a period of one year or for a period as may be recommended by the trial court, the operator's license of an individual upon receiving a record of the individual's conviction of any of the following offenses:
  - a. A felony in which a motor vehicle was used in the commission of the felony.
  - b. A misdemeanor resulting from the operation of a motor vehicle and causing serious bodily injury, as defined in section 12.1-01-04, to another individual.
  - c. The making of a false affidavit or statement under oath to the director under this chapter or under any other law relating to the ownership or operation of motor vehicles.
3. The revocation of the license under this section may be beyond any time of imprisonment or court-ordered addiction treatment.

**39-06-32. Authority to suspend licenses.**

The director may suspend the operator's license of an individual, after hearing, upon proof by a fair preponderance of the evidence, that any of the following apply to the licensee:

1. Commission of an offense for which mandatory revocation of license is required upon conviction.
2. Incompetence to drive a motor vehicle.
3. Unlawful or fraudulent use of an operator's license.
4. Refusal to submit to an implied consent chemical test on an Indian reservation or in another state. For purposes of this subsection, the specific requirements for establishing a refusal used on the Indian reservation or in the other state may not be considered, and photostatic copies of the records of the other jurisdiction's driver's licensing authority are sufficient evidence of the refusal whether those copies are certified. The suspension must be for the same length of time as the revocation in section 39-20-04. If the refusal arose out of an arrest or stop of an individual while operating a commercial motor vehicle, the period of suspension must be the same as the period of revocation provided in section 39-06.2-10.
5. Failure, as shown by the certificate of the court, to pay a fine or serve any other sentence as ordered by a court upon conviction for any criminal traffic offense.
6. Failure, as shown by the certificate of the court, to appear in court or post and forfeit bond after signing a promise to appear, if signing is required by law, in violation of section 39-06.1-04, willful violation of a written promise to appear in court, in violation of section 39-07-08, or violation of equivalent ordinances or laws in another jurisdiction. Upon resolution by the operator of the underlying cause for a suspension under this subsection, as shown by the certificate of the court, the director shall record the suspension separately on the driving record. This separate record is not available to the public.
7. An administrative decision on an Indian reservation or in another state that the licensee's privilege to drive on that Indian reservation or in that state is suspended or revoked because of a violation of that Indian reservation's or state's law forbidding motor vehicle operation with an alcohol concentration of at least eight one-hundredths of one percent by weight or, with respect to a person under twenty-one years of age, an alcohol concentration of at least two one-hundredths of one percent by weight, or because of a violation of that Indian reservation's or state's law forbidding the driving or being in actual physical control of a commercial motor vehicle while having an alcohol concentration of at least four one-hundredths of one percent by weight. The specific requirements for establishing the violation on the Indian reservation or in the other state may not be considered and certified copies of the records of the Indian reservation's or other state's driver's licensing authority are sufficient evidence of the violation. The suspension must be for the same duration as the suspension in section 39-20-04.1, if the violation does not involve a commercial motor vehicle. If the violation involves a commercial motor vehicle, the period of suspension must be the same as the period of suspension provided in section 39-06.2-10. For purposes of this section, originals, photostatic copies, or electronic transmissions of the records of the driver's

licensing or other authority of the other jurisdiction are sufficient evidence whether they are certified copies.

8. Conviction of an offense under this title and it appears from the director's records that the offense contributed to causing an accident which resulted in death or serious personal injury or serious property damage. A suspension may not be imposed if the individual has been sanctioned for the same offense under section 39-06-31.

#### **39-06-32.1. Suspension of child's driving privileges.**

Upon receipt of a copy of an order of a juvenile court ordering the suspension of a child operator's license, the director shall suspend the operator's license and make notation of the length of time of the suspension. During the time of the suspension, an application for a class D instruction permit may not be accepted from the child. For purposes of this section, "child" is defined by section 27-20.4-02.

#### **39-06-33. Hearings on suspension or revocation.**

1. If an operator's license is suspended or revoked under section 39-06-32 or 39-06.1-10 or chapter 39-16 or 39-16.1, the director shall give notice of intention to suspend to the licensee by mailing the notice to the licensee at the address of record in the department under section 39-06-20. Actual notice of the opportunity for a hearing under this section must be deemed to have occurred seventy-two hours after the notice is mailed by regular mail. The licensee has ten days after the date of mailing of the notice to request, in writing or by other means authorized by the director, a hearing on the intended suspension or revocation.
2. Any hearing conducted under this section and any appeal from the decision of the hearing must be conducted under chapter 28-32, except the hearing must be heard within sixty days of the receipt of the request for hearing and in the county of the licensee's residence, unless the parties agree to a different time and place for the hearing. A hearing under this section may be conducted by telephone, television, virtual online interface, or other electronic means with the consent of the licensee. At the hearing, the regularly kept records of the director may be introduced and are prima facie evidence of their content without further foundation.
3. The mailing of the decision and the resulting order by regular mail to the address recorded in the files of the director under section 39-06-20 is sufficient notice. If a suspension is ordered, a re-examination of the licensee may be required.
4. If a suspension is ordered under subsection 2 of section 39-06-32, the notice must include a specific description of the conditions which led to the conclusion that the licensee is incompetent to drive a motor vehicle. If during the suspension those conditions dissipate, the licensee may request another hearing on the issue of competence to drive a motor vehicle. The hearing must be held in the manner required under subsections 2 and 3 for the original suspension.

#### **39-06-33.1. Authority to suspend licenses after traffic death or injury - Show cause order required.**

Repealed by S.L. 1987, ch. 460, § 16; S.L. 1987, ch. 461, § 4.

#### **39-06-34. Director may require re-examination.**

In addition to any other power, the director, having good cause to believe that an individual with an operator's license is incompetent or otherwise not qualified for the operator's license, may upon written notice of at least five days to the individual require the individual to submit to such physical, mental, or driver's examination as may be deemed necessary by the director. If the director has good cause to believe that the individual presents an immediate danger to the motoring public, the director may immediately, and without prior notice, suspend the operator's license of the individual pending the examination. The notice of suspension must provide the individual with the opportunity for a hearing within five days of the receipt of the notice of suspension. When a hearing is requested, the hearing must be conducted under section

39-06-33 and the hearing officer's recommended decision must be rendered within two days of the conclusion of the hearing. Upon the conclusion of the examination, the director shall take action as may be appropriate and may suspend or revoke the license of the individual or permit the individual to retain the license, or may issue a license subject to restrictions as permitted under section 39-06-17. The director may suspend or revoke the operator's license of the individual for refusal or neglect of the individual to submit to an examination.

**39-06-34.1. Court may require re-examination.**

In addition to any other powers, the court, upon finding of a moving motor vehicle violation which leads the court to believe an individual with an operator's license is not qualified for the operator's license, may direct the director to require the individual to submit to re-examination under section 39-06-13. Written notice of at least five days must be given to the individual by the director of the re-examination. Upon the conclusion of the examination, the director shall take action as may be appropriate and may suspend or revoke the license of the individual or permit the individual to retain the operator's license, or may issue a license subject to restrictions as permitted under section 39-06-17. The director may suspend or revoke the operator's license of the individual for refusal or neglect of the individual to submit to the examination.

**39-06-35. Period of suspension.**

1. After the period of suspension imposed under this title, the operator's license of an individual that has been suspended remains suspended and may not be returned or reinstated until the individual pays to the director a reinstatement fee as listed in section 39-06-49. If applicable, the operator's license may not be returned until compliance with subsection 4 of section 39-06.1-10. Upon payment of the reinstatement fee the license must be returned to the individual. If the individual submits payment of the reinstatement fee with a check, credit card, or debit card and the individual stops payment on the transaction, the director shall reimpose the suspension until the director receives proper payment.
2. A reinstatement fee is not required for a license to be returned to the operator if the return of the license is due to the findings of a hearing, re-examination of hearing, or court or judicial review under chapter 39-06, 39-06.1, or 39-20.

**39-06-36. Restoration of revoked licenses.**

An individual whose operator's license has been revoked is not entitled to have the operator's license renewed or restored unless the revocation was for a cause which has been removed, except that after the expiration of the revocation period the individual may make application for a new license, but the director may not then issue a new license unless the director is satisfied after investigation of the individual's driving records, driving habits, and driving ability of the individual that it will be safe to grant an operator's license to that individual. An individual whose operator's license has been revoked must pay to the director a revocation reinstatement fee as listed in section 39-06-49, in addition to any license renewal fee, for issuance of a new license. If the individual submits payment of a reinstatement fee with a check, credit card, or debit card and the individual stops payment on the transaction, the director shall reimpose a suspension until the director receives proper payment. A reinstatement fee is not required if a revoked license is reinstated due to the findings of a hearing, re-examination of hearing, or court or judicial review as provided under chapter 39-06, 39-06.1, or 39-20.

**39-06-36.1. Restoration of revoked or suspended licenses - Successful completion of treatment court.**

Upon an individual's successful completion of an approved adult treatment court program, if ordered by the district court, the director shall reinstate the driving privileges of the individual for any noncommercial license suspension or revocation imposed under law. A reinstatement fee is not required for reinstatement of driving privileges under this section.

**39-06-37. Duration of multiple suspensions and revocations for separate violations.**

1. A suspension, revocation, or cancellation ordered under this title must be deemed to have commenced when the order is delivered to the licensee at the address of record in the department under section 39-06-20. Constructive delivery under this section must be considered as occurring forty-eight hours after the order is mailed to the person by regular mail.
2. Unless otherwise specifically provided in this title, any suspension, revocation, cancellation, or denial of licensing ordered under this title must be in addition to, and run consecutive to, any other or existing suspension, revocation, cancellation, or denial of licensing ordered for a separate violation.

**39-06-38. No operation under foreign license during suspension or revocation in this state.**

Any resident or nonresident whose operator's license in this state has been suspended or revoked under this title may not operate a motor vehicle in this state under a license, permit, or registration certificate issued by any other jurisdiction or otherwise during the suspension or after the revocation until a new operator's license is obtained when and as permitted under this title.

**39-06-39. Review by court.**

Repealed by S.L. 1987, ch. 461, § 4.

**39-06-40. Unlawful use of license - Penalty.**

1. It is a class B misdemeanor for an individual:
  - a. To display or cause or permit to be displayed or have in possession any canceled, revoked, fictitious, or fraudulently altered operator's license or nondriver photo identification card;
  - b. To lend that individual's operator's license or nondriver photo identification card to any other individual or knowingly permit the use of that individual's operator's license or nondriver photo identification card by another individual;
  - c. To display or represent as an individual's own any operator's license or nondriver photo identification card not issued to that individual;
  - d. To fail or refuse to surrender to the director upon demand any operator's license or nondriver photo identification card that has been suspended, revoked, or canceled;
  - e. To permit any unlawful use of an operator's license or nondriver photo identification card issued to that individual; or
  - f. To use a false or fictitious name in any application for an operator's license or nondriver photo identification card or to knowingly make a false statement or to conceal a material fact or otherwise commit a fraud in the application.
2. Within five days of receiving a record of conviction or other satisfactory evidence of the violation of this section, the director shall revoke the individual's operator's license or nondriver photo identification card. The director may set the period of revocation, not to exceed six months.

**39-06-40.1. Reproducing operator's license - Penalty.**

1. It is unlawful for an individual to print, photograph, photostat, duplicate, alter, or in any way reproduce any operator's license, nondriver photo identification card, or facsimile of an operator's license or card, or to print, photograph, photostat, duplicate, alter, or in any way reproduce any document used in the production of any operator's license or card or facsimile of an operator's license or card, in a manner that it would be mistaken for a valid license or document containing valid information, or to display or have in possession any print, photograph, photostat, duplicate, reproduction, or facsimile unless authorized by law.

2. It is unlawful for an individual to alter in any manner any operator's license or nondriver photo identification card or to display or have in possession an altered operator's license or nondriver photo identification card.
3. An individual violating this section is guilty of a class B misdemeanor.
4. Within five days of receiving a record of conviction or other satisfactory evidence of the violation of this section, the director shall revoke the operator's license or cancel the nondriver photo identification card of the individual. The director may set the period of revocation, not to exceed six months.

**39-06-41. Making false affidavit perjury.**

Repealed by omission from this code.

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

1. Except as provided in section 39-06.1-11, an individual who operates a motor vehicle on a highway or on public or private areas to which the public has a right of access for vehicular use in this state while an individual's operator's license is suspended or revoked in any jurisdiction is guilty of a class B misdemeanor for the first, second, or third offense within a five-year period. Any subsequent offense within the same five-year period is a class A misdemeanor.
2. If the suspension or revocation was imposed for violation of section 39-08-01 or equivalent ordinance or was governed by section 39-06-31 or chapter 39-20, the sentence must be at least four consecutive days' imprisonment and a fine as the court deems proper. The execution of sentence may not be suspended or the imposition of sentence deferred under subsection 3 or 4 of section 12.1-32-02. Forfeiture of bail is not permitted in lieu of the defendant's personal appearance in open court for arraignment on a charge under this subsection.
3. A court may dismiss a charge under this section upon motion by the defendant if the defendant's operator's license is reinstated within sixty days of the date of the offense and the defendant provides to the court satisfactory evidence of the reinstatement. Alternatively, upon motion, a court may grant a motion to amend a charge under this section to a violation of section 39-06-01.
4. In addition to any other punishment imposed, the court may order the number plates of the motor vehicle owned and operated by the offender at the time of the offense to be destroyed by the sheriff. If a period of suspension has been extended under subsection 6 of section 39-06-17, the court may order the number plates to be destroyed under this subsection. The offender shall deliver the number plates to the court without delay at a time certain as ordered by the court following the conviction. The court shall deliver the number plates to the sheriff and notify the department of the order. An offender who does not provide the number plates to the court at the appropriate time is subject to revocation of probation.
5. A city may authorize, by ordinance, its municipal judge to order destruction of motor vehicle number plates by the office of the police officer that made the arrest in the manner provided in subsection 4.

**39-06-43. Extension of license suspension or revocation.**

1. The director upon receiving a record of the conviction of an individual upon a charge of driving a vehicle while the operator's license of the individual was suspended shall extend the period of that suspension for an additional:
  - a. Like period not to exceed ninety days if the operator's record for the three years preceding the most recent violation of section 39-06-42 or equivalent ordinance shows the individual's operator's license or privilege has not been suspended, revoked, or denied for a prior violation of section 39-06-42 or equivalent ordinance;

- b. One hundred eighty days if the operator's record for the three years preceding the most recent violation of section 39-06-42 or equivalent ordinance shows the individual's operator's license or privilege has been once suspended, revoked, or denied for a prior violation of section 39-06-42 or equivalent ordinance; or
  - c. One year if the operator's record for the three-year period preceding the most recent violation of section 39-06-42 or equivalent ordinance shows the individual's operator's license or privilege has been at least twice suspended, revoked, or denied for a prior violation of section 39-06-42 or equivalent ordinance.
2. If the original suspension was imposed for violation of section 39-08-01 or equivalent ordinance, the director shall extend the period of that suspension for at least six months. If the suspension of the operator's license resulted solely from failure to appear in court or to post and forfeit bond on noncriminal traffic violations, there may be no additional period of suspension. Suspension periods for failure to appear or to post and forfeit bond on noncriminal traffic violations may be for an indefinite duration. If the conviction was upon a charge of driving while an operator's license was revoked, the director may not issue a new operator's license for an additional period of one year from and after the date the individual would otherwise have been entitled to apply for a new license. Upon a conviction of an individual for violating a restricted license issued under section 39-06.1-11 and in which the underlying suspension was imposed for violating section 39-08-01 or equivalent ordinance or is governed by chapter 39-20, the director shall extend the period of the underlying suspension in accordance with subsection 6 of section 39-06-17.

**39-06-44. Permitting unauthorized minor to drive.**

An individual may not cause or knowingly permit the individual's minor child or ward to operate a motor vehicle upon any highway if the minor is not authorized under this chapter or in violation of this chapter.

**39-06-45. Permitting unauthorized individual to drive.**

An individual may not authorize or knowingly permit a motor vehicle owned by the individual or under the individual's control to be operated upon any highway by any individual who is not authorized under this chapter or in violation of this chapter.

**39-06-46. Renting motor vehicles - License of renter.**

A person may not rent a motor vehicle to an individual unless the individual has an operator's license or, in the case of a nonresident, the individual has an operator's license under the laws of the state or country of the nonresident's residence except a nonresident whose home state or country does not require that an operator be licensed, or unless the renter certifies that the vehicle will be driven by an individual with an operator's license.

**39-06-47. Renting motor vehicle - License inspection.**

A person may not rent a motor vehicle to another individual until the lessor has inspected the operator's license of the individual to whom the vehicle is to be rented, or of the individual by whom the vehicle shall be driven, and compared and verified the signature on the operator's license with the signature of the individual written in the lessor's presence.

**39-06-48. Renting motor vehicle - Records.**

A person renting a motor vehicle to another person shall keep a record of the registration number of the motor vehicle so rented, the name and address of the lessee to whom the vehicle is rented, the number of the license of the lessee or the lessee's certified driver, and the date and place when and where said license was issued. This record must be open to inspection by any police officer or the director.

**39-06-49. Fees - Deposit in state highway fund.**

1. All money received under this chapter must be paid monthly into the highway fund in the state treasury.
2. The fee for:
  - a. An application for a nondriver photo identification card is eight dollars.
  - b. Written testing for an application for an operator's license is five dollars.
  - c. Online written testing for an application for an operator's license is ten dollars.
  - d. Actual ability testing for an application for an operator's license is five dollars.
  - e. An application for an operator's license is fifteen dollars.
  - f. An application for a motorized bicycle operator's permit is ten dollars.
  - g. A substitute operator's license is eight dollars unless the substitute is for erroneous information due to a change in name or address, then the fee is three dollars.
  - h. An operator's license renewal is fifteen dollars.
  - i. Reinstatement after suspension is fifty dollars unless the suspension was the result of a suspension under subsection 3, 4, or 6 of section 39-06-03 or subsection 2 of section 39-06-32, then the fee is twenty-five dollars, or unless the suspension was a result of a violation under section 39-08-01 or chapter 39-20, then the fee is one hundred dollars.
  - j. Reinstatement after revocation is fifty dollars, unless the revocation was imposed for a violation of subsection 6 of section 39-06-17 or section 39-06-31, 39-06-43, or 39-20-04, then the fee is one hundred dollars.
3. Any application for which there is a fee must be accompanied by the proper fee.

**39-06-50. Short title.**

Repealed by S.L. 2013, ch. 291, § 62.

**39-06-51. License to carry warnings and convictions.**

Repealed by S.L. 1975, ch. 338, § 1.

**39-06-52. Veteran indicator on license.**

Repealed by S.L. 2013, ch. 291, § 62.