CHAPTER 37-03-03
SUSPENSION, REVOCATION, AND RESTORATION OF DRIVER'S LICENSES

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37-03-03-01. Suspension of license on incompetence - Grounds.

The director may suspend a license or permit on the basis that a person is incompetent to drive a motor vehicle, if the director has determined any of the following:

1. A person is a habitual drunkard (section 37-03-02-01).
2. A person is a habitual user of narcotic drugs (section 37-03-02-02).
3. A person is a habitual user of drugs other than narcotic drugs (section 37-03-02-03).
4. A person is inimical to the public safety or welfare (section 37-03-02-04).

History: Effective January 1, 1979.
General Authority: NDCC 28-32-02
Law Implemented: NDCC 39-06-03, 39-06-32

37-03-03-02. Examination of licensee - Grounds - Revocation, suspension, or restriction of driving privileges.

If the director has good cause to believe that a licensee is physically or mentally incompetent to safely operate a motor vehicle, or otherwise not qualified to be licensed, the director may upon written notice of at least five days require such licensee to submit to such physical, mental, or driver's examination which the director may deem necessary to determine such licensee's fitness to safely operate a motor vehicle upon the highways of this state. The director may require physical or mental examinations by licensed medical doctors or psychiatrists and a report thereof to be submitted to the director. Expenses of such examinations shall be borne by the licensee whose fitness to safely operate a motor vehicle is in question. If the director determines from the results of such examinations that such licensee is unfit to safely operate a motor vehicle, the director may suspend or revoke a licensee's privileges to operate a motor vehicle in this state, or may issue a license subject to such restrictions as are authorized to be imposed by North Dakota Century Code section 39-06-17. Refusal or neglect of the licensee to submit to such examination shall be grounds for license suspension or revocation.

History: Effective January 1, 1979.
General Authority: NDCC 28-32-02
Law Implemented: NDCC 39-06-32

37-03-03-03. Surrender and return of license or permit.

Repealed effective January 1, 2006.

37-03-03-04. Restoration of revoked driving privileges.

Any person whose driving privileges were revoked shall be treated as a new driver. Such persons shall be required to contact an office of the designated agency or body administering driver's license tests and pass all examinations before a license will be issued.

History: Effective January 1, 1979.
General Authority: NDCC 28-32-02
Law Implemented: NDCC 39-06-36

37-03-03-05. Suspension of license for point violation - Notice - Hearing.

When the director has good cause to believe that a licensee has been convicted of a traffic offense or there has been an official determination that a traffic violation has been committed, the director shall enter the proper number of points on the driving record of the licensee based on the schedule contained in subsection 3 of North Dakota Century Code section 39-06.1-10. When the driving record of the licensee indicates a point total of twelve or more, or when the licensee is convicted of a violation of North Dakota Century Code section 39-08-01, the director shall send to said licensee a notice of intention to suspend license and opportunity for hearing.

1. If the notice results from a point total of twelve or more, the notice shall specify the number of points assessed against the driving record of the licensee, the number of days of suspension based on seven days for each point over eleven and advise the licensee that the licensee has ten days from the date of said notice to make a written request for a hearing on the matter.

2. If the notice results from a violation of North Dakota Century Code section 39-08-01, the notice shall specify the number of days of suspension based on subsection 7 of North Dakota Century Code section 39-06.1-10 and advise the licensee that the licensee has ten days from the date of said notice to make a written request for a hearing on the matter.

History: Effective January 1, 1979; amended effective May 1, 1994.
General Authority: NDCC 28-32-02
Law Implemented: NDCC 39-06.1-10

37-03-03-06. Notice of hearing - Matters considered at hearing.

If the licensee makes a written request for a hearing as specified in section 37-03-03-05, the director shall send a notice of hearing to the licensee specifying the time, date, and place for such hearing. The notice shall further specify that the matters considered at the hearing will be confined to the following:

1. If the licensee requests a hearing based on a point total of twelve or more:

    a. Whether the proper number of points have been assigned to the convictions, adjudications, or admissions of the licensee;

    b. Whether the proper period of suspension has been computed based upon the number of points assigned against the driving record of the licensee;

    c. Whether there was any failure to reduce the point total on the licensee's driving record; or

    d. Any other material matter relating to the suspension of the license deemed appropriate by the licensee.

2. If the licensee requests a hearing based on a violation of North Dakota Century Code section 39-08-01:

   a. Whether the information in the department records pertaining to the licensee is correct;

   b. Whether the proposed period of suspension is in accord with subsection 7 of North Dakota Century Code section 39-06.1-10.

At the hearing, the director shall not consider the substantive merits of any conviction, adjudication, or admission entered against the driving record of the licensee.

History: Effective January 1, 1979; amended effective May 1, 1994.
General Authority: NDCC 28-32-02
Law Implemented: NDCC 39-06.1-10

37-03-03-07. Reduction of point total - How determined.

Repealed effective January 1, 2006.

37-03-03-08. Blood tests - Reports by arresting officer.

Repealed effective January 1, 2006.

37-03-03-09. Hearings prior to suspension or revocation for alcohol offenses.

Hearings authorized under North Dakota Century Code section 39-20-05 shall be scheduled by the hearing officer assigned to the particular case, by sending notice to the licensee, or the licensee's counsel, if any. The date, time, and place of the hearing shall be established by the hearing officer as workload permits. The scheduled date, time, and place for hearing may be changed only with the permission of the hearing officer, bearing in mind the time constraints provided by North Dakota Century Code section 39-20-05 for holding the hearing. Rescheduling will be allowed only for the most compelling reasons and scheduling conflicts of the licensee or counsel will not be sufficient cause to reschedule a hearing at a time beyond that provided by law.

History: Effective July 1, 1983; amended effective July 1, 1985.
General Authority: NDCC 28-32-03
Law Implemented: NDCC 39-20-05

37-03-03-10. Temporary operator's permit.

If the decision of an administrative hearing officer at the conclusion of a hearing is that a person's operator's license or privilege be revoked or suspended for refusing a blood-alcohol test or testing at least eight one-hundredths of one percent by weight of alcohol, the hearing officer, if the conditions warrant, may issue a temporary operator's permit on a form provided therefor, extending operating privileges for not more than four hours from the time the decision is announced after the hearing, to allow the person to return to the person's home.

Both the temporary operator's permit provided by this section, and the one provided by North Dakota Century Code chapter 39-20, to be issued by an arresting officer, are valid only if accompanied by the licensee's copy of the uniform traffic complaint and summons (traffic citation), if any, issued by the arresting officer.

History: Effective July 1, 1983; amended effective January 1, 2006.
General Authority: NDCC 28-32-02
Law Implemented: NDCC 39-20-05

37-03-03-11. Notice of alcohol addiction treatment - Procedure.

The notice required by North Dakota Century Code section 39-06.1-10 relating to alcohol addiction treatment will inform the person of the requirements for completing alcohol addiction treatment found in North Dakota Century Code section 39-06.1-10 and will require that the addiction counselor at the licensed addiction treatment facility provide prompt written notification to the director of the enrollment of the person in the treatment program, and of the person's completion of the program or the person's failure to complete the program.

It is the person's responsibility to ensure that the appropriate addiction counselor makes the prompt written notification of enrollment required by this section.

History: Effective July 1, 1983.
General Authority: NDCC 28-32-02
Law Implemented: NDCC 39-06.1-10

37-03-03-12. Notice of intention to revoke, suspend, or deny license - Law enforcement officer as agent.

The temporary operator's permit issued by the law enforcement officer, containing a notice that motor vehicle operating privileges will be revoked or suspended and of an opportunity for a hearing, shall constitute the written notice required by North Dakota Century Code section 39-20-05 from the director.

History: Effective July 1, 1983.
General Authority: NDCC 28-32-02
Law Implemented: NDCC 39-20-05