

## **CHAPTER 37-03-02 INIMICAL OPERATORS**

### Section

37-03-02-01	Habitual Drunkard - Determination [Repealed]
37-03-02-02	Habitual User of Narcotic Drugs - Determination [Repealed]
37-03-02-03	Habitual User of Drugs Other Than Narcotic Drugs - Determination [Repealed]
37-03-02-04	Inimical Operator - Determination and Return of Privileges

#### **37-03-02-01. Habitual drunkard - Determination.**

Repealed effective January 1, 2006.

#### **37-03-02-02. Habitual user of narcotic drugs - Determination.**

Repealed effective January 1, 2006.

#### **37-03-02-03. Habitual user of drugs other than narcotic drugs - Determination.**

Repealed effective January 1, 2006.

#### **37-03-02-04. Inimical operator - Determination and return of privileges.**

The director shall have good cause to believe that a person is inimical to public safety or welfare if that person has demonstrated a course of conduct in the operation of a motor vehicle through a conviction or convictions of traffic offenses or admissions and adjudications, evincing such hazard; or has a physical or mental disability which may inhibit or prohibit the safe operation of a motor vehicle. In determining whether a person is inimical to the public safety or welfare in the operation of a motor vehicle, the director will consider at a minimum the type of conviction, convictions, admissions, or adjudications; the number of convictions, admissions, or adjudications; the total number of points assessed against the driving record of the operator during the preceding three years; whether the events giving rise to the charge that lead to the conviction, admission, or adjudication resulted in death or serious personal injury, requiring professional medical care, or serious property damage. The period of suspension shall be until the person can show, to the director's satisfaction, that the person's driving behavior has improved. The director may allow temporary driving privileges for school or work purposes or reinstatement of driving privileges upon a showing of all of the following:

1. That the person has not been convicted of a traffic offense for a period of at least the length of suspension.
2. Letters of recommendation submitted from the person's employer, citizens in the community, and law enforcement advising of the person's conduct and driving behavior for the past two years.
3. Successful completion of a defensive driving course approved by the director.
4. That the person has liability insurance required by North Dakota Century Code section 39-08-20.
5. Payment of the reinstatement fee required by North Dakota Century Code section 39-06-35.

**History:** Effective January 1, 1979; amended effective May 1, 1994.

**General Authority:** NDCC 28-32-02

**Law Implemented:** NDCC 39-06-03, 39-06-32