

CHAPTER 37-03-04
TYPES OF OPERATOR'S LICENSES, QUALIFICATIONS

Section

37-03-04-01	Restricted Licenses - When Issued
37-03-04-01.1	Temporary Restricted Operator's License - Criteria and Procedure for Issuance
37-03-04-02	Restricted License or Permit for Child Fourteen Years or Older - Approved Class or Driver Training School
37-03-04-03	Classified Licenses - Class 1 or 2 - Qualification in Lieu of Test [Repealed]
37-03-04-04	Class 4 License or Endorsement for Fourteen- or Fifteen-Year Old Applicant - Approved Motorcycle Training Program [Repealed]
37-03-04-05	Content of Motorcycle Training Program

37-03-04-01. Restricted licenses - When issued.

The director may issue a restricted license to a person depending upon the facts and circumstances of each individual case as follows:

1. When written certification is received from an insurance carrier indicating that a policy or policies of insurance limiting a person to operation of motor vehicles described in the policy or to designated times and locations and not insuring such person when operating other motor vehicles.
2. When the director has suspended a license for the accumulation of more than twelve points or has revoked a license for refusal to submit to a test or tests for intoxication, the director after a showing of good cause by the person may issue a temporary restricted license valid, after seven days of the suspension period have passed, for the remainder of the suspension period, authorizing the use of a motor vehicle only during the time and places specified.
3. When the director has good cause to believe that a person has physical disabilities that require special equipment on a motor vehicle to enable such person to safely operate the motor vehicle, the director may impose restrictions with respect to the type of motor vehicle the licensee may operate.
4. When the director has good cause to believe that the imposition of restrictions applicable to a person would be appropriate to assure the safe operation of a motor vehicle by that person.

History: Effective January 1, 1979.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 39-06-17, 39-06.1-11, 39-16.1-09

37-03-04-01.1. Temporary restricted operator's license - Criteria and procedure for issuance.

1. When authorized by North Dakota Century Code section 39-06.1-11, a temporary restricted operator's license may be issued by the director according to the criteria in this section. In reviewing the person's record for the nature, frequency, and severity of violations and convictions entered thereon, the criteria considered will include:
 - a. Availability of other transportation.
 - b. Number of drivers in the household.
 - c. The nature of the driver's employment.
 - d. Total number of moving violations for the last three years.
 - e. Driving under suspension, revocation, or cancellation convictions.

f. Number of previous temporary restricted licenses issued.

A temporary restricted operator's license will be issued only to allow driving to, from, or during the person's employment, to and from an alcohol education or treatment program, to and from school when the need is shown or for normal life maintenance needs if extenuating circumstances are shown.

2. The applicant for a temporary restricted operator's license shall make application only on the form provided by the director. The application form shall be completed, providing all of the information requested. Any incomplete application forms will be returned to the applicant for completion. The application shall:
 - a. Explain the need for the temporary restricted operator's license.
 - b. Provide a written statement from the applicant's employer, if any, or school authority, verifying the need for the temporary restricted operator's license.
 - c. Identify the vehicles to be driven under the temporary restricted operator's license.
 - d. Include any other information deemed necessary by the director.
3. The temporary restricted operator's license will contain all limitations and restrictions deemed necessary by the director, including the days of the week, hours of the day, geographical area for driving, and the vehicles to be driven. The holder of the temporary restricted operator's license must notify the director of any changes in circumstances under which the temporary restricted operator's license was issued, and of any change in the vehicles desired to be driven.
4. If a temporary restricted operator's license has been denied, a reapplication may be made after thirty days have elapsed from the date of denial, if additional or changed information required for issuance becomes available.
5. No temporary restricted operator's license will be issued to an alcohol-impaired or drug-impaired driver who has contributed to the cause of death or serious bodily injury of another person.
6. No temporary restricted operator's license will be issued to anyone under the age of eighteen.

History: Effective July 1, 1983; amended effective May 1, 1994; January 1, 2006.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 39-06.1-11

37-03-04-02. Restricted license or permit for child fourteen years or older - Approved class or driver training school.

When issuing a restricted driver's license or permit to a child who is at least fourteen years of age, in determining whether the child has completed a course of classroom instruction and course of behind-the-wheel instruction, or, in the alternative, has successfully completed a course at an approved commercial driver training school, the child must complete at least six hours of behind-the-wheel instruction, and thirty hours of classroom training by an instructor certified by the department of public instruction. For the purpose of this determination four hours of instruction with a driving simulator approved for use in driver training by the director shall be equivalent to one hour of behind-the-wheel instruction and two hours of instruction on a multiple car driving range approved by the director shall be equivalent to one hour of behind-the-wheel instruction.

History: Effective January 1, 1979.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 39-06-17

37-03-04-03. Classified licenses - Class 1 or 2 - Qualification in lieu of test.

Repealed effective January 1, 2006.

37-03-04-04. Class 4 license or endorsement for fourteen- or fifteen-year old applicant - Approved motorcycle training program.

Repealed effective January 1, 2006.

37-03-04-05. Content of motorcycle training program.

The training program content must include the following basic objectives to be achieved by students in theory and practice riding sessions in motorcycle safety education. The objectives are identified in a potential instructional sequence and the groupings suggest possible instructional units as follows:

1. Recognizes safe vehicle conditions, such as:
 - a. Operates the controls and devices;
 - b. Identifies important vehicle component parts; and
 - c. Inspects the motorcycle.
2. Conducts pre-ride checks and procedures, such as:
 - a. Uses protective gear and equipment;
 - b. Performs prestart procedures;
 - c. Mounts the motorcycle correctly;
 - d. Starts the engine; and
 - e. Shuts off engine and dismounts.
3. Executes basic vehicle control procedures, such as:
 - a. Follows safe procedures for practice riding;
 - b. Balances motorcycle when walking or under power;
 - c. Moves motorcycle in straight path;
 - d. Stops with proper application of rear brake; and
 - e. Parks and secures motorcycle properly.
4. Performs fundamental motorcycle riding skills, such as:
 - a. Turns left and right in open areas and in tight quarters;
 - b. Shifts through gears; and
 - c. Controls vehicle while stopping with rear and front brake.

5. Executes routine riding tasks, such as:
 - a. Communicates with electrical and hand signals and other vehicle lights;
 - b. Rides at higher speeds;
 - c. Operates while standing on the footpegs;
 - d. Rides on irregular and changing roadway surfaces; and
 - e. Carries passengers and other loads.
6. Operates safely in traffic, such as:
 - a. Develops techniques to increase visibility in traffic;
 - b. Identifies hazards and potentially unsafe conditions;
 - c. Predicts points of conflict with roadway and other vehicles;
 - d. Forecasts possible acts and behavior of other road users; and
 - e. Decides what to do and maintains or changes vehicle position and speed for a safe path of travel.
7. Prevents and protects from highway loss, such as:
 - a. Selects an appropriate motorcycle;
 - b. Maintains a safe motorcycle;
 - c. Recognizes signs of vehicle trouble while riding; and
 - d. Selects an appropriate insurance plan.

History: Effective January 1, 1979; amended effective January 1, 2006.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 39-06-14(3)