

Sixtieth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2337

Introduced by

Senators Mathern, Nething

Representative Aarsvold

1 A BILL for an Act to create and enact subsection 3 to section 39-06-01.1 and a new paragraph
2 to subdivision a of subsection 3 of section 39-06.1-10 of the North Dakota Century Code,
3 relating to restrictions on minors while driving; and to amend and reenact sections 39-06-04
4 and 39-06-05, subdivision c of subsection 3 of section 39-06-14, and sections 39-06-17,
5 39-06.1-08, and 39-06.1-09 of the North Dakota Century Code, relating to minors driving motor
6 vehicles.

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

8 **SECTION 1.** Subsection 3 to section 39-06-01.1 of the North Dakota Century Code is
9 created and enacted as follows:

- 10 3. A licensed driver under the age of sixteen years and six months is operating a
11 motor vehicle on a provisional license. A provisional licensee may not:
12 a. Operate a motor vehicle between the hours of eleven p.m. and five a.m.
13 unless:
14 (1) The licensee is accompanied by an individual at least twenty-one years
15 of age;
16 (2) The licensee is driving between the licensee's residence and a school
17 activity; or
18 (3) The licensee is driving between the licensee's residence and the
19 licensee's place of employment.
20 b. Transport more than one passenger under the age of eighteen years unless
21 there is an individual seated beside the provisional licensee and that
22 individual is at least twenty-one years of age. A sibling of the provisional
23 licensee may not be considered a prohibited passenger under this
24 subdivision.

- 1 c. Operate a wireless or cellular telecommunications device while operating a
2 motor vehicle that is in motion.

3 **SECTION 2. AMENDMENT.** Section 39-06-04 of the North Dakota Century Code is
4 amended and reenacted as follows:

5 **39-06-04. Instruction permit.** Any person who is at least fourteen years and six
6 months of age may apply to the director for an instruction permit. The director may issue to the
7 applicant an instruction permit that entitles the applicant while having such permit in the
8 permittee's immediate possession to drive a motor vehicle upon the public highways for a
9 period of one year when accompanied by a licensed operator who holds a license
10 corresponding to the vehicle the permittee operates, who is at least eighteen years of age, who
11 has had at least three years of driving experience, and who is occupying a seat beside the
12 driver. An individual other than the supervising driver and the permitholder may not be in the
13 front seat unless the vehicle has only a front seat, in which case, the supervising driver must be
14 seated next to the permitholder. Persons holding an instruction permit for the operation of a
15 motorcycle shall operate the motorcycle only during hours when the use of headlights is not
16 required pursuant to section 39-21-01, and may not carry or transport any passenger. Any
17 instruction permit may be renewed or a new permit issued for an additional period. A person
18 who is not yet eighteen years of age is not eligible for a license until that person has had an
19 instruction permit issued for at least six months. The director may recognize an instruction
20 permit issued by another jurisdiction in computing the six-month instructional period.

21 **SECTION 3. AMENDMENT.** Section 39-06-05 of the North Dakota Century Code is
22 amended and reenacted as follows:

23 **39-06-05. Restricted instruction permit - When instruction permit not required.**

- 24 1. The director upon receiving proper application may issue a restricted instruction
25 permit effective for a school year or more restricted period to an applicant who is at
26 least fourteen years and six months of age and enrolled in a commercial driver
27 training course which includes practice driving and which is approved by the
28 superintendent of the highway patrol pursuant to chapter 39-25. Such instruction
29 permit entitles the permittee when the permittee has such a permit in the
30 permittee's immediate possession to operate a motor vehicle only on a designated

- 1 highway or within a designated area but only when an approved instructor is
2 occupying a seat beside the permittee.
- 3 2. Any student who is at least fourteen years and six months of age and enrolled in
4 behind-the-wheel driver's training through a high school program approved by the
5 superintendent of public instruction may operate a motor vehicle, under the
6 supervision of a driver training instructor certified by the superintendent of public
7 instruction, without a permit or license to operate a motor vehicle; provided, that
8 the school district sponsoring the driver's training program has an insurance policy
9 covering any damage which may be done by any such student while operating the
10 vehicle, and provided further that proof of coverage is filed with the superintendent
11 of public instruction by the school district's insurance carrier. The insurance
12 coverage must be in the amount required under section 39-16.1-02.

13 **SECTION 4. AMENDMENT.** Subdivision c of subsection 3 of section 39-06-14 of the
14 North Dakota Century Code is amended and reenacted as follows:

- 15 c. A driver with a class M license may operate any motor vehicle having a seat
16 or saddle for the use of the rider and designed to travel on not more than
17 three wheels in contact with the ground, but excluding motorized bicycles,
18 tractors, and vehicles on which the operator or passengers, or both, ride
19 within an enclosed cab. A class M vehicle may not be operated under a
20 class A, B, C, or D license.
- 21 (1) The holder of a class A, B, C, or D license may receive a class M
22 endorsement upon successful completion of an examination. The
23 director may waive the skill portion of the examination if the applicant
24 has successfully completed a motorcycle safety course approved by
25 the director.
- 26 (2) An applicant sixteen years of age and older, who does not hold a
27 current valid operator's license may be issued a class M learner's
28 permit after successful completion of a written examination. The
29 class M license will be issued after the applicant has successfully
30 completed a driver's examination. The director may waive the skill

1 portion of the examination if the applicant has successfully completed a
2 motorcycle safety course approved by the director.

3 (3) Applicants at least fourteen or fifteen years and six months and under
4 sixteen years of age may be issued a motorcycle learner's permit if the
5 applicant is enrolled in or has completed an approved motorcycle
6 safety course. Applicants for a motorcycle operator's license who are
7 under sixteen years of age shall hold an initial learner's permit for at
8 least two months before applying for a class M operator's license, shall
9 have completed an approved motorcycle safety course, and shall hold
10 a valid motorcycle learner's permit at the time of application. The
11 director may waive the skill portion of the examination if the applicant
12 has successfully completed a motorcycle safety course approved by
13 the director. Any person under sixteen years of age who holds a permit
14 or license is restricted to the operation of a motorcycle powered with an
15 engine of two hundred fifty cubic centimeters, or less, displacement.
16 Evidence that the applicant has satisfactorily completed a motorcycle
17 safety course which meets the minimum requirements of the
18 motorcycle safety foundation must accompany the application.

19 **SECTION 5. AMENDMENT.** Section 39-06-17 of the North Dakota Century Code is
20 amended and reenacted as follows:

21 **39-06-17. Restricted licenses - Penalty for violation.**

- 22 1. The director, upon issuing an operator's license or a temporary restricted
23 operator's license pursuant to section 39-06.1-11, has authority to impose
24 restrictions suitable to the licensee's driving ability with respect to the type of or
25 special mechanical control devices required on a motor vehicle which the licensee
26 may operate or such other restrictions applicable to the licensee as the director
27 may determine to be appropriate to assure the safe operation of a motor vehicle by
28 the licensee.
- 29 2. The director may either issue a special restricted license or may set forth such
30 restrictions upon the usual license form. The director shall likewise restrict
31 licenses pursuant to the requirements of section 39-16.1-09.

- 1 3. A restricted operator's license or permit to operate the parent's or guardian's
2 automobile, or an automobile which is equipped with dual controls and while
3 accompanied by a qualified instructor, may be issued to any child, who is at least
4 ~~fourteen~~ fifteen years of age, and otherwise qualified, upon the written
5 recommendation of the parent or guardian. No operator's license may be issued
6 until the child, accompanied by the parent or guardian, appears in person and
7 satisfies the director that:
- 8 a. The child is at least ~~fourteen~~ fifteen years of age.
9 b. The child is qualified to operate an automobile safely.
10 c. It is necessary for the child to drive the parent's or guardian's automobile
11 without being accompanied by an adult.
12 d. The child has:
- 13 (1) Completed a course of classroom instruction and a course of
14 behind-the-wheel instruction acceptable to the director; or
15 (2) Successfully completed a course at an approved commercial driver
16 training school.
- 17 The parent or guardian at all times is responsible for any and all damages growing
18 out of the negligent operation of a motor vehicle by any such child. The provisions
19 of this subsection do not authorize the child to drive a commercial truck, motorbus,
20 or taxicab except the holder of a class D license, ~~fourteen~~ or fifteen years of age,
21 may drive a farm motor vehicle having a gross weight of fifty thousand pounds
22 [22679.62 kilograms] when used to transport agricultural products, farm
23 machinery, or farm supplies to or from a farm when so operated within one
24 hundred fifty miles [241.40 kilometers] of the driver's farm.
- 25 4. The director may upon receiving satisfactory evidence of any violation of the
26 restrictions of such license suspend or revoke the same but the licensee is entitled
27 to a hearing as upon a suspension or revocation under this chapter.
- 28 5. It is a class B misdemeanor for any person to operate a motor vehicle in any
29 manner in violation of the restrictions imposed in a restricted license issued to that
30 person ~~other than restrictions imposed under subsection 6.~~ If the restricted license
31 was issued under section 39-06.1-11 and the underlying suspension was imposed

1 for a violation of section 39-08-01 or equivalent ordinance, or is governed by
2 chapter 39-20, punishment is as provided in subsection 2 of section 39-06-42 and
3 upon receiving notice of the conviction the director shall revoke, without
4 opportunity for hearing, the licensee's restricted license and shall extend the
5 underlying suspension for a like period of not more than one year. The director
6 may not issue a restricted license for the extended period of suspension imposed
7 under this subsection. If the conviction referred to in this section is reversed by an
8 appellate court, the director shall restore the person to the status held by the
9 person prior to the conviction, including restoration of driving privileges if
10 appropriate.

11 ~~6. A restricted license issued under subsection 3 to a child at least fourteen years of~~
12 ~~age to operate a parent's or guardian's automobile authorizes the licenseholder to~~
13 ~~drive the type or class of motor vehicle specified on the restricted license only~~
14 ~~under the following conditions:~~

15 a. ~~A restricted licenseholder must be in possession of the license while~~
16 ~~operating the motor vehicle.~~

17 b. ~~An individual holding a restricted driver's license driving a motor vehicle may~~
18 ~~not carry more passengers than the vehicle manufacturer's suggested~~
19 ~~passenger capacity.~~

20 **SECTION 6. AMENDMENT.** Section 39-06.1-08 of the North Dakota Century Code is
21 amended and reenacted as follows:

22 **39-06.1-08. Nonmoving violation defined.** For the purposes of section 39-06.1-06, a
23 "nonmoving violation" means:

- 24 1. A violation of section 39-04-11, ~~subsection 6 of section 39-06-17, and section~~
25 ~~39-06-44, 39-06-45, 39-10-47, 39-10-49, 39-10-50, 39-10-51, 39-10-54.1,~~
26 ~~39-21-08, 39-21-10, 39-21-11, or 39-21-14, or a violation of any municipal~~
27 ~~ordinance equivalent to the foregoing sections.~~
- 28 2. A violation, discovered at a time when the vehicle is not actually being operated, of
29 section 39-21-03, 39-21-05, 39-21-13, 39-21-19, 39-21-32, 39-21-37, 39-21-39, or
30 39-21-44.2, or a violation of any municipal ordinance equivalent to the foregoing
31 sections.

