

HOUSE BILL NO.

Introduced by

Representative Gruchalla

1 A BILL for an Act to amend and reenact subsection 3 of section 39-06-14, sections 39-06-17
2 and 39-06-36, subsection 3 of section 39-06-42, sections 39-06-43 and 39-06.1-08, and
3 subsection 3 of section 39-06.1-11 of the North Dakota Century Code, relating to driving
4 privileges for individuals under sixteen years of age.

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

6 **SECTION 1. AMENDMENT.** Subsection 3 of section 39-06-14 of the North Dakota
7 Century Code is amended and reenacted as follows:

8 3. An applicant, except an applicant holding a valid North Dakota operator's license
9 who will be issued a class D license, applying for issuance of an operator's license
10 must be issued a classified license after having been required to submit to an
11 examination in the type of motor vehicle or combination of vehicles for which
12 license is desired and which license shall authorize the holder to drive the vehicles
13 as provided in section 39-06.2-09, or as follows:

14 a. A driver with a class D license may operate any single vehicle with a gross
15 vehicle weight rating of twenty-six thousand pounds [11793.40 kilograms] or
16 less or any such vehicle towing a vehicle with a gross vehicle weight rating
17 not in excess of ten thousand pounds [4535.92 kilograms]. A driver with a
18 class D license may operate a farm tractor towing another vehicle having a
19 gross weight in excess of ten thousand pounds [4535.92 kilograms], and a
20 truck towing a trailer, semitrailer, or farm trailer when the gross weight of the
21 trailer, semitrailer, or farm trailer, not including the weight of the towing
22 vehicle, does not exceed sixteen thousand pounds [7257.48 kilograms]. A
23 driver with a class D license may operate a house car or a vehicle towing a
24 travel trailer being used solely for personal purposes.

- 1 b. A driver with a class D license may operate any two-axle or tandem-axle
2 motor vehicle, a farm tractor towing another vehicle having a gross weight in
3 excess of six thousand pounds [2721.55 kilograms], and a truck or truck
4 tractor towing a trailer, semitrailer, or farm trailer if the driver is exempted from
5 a commercial driver's license under subsection 3 of section 39-06.2-06,
6 except the driver may not operate a double trailer, triple trailer, or, if under
7 eighteen years of age, a truck tractor as defined in section 39-01-01 or a bus
8 designed to carry sixteen or more passengers, including the driver.
- 9 c. A driver with a class M license may operate any motor vehicle having a seat
10 or saddle for the use of the rider and designed to travel on not more than
11 three wheels in contact with the ground, but excluding motorized bicycles,
12 tractors, and vehicles on which the operator or passengers, or both, ride
13 within an enclosed cab. A class M vehicle may not be operated under a
14 class A, B, C, or D license.
- 15 (1) The holder of a class A, B, C, or D license may receive a class M
16 endorsement upon successful completion of an examination. The
17 director may waive the skill portion of the examination if the applicant
18 has successfully completed a motorcycle safety course approved by the
19 director.
- 20 (2) An applicant sixteen years of age and older, who does not hold a
21 current valid operator's license may be issued a class M learner's
22 permit after successful completion of a written examination. The
23 class M license will be issued after the applicant has successfully
24 completed a driver's examination. The director may waive the skill
25 portion of the examination if the applicant has successfully completed a
26 motorcycle safety course approved by the director.
- 27 (3) Applicants fourteen or fifteen years of age may be issued a motorcycle
28 learner's permit if the applicant is enrolled in or has completed an
29 approved motorcycle safety course. ~~Applicants for a motorcycle~~
30 ~~operator's license who are under sixteen years of age shall hold an~~
31 ~~initial learner's permit for at least two months before applying for a~~

1 ~~class M operator's license, shall have completed an approved~~
2 ~~motorcycle safety course, and shall hold a valid motorcycle learner's~~
3 ~~permit at the time of application. The director may waive the skill~~
4 ~~portion of the examination if the applicant has successfully completed a~~
5 ~~motorcycle safety course approved by the director. Any person under~~
6 ~~sixteen years of age who holds a permit or license is restricted to the~~
7 ~~operation of a motorcycle powered with an engine of two hundred fifty~~
8 ~~cubic centimeters, or less, displacement. Evidence that the applicant~~
9 ~~has satisfactorily completed a motorcycle safety course which meets~~
10 ~~the minimum requirements of the motorcycle safety foundation must~~
11 ~~accompany the application.~~

12 **SECTION 2. AMENDMENT.** Section 39-06-17 of the North Dakota Century Code is
13 amended and reenacted as follows:

14 **39-06-17. Restricted licenses - Penalty for violation.**

- 15 1. The director, upon issuing an operator's license or a temporary restricted
16 operator's license pursuant to section 39-06.1-11, has authority to impose
17 restrictions suitable to the licensee's driving ability with respect to the type of or
18 special mechanical control devices required on a motor vehicle which the licensee
19 may operate or such other restrictions applicable to the licensee as the director
20 may determine to be appropriate to assure the safe operation of a motor vehicle by
21 the licensee.
- 22 2. The director may either issue a special restricted license or may set forth such
23 restrictions upon the usual license form. The director shall likewise restrict licenses
24 pursuant to the requirements of section 39-16.1-09.
- 25 3. ~~A restricted operator's license or permit to operate the parent's or guardian's~~
26 ~~automobile, or an automobile which is equipped with dual controls and while~~
27 ~~accompanied by a qualified instructor, may be issued to any child, who is at least~~
28 ~~fourteen years of age, and otherwise qualified, upon the written recommendation of~~
29 ~~the parent or guardian. A child may operate an automobile that is not the parent's~~
30 ~~or guardian's to take the road test. No operator's license may be issued until the~~

1 ~~child, accompanied by the parent or guardian, appears in person and satisfies the~~
2 ~~director that:~~

3 ~~a. The child is at least fourteen years of age.~~

4 ~~b. The child is qualified to operate an automobile safely.~~

5 ~~c. It is necessary for the child to drive the parent's or guardian's automobile~~
6 ~~without being accompanied by an adult.~~

7 ~~d. The child has:~~

8 ~~(1) Completed a course of classroom instruction and a course of~~
9 ~~behind the wheel instruction acceptable to the director; or~~

10 ~~(2) Successfully completed a course at an approved commercial driver~~
11 ~~training school.~~

12 ~~The parent or guardian at all times is responsible for any and all damages growing~~
13 ~~out of the negligent operation of a motor vehicle by any such child. The provisions~~
14 ~~of this subsection do not authorize the child to drive a commercial truck, motorbus,~~
15 ~~or taxicab except the holder of a class D license, fourteen or fifteen years of age,~~
16 ~~may drive a farm motor vehicle having a gross weight of fifty thousand pounds~~
17 ~~[22679.62 kilograms] when used to transport agricultural products, farm machinery,~~
18 ~~or farm supplies to or from a farm when so operated within one hundred fifty miles~~
19 ~~[241.40 kilometers] of the driver's farm.~~

20 ~~4.~~ The director may upon receiving satisfactory evidence of any violation of the
21 restrictions of such license suspend or revoke the same but the licensee is entitled
22 to a hearing as upon a suspension or revocation under this chapter.

23 ~~5.~~ 4. It is a class B misdemeanor for any person to operate a motor vehicle in any
24 manner in violation of the restrictions imposed in a restricted license issued to that
25 person ~~other than restrictions imposed under subsection 6.~~ If the restricted license
26 was issued under section 39-06.1-11 and the underlying suspension was imposed
27 for a violation of section 39-08-01 or equivalent ordinance, or is governed by
28 chapter 39-20, punishment is as provided in subsection 2 of section 39-06-42 and
29 upon receiving notice of the conviction the director shall revoke, without opportunity
30 for hearing, the licensee's restricted license and shall extend the underlying
31 suspension for a like period of not more than one year. The director may not issue

1 a restricted license for the extended period of suspension imposed under this
2 subsection. If the conviction referred to in this section is reversed by an appellate
3 court, the director shall restore the person to the status held by the person prior to
4 the conviction, including restoration of driving privileges if appropriate.

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

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

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

14 **SECTION 3. AMENDMENT.** Section 39-06-36 of the North Dakota Century Code is
15 amended and reenacted as follows:

16 **39-06-36. Restoration of revoked licenses.** Any person whose license or privilege to
17 drive a motor vehicle on the public highways has been revoked is not entitled to have such
18 license or privilege renewed or restored unless the revocation was for a cause which has been
19 removed, except that after the expiration of the revocation period such person may make
20 application for a new license as provided by law, but the director may not then issue a new
21 license unless and until the director is satisfied after investigation of the individual's driving
22 records, driving habits, and driving ability of such person that it will be safe to grant the privilege
23 of driving a motor vehicle on the public highways. A person whose license or privilege to drive
24 a motor vehicle has been revoked must pay to the director a revocation reinstatement fee of
25 fifty dollars, or one hundred dollars if the revocation was imposed for violation of subsection ~~5~~ 4
26 of section 39-06-17, section 39-06-31, 39-06-43, or 39-20-04, in addition to any license renewal
27 fee, for issuance of a new license. Until the reinstatement fee is paid the license and privilege
28 to drive a motor vehicle remain under revocation. A reinstatement fee is not required if a
29 revoked license is reinstated due to the findings of a hearing, reexamination of hearing, or court
30 or judicial review as provided under chapter 39-06, 39-06.1, or 39-20.

1 **SECTION 4. AMENDMENT.** Subsection 3 of section 39-06-42 of the North Dakota
2 Century Code is amended and reenacted as follows:

3 3. In addition to any other punishment imposed, the court may order the number
4 plates of the motor vehicle owned and operated by the offender at the time of the
5 offense to be impounded by the sheriff for the duration of the period of suspension
6 or revocation. When a period of suspension has been extended under subsection
7 ~~5~~ 4 of section 39-06-17, the court may order the number plates to be impounded in
8 accordance with this subsection. The impounded number plates may be released,
9 upon order of the court, to a bona fide purchaser of the offender's motor vehicle, if
10 that purchaser produces a new certificate of title to the motor vehicle issued by the
11 director.

12 **SECTION 5. AMENDMENT.** Section 39-06-43 of the North Dakota Century Code is
13 amended and reenacted as follows:

14 **39-06-43. Extension of license suspension or revocation.**

- 15 1. The director upon receiving a record of the conviction of any person upon a charge
16 of driving a vehicle while the license or driving privileges of the person were
17 suspended shall extend the period of that suspension for an additional:
- 18 ~~4.~~ a. Like period not to exceed ninety days if the operator's record for the three
19 years preceding the most recent violation of section 39-06-42 or equivalent
20 ordinance shows the person's operator's license or privilege has not been
21 suspended, revoked, or denied for a prior violation of section 39-06-42 or
22 equivalent ordinance;
- 23 ~~2.~~ b. One hundred eighty days if the operator's record for the three years preceding
24 the most recent violation of section 39-06-42 or equivalent ordinance shows
25 the person's operator's license or privilege has been once suspended,
26 revoked, or denied for a prior violation of section 39-06-42 or equivalent
27 ordinance; or
- 28 ~~3.~~ c. One year if the operator's record for the three-year period preceding the most
29 recent violation of section 39-06-42 or equivalent ordinance shows the
30 person's operator's license or privilege has been at least twice suspended,

1 revoked, or denied for a prior violation of section 39-06-42 or equivalent
2 ordinance.

3 2. If the original suspension was imposed for violation of section 39-08-01 or
4 equivalent ordinance, the director shall extend the period of that suspension for at
5 least six months. If the suspension of driving privileges resulted solely from failure
6 to appear in court or to post and forfeit bond on noncriminal traffic violations, there
7 may be no additional period of suspension. Suspension periods for failure to
8 appear or to post and forfeit bond on noncriminal traffic violations may be for an
9 indefinite duration. If the conviction was upon a charge of driving while a license or
10 driving privileges were revoked, the director may not issue a new license for an
11 additional period of one year from and after the date the person would otherwise
12 have been entitled to apply for a new license. Upon a conviction of a person for
13 violating a restricted license issued under section 39-06.1-11 and in which the
14 underlying suspension was imposed for violating section 39-08-01 or equivalent
15 ordinance or is governed by chapter 39-20, the director shall extend the period of
16 the underlying suspension in accordance with subsection ~~5~~ 4 of section 39-06-17.

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

19 **39-06.1-08. Nonmoving violation defined.** For the purposes of section 39-06.1-06, a
20 "nonmoving violation" means:

- 21 1. A violation of section 39-04-11, ~~subsection 6 of section 39-06-17, and section~~
22 39-06-44, 39-06-45, 39-10-47, 39-10-49, 39-10-50, 39-10-51, 39-10-54.1,
23 39-21-08, 39-21-10, 39-21-11, or 39-21-14, or a violation of any municipal
24 ordinance equivalent to the foregoing sections.
- 25 2. A violation, discovered at a time when the vehicle is not actually being operated, of
26 section 39-21-03, 39-21-05, 39-21-13, 39-21-19, 39-21-32, 39-21-37, 39-21-39, or
27 39-21-44.2, or a violation of any municipal ordinance equivalent to the foregoing
28 sections.

29 **SECTION 7. AMENDMENT.** Subsection 3 of section 39-06.1-11 of the North Dakota
30 Century Code is amended and reenacted as follows:

- 1 3. The director may not issue a temporary restricted license for a period of license
2 revocation or suspension imposed under subsection ~~5~~ 4 of section 39-06-17 or
3 section 39-06-31. A temporary restricted license may be issued for suspensions
4 ordered under subsection 7 of section 39-06-32 if it could have been issued had
5 the suspension resulted from in-state conduct.