

Sixty-first  
Legislative Assembly  
of North Dakota

**HOUSE BILL NO.**

Introduced by

Representative D. Johnson

1 A BILL for an Act to create and enact a new section to chapter 39-06.2 of the North Dakota  
2 Century Code, relating to nonresident commercial driver's licenses; and to amend and reenact  
3 section 39-06.2-08 of the North Dakota Century Code, relating to an application for a  
4 commercial driver's license.

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

6 **SECTION 1. AMENDMENT.** Section 39-06.2-08 of the North Dakota Century Code is  
7 amended and reenacted as follows:

8 **39-06.2-08. Application for commercial driver's license.**

- 9 1. The application for a commercial driver's license or commercial driver's instruction  
10 permit must include the following:
- 11 a. The full name and current mailing address of the person;
  - 12 b. A physical description of the person, including sex, height, weight, and eye  
13 and hair color;
  - 14 c. Date of birth;
  - 15 d. The applicant's social security number unless the application is for a  
16 nonresident commercial driver's license and the applicant is a resident of a  
17 foreign jurisdiction;
  - 18 e. The person's signature;
  - 19 f. The certifications including those required by 49 CFR part 383.71(a);
  - 20 g. Any other information required by the director; and
  - 21 h. A consent to release driving record information.
- 22 2. The application must be accompanied by an application fee of fifteen dollars.

- 1           3. If the application is for a nonresident commercial driver's license and the applicant  
2           is a resident of a foreign jurisdiction that does not meet the testing and licensing  
3           standards established by 49 C.F.R. Part 383, the applicant must present:  
4           a. A social security card issued to the applicant; and  
5           b. Each of the following:  
6                 (1) A passport issued to the applicant by the country of which the applicant  
7                 is a resident;  
8                 (2) A temporary worker visa; and  
9                 (3) A form I-94 arrival/departure record or a successor document.
- 10       ~~2.~~ 4. When the holder of a commercial driver's license changes the holder's name or  
11           mailing address, an application for a duplicate license must be made as provided in  
12           section 39-06-18.
- 13       ~~3.~~ 5. No person who has been a resident of this state for thirty days may drive a  
14           commercial motor vehicle under the authority of a commercial driver's license  
15           issued by another jurisdiction.
- 16       4. 6. Any person who knowingly falsifies information or certifications required under  
17           ~~subsection~~ subsections 1 or 3 is subject to suspension, revocation, or cancellation  
18           of the person's commercial driver's license for a period of at least sixty consecutive  
19           days.

20           **SECTION 2.** A new section to chapter 39-06.2 of the North Dakota Century Code is  
21   created and enacted as follows:

22           **Nonresident license.**

- 23           1. The department may issue a nonresident commercial driver's license to a resident  
24           of a foreign jurisdiction if the director has determined that the commercial motor  
25           vehicle testing and licensing standards in the foreign jurisdiction do not meet the  
26           testing standards established by 49 C.F.R. Part 383.
- 27           2. An applicant must surrender any nonresident commercial driver's license issued by  
28           another state.
- 29           3. Before issuing a nonresident commercial driver's license, the department must  
30           establish the practical capability of disqualifying the person under the conditions  
31           applicable to a commercial driver's license issued to a resident of this state.

- 1           4. "Nonresident" must appear on the face of a license issued under this section.
- 2           5. Except as otherwise provided by this section, a nonresident commercial driver's
- 3           license other than a temporary nonresident commercial driver's license expires on
- 4           the earlier of the expiration date of the visa presented under subsection 3 of
- 5           section 39-06.2-08, or the expiration date of the form I-94 arrival/departure record,
- 6           or a successor document, presented under subsection 3 of section 39-06.2-08.
- 7           6. The department may issue a temporary nonresident commercial driver's license to
- 8           a person who does not present a social security card as required by section
- 9           39-06.2-08 but who otherwise meets the requirements for a nonresident
- 10           commercial driver's license, including the requirement that the commercial motor
- 11           vehicle testing and licensing standards of the country of which the applicant is a
- 12           resident not meet the testing and licensing standards established by 49 C.F.R.,
- 13           Part 383. A license issued under this subsection may not be renewed and expires
- 14           on the earlier of the sixtieth day after the date the license is issued; the expiration
- 15           date of the form I-94 arrival/departure record, or a successor document, presented
- 16           under subsection 3 of section 39-06.2-08.
- 17           7. The department may not issue more than one temporary nonresident commercial
- 18           driver's license to a person.
- 19           8. The fee for a nonresident commercial driver's license is one hundred twenty
- 20           dollars. The fee for a temporary nonresident commercial driver's licenses id twenty
- 21           dollars.